

mittee of the Red Cross is present in Jaffna and other parts of the country and has free access to places of detention, as does the newly established Human Rights Commission of Sri Lanka; perpetrators of past disappearances will be prosecuted; and, constitutional reforms had been tabled in Parliament to protect the right to life and ensure that detained persons have the right to contact a relative or friend and to consult a lawyer.

The WG's concluding observations noted: the information provided by the government and its efforts to investigate and clarify the fate of the many thousands of persons who disappeared in the past; the re-emergence of the systematic practice of enforced disappearance as cause for alarm; that Sri Lanka is the country with the highest number of disappearances reported to have occurred in 1997; and, notwithstanding the government's efforts, very few cases on the WG's files have been clarified. The WG recalled the government's obligations, under article 10 of the Declaration, to hold persons deprived of liberty only in officially recognized places of detention, to bring them promptly before a judicial authority, and to make accurate information on the detention of such persons promptly available to their family members, their legal counsel, or to any other persons having a particular interest. The WG stated that the provisions of the Prevention of Terrorism Act and the Emergency Regulations currently in force do not correspond to these rights and repeated its request that the necessary legal amendments be made in order that the government may comply with its obligation to prevent new cases of enforced disappearances. The WG also reminded the government of its obligation to investigate all outstanding cases of enforced disappearances and, in this respect, looked forward to receiving the reports of the three presidential commissions of inquiry related to disappearances.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 14, 17, 20, 32, 39, 42, 57, 59, 61, 62, 63, 73; E/CN.4/1998/68/Add.1, paras. 368–369)

The Special Rapporteur (SR) noted that violent acts committed by terrorist groups do not fall within his mandate but acknowledged that violent acts committed by such groups have led to the killing of many civilians in Sri Lanka. During the period under review, the SR transmitted allegations regarding violations of the right to life related to gang rape, detention, killings, and disappearances, committed by members of the armed forces in Jaffna, and death while in the custody of the Special Task Force of Sri Lanka in Colombo.

The SR visited Sri Lanka from 24 August to 5 September 1997. The purpose of the visit was to assess the situation of the right to life in the country, to investigate allegations of extrajudicial executions, and to check on the implementation of certain measures taken by the government to safeguard the right to life, including its efforts to investigate, prosecute and prevent such violations. The report of the mission (E/CN.4/1998/68/Add.2) includes information on, *inter alia*: visits to Jaffna and Batticaloa

during which meetings with the Regional Commanders of the armed forces and police were held, as well as sessions with others, including NGOs and government officials; violations of the right to life in the context of armed conflict; violations committed by the LTTE and the home guards, and those committed in the context of political violence; human rights and humanitarian law, the relevance of armed conflict, and national legislation; action by the government in response to cases of summary/arbitrary executions, including investigation of cases, steps taken by the Human Rights Commission, the Commissions of Inquiry into Involuntary Removal and Disappearances, and the drafting of a new constitution; and, impunity.

In setting the context, the report notes that the population in Sri Lanka is comprised of a number of ethnic groups and religions with the majority being Sinhalese, who are mostly Buddhist and account for 74 per cent of the population. The Sinhalese are followed by the Tamils, who are mostly Hindu and make up 18 per cent, Muslims who make up 7 per cent of the population, and Burghers, the descendants of colonialists, who account for 1 per cent. Referring to the colonial past (Portuguese, Dutch and British), the report states that each colonial power left its imprint on society in a variety of ways, including differential access to education and economic opportunity, often according to religion, linguistic and/or ethnic origin. The report further states that what began as a struggle for cultural affirmation, political representation, economic advancement, and linguistic parity between Sinhalese and Tamils ended in violence and armed conflict. The overriding political issue in Sri Lanka therefore became the demand by some Tamil groups for an independent Tamil State ("Ealam") comprising the northern and eastern provinces of the country.

The report notes that the conflict in the north and east of the country has taken the lives of more than 50,000 persons over its 14-year history with many more injured, and over 500,000 people internally displaced.

The situation in Jaffna peninsula generally, and Jaffna town specifically, is described as including: a process of resettlement and rehabilitation, with more than 300,000 people — out of a population of approximately 470,000 — still dependent on free government dry food rations; conditions during daylight in which there were visible signs of an easing of tension; a government administration in the peninsula while the city remained under military control; continuing concerns over freedom of movement and fear of disappearances, arbitrary arrests and executions, with Tamils subjected to suspicion irrespective of whether they are sympathizers with the LTTE or not; and the fact that the security forces are 99 per cent Sinhalese and do not speak Tamil, exacerbating the already existing feeling of alienation.

The report cites information provided by the Magistrate in Jaffna, indicating that: between January and September 1997, 38 cases of extrajudicial killings had been filed, arising from confrontations reported by the police; of these cases, 31 involved murders which fell under the