

The WG referred to information asserting that the government had refused to amend provisions of the Prevention of Terrorism Act and the Emergency Regulations, which vary significantly from international standards and facilitate disappearances and other human rights violations. It was also asserted that there was a lack of compliance with safeguards installed by presidential directives in 1995 to protect the welfare of detainees and that action was not taken against members of the security forces for violating them.

The government did not provide any new information on the 11,449 cases that remain to be clarified.

The WG expressed its concern at the continuing high level of newly reported cases of disappearance and, while taking into account the legitimacy of derogating from some human rights commitments in accordance with international law in times of public emergency, stressed again that, in accordance with article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance, no circumstances whatsoever may be invoked to justify enforced disappearances. The WG requested the government to bring the Prevention of Terrorism Act and the Emergency Regulations into line with its commitments under the Declaration.

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60, paras. 16, 17, 18, 19, 22, 32, 38, 51, 54, 56, 67, 68; E/CN.4/1997/60/Add.1, paras. 439-452)

The Special Rapporteur (SR) continued to receive reports regarding violations of the right to life committed in the context of the armed conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) during 1996. In particular, the reports referred to the large numbers of civilians who had been killed in military operations against LTTE on the Jaffna Peninsula. The report notes that, according to its sources, non-combatants were killed either in bombing raids, during cordon and search operations, or through deliberate action by members of the security forces. Information was also received related to killings of civilians by LTTE members, sometimes solely on the basis of the victims' ethnicity.

A number of cases were transmitted to the government involving deaths of civilians in the course of indiscriminate bombing by the Sri Lankan Air Force and civilians killed by members of the armed forces. The government response to the cases transmitted affirmed that: civilians had been killed during armed confrontation between its forces and the LTTE; the persons missing had likely joined the LTTE; in one case an investigation was proceeding; in another case the police officer had shot in self-defence and killed the person who had tried to throw a grenade at him during the house search.

The report notes that the government invited the Special Rapporteur (SR) to visit and that discussions were under way for the visit to be conducted during 1997. The report further notes the SR's concern about the reports related to a large number of violations of the right to life resulting from military activities in Sri Lanka, especially in the northern peninsula. The SR acknowledged the difficult circumstances arising from the situation and called on the parties to the conflict to comply with international humanitarian and human rights standards. Following on this and without undertaking any action, the SR expressed equal concern about the human rights abuses committed by LTTE, including deliberate killings of civilians.

**Freedom of opinion and expression, Special Rapporteur on:** (E/CN.4/1997/31, Section III)

The report notes that the case of a member of the Sri Lankan Parliament transmitted to the government related to an investigation by the Criminal Investigation Department (CID), based on an undated and anonymous petition, that the MP, had drawn a salary from the state for three years without performing his duties as medical officer to the former head of State. Information received indicated that: the CID had failed to respect its obligation to inform the Speaker of Parliament prior to its initiation of investigations and its obligation to conduct it in a confidential manner; the charge related to a possible lapse on the part of the administration for which a civil case would have been more appropriate; and the CID had instructed the Attorney-General to charge the MP for cheating in respect of public property, which is a non-bailable offence, and would imply that he could be kept in custody indefinitely and would thereby effectively be prevented from assuming his responsibilities as a member of Parliament.

The government response to the case noted that: the investigations had been initiated solely to gather evidence, oral and documentary, to assist the Attorney-General to decide whether or not an indictment should be forwarded to the High Court; while the investigation by the CID started on the basis of allegations made in an anonymous petition, the subsequent investigation was fair, impartial and comprehensive; and, after giving fullest consideration to all material placed before the Attorney-General by the CID as well as the MP, two indictments were forwarded to the High Court of Colombo and the MP was charged with: criminal misappropriation in respect of salaries drawn in the years 1991 and 1992 without reporting for work; and, cheating the Director-General Hospital (the chief authority regarding the payment of salaries) by not informing him that he was not reporting for work. The government referred to the provisions in the Offences against Public Property Act No. 12 of 1982 under which the charges were brought and stated that there had been no violation of the freedom from arbitrary arrest and wrongful confinement. The government also stated that the defendant had been given every opportunity of presenting his case to the prosecuting authorities prior to the filing of the indictments and would be entitled to all the judicial safeguards provided to an accused person under the law.

**Sale of children, child prostitution, child pornography, Special Rapporteur on:** (E/CN.4/1997/95, paras. 23, 29, 39)

The report notes that recent amendments to the Penal Code strengthened the legislation on trafficking and sexual exploitation and introduced the controversial concept of mandatory minimum sentences for sexual violence. The report referred to information provided by the government, noting: a Task Force which had been set up at the national level and was working to eliminate child prostitution; activities of the Monitoring Committee on the Implementation of the Children's Charter and its work related to child abuse and the monitoring of follow-up action in serious abuse cases; and, implementation of awareness programmes by the Department of Probation and Childcare Services through which children are becoming aware that they can complain and learning to whom they should complain. Citing information provided by