

AI INDEX: ASA 37/17/98
3 JULY 1998

Sri Lanka: Landmark judgement - end to climate of impunity?

Today's landmark judgment by the Colombo High Court to sentence to death five members of the security forces -- found guilty of rape, "disappearance" and murder -- could reinforce the message to the army and police that human rights violations will no longer be tolerated, Amnesty International said today.

This is the first time that members of the security forces have been given such a heavy sentence for grave human rights violations. The five members of the security forces were found guilty of involvement in the rape, "disappearance" and murder of Krishanthi Kumarasamy. They were also found guilty of the "disappearance" and killing of her mother, 16-year-old brother and neighbour in September 1996.

"For too long the security forces have been literally allowed to get away with murder," Amnesty International said. "We hope this will be a decisive turning point in breaking the cycle of impunity."

The crimes were committed in September 1996 amid widespread "disappearances" and other human rights violations in the Jaffna peninsula. After the arrests of the perpetrators and the establishment of a Board of Investigation (BoI) in the Ministry of Defence, there was a clear decline in the incidents of "disappearances" being reported.

"The 'Krishanthi case' has already been an important factor in bringing the level of "disappearances" in Sri Lanka down to a lower, if still unacceptable, level," Amnesty International maintained. "We hope that today's judgment will contribute to a full restoration of accountability for human rights violations."

Hundreds of other cases -- recommended in last year's reports by presidential commissions of inquiry for prosecution in relation to "disappearances" and other human rights violations, including torture -- have yet to reach the courts. Many of these violations were committed under the previous regime. In addition, the BoI has reportedly recommended prosecutions in relation to 25 of more than 700 cases of "disappearances" recently reported from Jaffna.

The first accused in the Krishanthi case, a lance corporal, reportedly said in court: "*there are 300 to 400 bodies on this land*" where Krishanthi's and the other three bodies were discovered. He also said: "*almost every evening, dead bodies were brought there and the soldiers were asked to bury them*".

Amnesty International has called upon the authorities to strengthen the law enforcement machinery, including setting up an independent forensic team, to assist the police and judiciary in gathering evidence to ensure successful prosecutions in these cases.

In a letter to President Chandrika Bandaranaike Kumaratunga welcoming the judgment, Amnesty International also urged that adequate compensation be provided to Krishanthi's sister, the only remaining member of the family.

Amnesty International totally and unconditionally opposes the death penalty. In Sri Lanka, it has been practice since 1976 to commute all death sentences to life imprisonment. The organization has called upon President Chandrika Bandaranaike Kumaratunga to commute the death sentences imposed on these members of the security forces.

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