

Chapter – I

Introduction

The constitutional enactment of human rights as entrenched rights guaranteed by the Constitution and further made available for their enjoyment by the people through laws, Conventions and Treaties or International Instruments have provisions assuring freedom from torture or being subject to inhuman, cruel and degrading treatment. Yet, in Sri Lanka, people have been picked up at random, illegally confined, sometimes under color of the Prevention of Terrorism Act which enabled lengthy confinement *incognito*. They were tortured to ferret confessions and many often died as a consequence. Postmortems always have not yielded the truth and, at times, they were done away with and bodies were hurriedly disposed of as in Pol Potism.

The prevalence of torture in Sri Lanka can be understood to be owing to the peoples' tolerance towards government representatives and officials. The ethnic conflict and its harmful effects, have served to increase the evil of torture. The common official response to allegations of torture is that they are 'under investigation', or else silence, or a repetition of police or army prepared versions of explanation. However, advocates of civil liberties in Sri Lanka and abroad have constantly urged the government to stop the violence and torture perpetrated on detainees by police or the army. But government, police and armed forces have been obdurately indifferent to abandon the practice of subjecting those in custody to degrading and inhuman treatment. It would have been salutary if in all instances of deaths in police or army custody independent, impartial investigations were made obligatory. In some instances magisterial investigations have been perfunctory; in a few instances not resorted to at all. At one time the disposal of the dead without inquiry was regular and later on the dead were often merely recorded as

“disappeared” from custody. Only through cases of alleged violations of the human right to freedom from torture or inhuman treatment have state security officials been brought to trial on charges of torture or degrading, inhuman treatment. There is a strong public perception that senior police and army officers, and even, sadly, magistrates, doctors and other state officials too participate in covering up crimes like torture in custody, and shield police officers from being brought to justice. Ties of camaraderie among those officials bind and one aids the other.

Relatively poorly paid and insufficiently trained officers are brought under unrealistic pressures to produce high conviction rates. These factors also drive the police to torture someone in custody to extract information. Increasing political interference has turned the police often into agents of those influential in the corridors of power. Party political pressures too have contributed to police torturing of suspects and political opponents, a few of whom have even died. It is almost formidable to gain redress for victims of torture, or families, because many are unaware that assistance of the courts can be invoked on the ground of violation of the fundamental right to freedom from torture. Also, only a few can afford to move courts and bear the costs of litigation. The police and armed forces personnel plead in defense that death or injuries were caused while they carried out their regular duties. Furthermore, these state security forces often obstructed inquiries and intimidated witnesses. Lengthy delays affect pretrial inquiries and inhibit obtaining evidence and impede any action to gain justice and redress in torture related cases.

The incidence of torture, from time to time, and criticisms by Amnesty International and other similar bodies leveled against Sri Lanka for putting up with torture is owing to some reasons. Police and armed forces are not properly trained, counseled and cautioned to respect human rights and legal safeguards. Sometimes proper investigations are

not conducted into alleged violations of human rights, cover-ups are endorsed, and infringements are not taken to courts for justice. Also, the difficulty in the way of gaining compensation for damages occasioned by torture is another cause. A political will and determination to fight torture or inhuman, cruel and degrading treatment of persons in custody are not so keen. Determined actions in order to stamp out these crimes among law and order officers are absent.

This dismal background in Sri Lanka has lent a stimulus to torture. This study examines the measures taken by government to tackle the scourge of torture or cruel, inhuman and degrading treatment in the island, With a focus on Sri Lanka's legal attitude to the right of freedom from torture and cruel and inhuman degrading treatment, the provisions in the Constitutions of 1972 and 1978 prohibiting torture and allied offences, and furthermore the difference between the provisions in the two constitutions in regard to the cardinal question of seeking legal redress when the entrenched prohibitions are infringed are scrutinized. Moreover the arrangement to move court on a violation of the fundamental right to freedom from torture and cruel, inhuman and degrading treatment as proclaimed in the Constitution of 1978, too has been discussed in the study that follows in order to spell out advantages and disadvantages. Additionally, Sri Lanka's commitments to international instruments and treaties to ensure that people enjoy the right to freedom from torture have been addressed in this research scrutiny. Their standing and consequences, if they are ignored, have been weighed in the discussion.

Of late much attention has been devoted by external "watchdogs" and internally vigilant organizations interested in building up civil governance and a society grounded in respect for adherence to an enlightened system of fundamental rights. As the right to freedom from torture, cruel, inhuman and degrading is a non-derogable, specially stressed right, the study covers cardinal issues relating to protection from

torture and associated crimes. The case in India of *D.K. Basu v. State of West Bengal*¹ shows that the court imposed some mandatory conditions to be observed by the law and order enforcing authorities in instances of arrest or detention.. If they are not observed the arresting officer is liable to face departmental disciplinary action and charges of contempt of court. The court directed that these conditions that were to govern arrest and detention needed to be distributed to all police stations for compliance and State Governments were required to file affidavits so as to demonstrate how far the directions of court had been followed. These steps taken in India have stimulated search for steps in Sri Lanka for custodial torture and violence to decrease.

Torture is the infliction of severe pain. It is to treat a person cruelly or painfully. Infliction of severe pain is its essence. Torture is cruel, inhuman and degrading treatment and punishment and needs to be studied in order to find out why and in what forms it befalls a fellow human being. Without a study of torture and cruel and inhuman treatment to know where they may thrive, an examination of human rights and prohibition of torture as a right will be incomplete. Where exists a societal tradition of harsh discipline at home, and at schools where disciplining is tantamount to torture, that society would be readier to accept without demur such cruelty when it take place in police stations or prisons,² as is often heard of in Sri Lanka

The civil conflict caused by rebels, a draconian piece of legislation being the Prevention of Terrorism Act and emergency rule, when usual laws may be suspended and normal practices ignored, have all made conditions conducive to arbitrary arrests, detention for long and incommunicado. Cruel treatment and torture meanwhile become facilitated.³ In Sri Lanka torture and degrading treatment is meted out to victims who are more often arrested in secret, and spirited away in the night to a lonely place.⁴ Authorities are then able to deny arrests, and the

victims usually “disappear”. At times there can be a display of force publicly and members of a household, beaten with batons and rifle butts and women raped before the targeted victim is dragged out and thrown into a jeep. Those being taken away have been blindfolded, handcuffed and forced to lie on the floor of a police or army vehicle, trodden on and kicked. Also, those summoned and detained by security officers have been tortured and treated in an inhuman manner.

In Sri Lanka, cruel and degrading treatment in public, clandestinely as well, and the perpetration of torture in the northeast of the island in Sri Lanka was common. Around 1987 to 1989, the Indian Peacekeeping Force (IPKF), and earlier, the Sri Lankan armed and police forces, generally assumed that all Tamil males and females, even as young as 14 years, formed a part of or even were sympathizers of, the militant rebels, the Tamil Tigers.⁵ Gross physical and psychological abuses were perpetrated on them by armed security officers or special police, the special Task Force.

Among the awesome conditions of detention, the worst is detention in isolation incommunicado, sometimes blindfolded and hooded too. Police stations are in bad condition and also overcrowded and filthy. No proper toilet facilities are available to interns, ventilation is deficient, and life is made deliberately intolerable. Either the cell is in total darkness or in unbearably irritating bright light. The floor is damp and wet, and cries of others being tortured are conveyed while guards constantly bang on doors to disturb sleep and the cell is too small or overcrowded for one to sleep. Detention in such conditions itself gets transformed into torture⁶ because of unbearable and degrading pain inflicted on the mind and the body.

Interrogation and torture can happen anywhere in Sri Lanka, in police stations or security headquarters. The interrogating officer has the

detainee facing him perhaps with a stunning bright light shining into eyes, or blindfolded. Every time a question is unanswered, or answered not in the way the interrogator desires, guards behind the detainee slap, punch or beat him with a baton or whip, burn him with a cigarette, or administer an electric shock. In the room specially designed for torture the victim, even if blindfolded, senses danger. On removing the blindfold, hooks on the wall and ceiling for suspension when beating or torturing and items of equipment used to cause pain are visible around the room. Even if no torture is committed and only questioning is made, threats and abuse are heaped on the person in order to destroy an individual's resistance and to leave him disoriented. Relentless questioning runs on continuously for long periods of time, at times a harsh interrogator alternating with a more placid one. Another mode of making more powerful the psychological impact of the atmosphere is to make the victim languish so that he could hear cries and screams of other detainees from an adjoining room.⁷

Formal torture occurs in the days immediately after arrest. But quite a few survivors of torture state that conditions of incarceration which happens later are equally foul, and random torture occurs. Some special centers of confinement for political rebels or militants in Sri Lanka are purposely kept in conditions in which death is the likely result. There are often, random beatings, perhaps for the satisfaction of guards and to demonstrate an exercise of their power. Sometimes systematic abuse of victims is ordered so as to humiliate and demolish an individual's personality. Sexual abuse of males and females is common under detention in Sri Lanka.⁸ Torture is often done in the dark and the torturers are inebriated.

Usually torture is inflicted with fists, shoes or boots by security officers of armed or police forces. Other more potential instruments such as batons, rifles and leather belts with metal buckles are used by to inflict

grave blunt injury. Beating especially on the head is most frequent in cruel treatment. Other items employed in torture are knives, broken bottles and cigarettes. Other ways of torture employed in Sri Lanka to extract confessions are deprivation of sleep, food and drink, compulsory long standing leaning against a wall, hooding the head and face, and exposure to continuous annoying sound. Isolation, deprivation of toilet facilities, lengthy confinement in tiny spaces, handcuffing to the wall of a cell in an uncomfortable posture and violent shaking of a victim are employed in torture. Detainees are compelled to stand in the sun and to suffer exposure to cold in their cells in the nights. Instruments of torture are improvised. Instead of whips or electric cables, plastic tubes or metal tubes are employed to cause sickening pain and leave no mark. Victims have their heads submerged under water or foul liquid and at times the face is covered with a plastic bag which contains chilly powder to cause discomfort, smarting, suffocation and irritation.

To cause excruciating pain beating is often on sensitive parts of the body usually on the genitals, the groin and on the ankles or sole with the detainee hanging face downwards suspended from the ceiling. The beaten victim is made to walk on rough ground carrying weights. Electric shocks are administered to genitals, nipples or lips which are sensitive parts of a body, with bare wires from an electric mains plug. Ostensibly to prevent escape but still to cause intolerable pain and discomfort shackling of detainees with handcuffs or chains are common in Sri Lanka.⁹

Beating is often administered to detainees while suspending them from a ceiling fan or a hook in the ceiling.¹⁰ Ropes or wires are used in the process but precaution is taken to avoid telltale scars appearing on wrists or ankles. The pain in suspension is more severe if the whole weight of the physique is taken by limbs which are placed in strained positions. The Sri Lankan police and other security officers have displayed

remarkable ingenuity in devising methods of physical abuse to be employed to extort confessions from victims.

The most despicable form of torture, practiced at times in Sri Lanka, causing ultimate humiliation, indignity and permanent psychological injury is rape, other types of sexual assault, forcible unclothing, and exhibiting nakedness of victims. Women are routinely and repeatedly raped and molested in front of their spouse and children. Men and women have bottles or batons inserted into the anus causing sometimes rupture, and into the vagina of women. Police and army officials are noted to have regularly and casually raped. Notorious and sadistic sexual behaviour have often characterized Sri Lankan torture by police and army.¹¹ Gross injury is also caused to detainees by pulling off finger and toenails, crushing of fingers by jamming fingers wedged in a drawer. Dental drills are used to damage and pain teeth. Acid or abrasive substances have been poured on parts of the body. Horrible mutilation by cutting off parts of the body is also caused by interrogators. The pain and loss of sensitivity caused by these injuries need no recounting.

Psychological abuse invariably accompanies torture and some degree of mental cruelty is invariably inflicted on victims. Sexual threats and insults are directed at female members and their families while the males are taunted about their manhood while in detention. The circumstances of detention greatly influence the collapse of a detainee's resistance. Confinement incommunicado, particularly with victims being unaware of their whereabouts and kept hooded or blindfolded causes anxiety and uncertainty in victims. A detainee is, at least for a time, denied access to family or lawyers; nobody is aware where the victim is. The suspicion that no hope of escape or rescue is possible aggravates fear to a maximum and anguish added to it makes it clear that the captors have total control over the life and death of a detainee. In Sri Lanka as militant

rebels and their ethnic kith and kin are considered enemies and not only as criminals, the treatment of rebel detainees is intolerable and fatal too.¹² Mock executions have been perpetrated on such and other detainees as this form of torture can be very humiliating, and destroy the spirit and hope of a detainee. The detainee hears noises of shots and after a time realizes he is alive.

Torture coerces and terrorises others too, to turn submissive. Brutal coercion does not encourage respect for the law but it tends to make others turn to be evasive, elusive and afraid to speak out. It is self-defeating knowledge. Torture is frightening and even the notoriety of the building or place where torture occurs frightens people. At one time Batalanda or a building close to the Law Faculty of the University of Colombo was considered awesome. Even now the intelligence headquarters of the Police Investigations in Colombo, Sri Lanka is dreaded.

Torture was used to elicit strong proof of guilt or to obtain names of fellow militant rebels and of their hideouts and armed strength. Genuine ignorance of facts was not accepted and even innocent or ignorant detainees have confessed falsely to escape the trauma of torture. When British Aerospace, Royal Ordnance's parent company, invited their clients to meet up at the secretive Covert Operation and Procurement Exhibition at Sandown Park Racecourse in November 1994, a wide range of international security equipment was displayed. Among foreign invitees, delegations from China, Algeria, Iran, Colombia, Bosnia Herzegovina, Saudi Arabia, Turkey and Sri Lanka were present.¹³ This indicated Sri Lanka's interest in purchases of equipment usable for torture, and her interests in the new trade in technologies of restraint and electro-shock.

The physical effects of torture are numerous. Often the tortured are deposited unconscious into their cells after a session of torture only to be revived by cold water thrown over them. The tortured are covered with bruises, bleeding, with broken teeth and bones and usually unable to stand. In the septic state of a cell wounds fester and take time to heal. Other detainees have suffered coma following heavy blows to the head. Such beating had even led to blindness or deafness. Blows rained upon the abdomen can cause a fatal rupture of the liver, kidney or spleen unless surgically corrected quickly. The Sri Lankan detainees have at times suffered such damage as recounted above.¹⁴ Where the torturers fear that death may occur, victims may be taken to a hospital and held under armed guard while chained to the bed when being treated. Often doctors and nurses cannot tend the detainee satisfactorily and the detainees are returned before ready for full discharge. As detainees fear further brutal torture they state that injuries were self inflicted deliberately or accidentally while trying to resist arrest or escape.¹⁵

The late after effects are more serious. Survivors of torture can have stiff necks, backache, pain in limbs and difficulty in walking, often for years. Severe disabilities can persist after torture, limiting an ex-detainee's capabilities to live normally. The victims of torture suffer continually owing to beatings and incarceration in cramped, damp, unsanitary conditions. Those beaten repeatedly on their soles experience pain in walking afterwards. Numbness and paralysis result from suspension of detainees. Blows to the sides of the head may rupture eardrums or cause deafness. Chronic epilepsy, memory loss, confusion and dementia and concussion can result from severe blows to the head during torture. Repeated submerging, often under contaminated water, permanently damage lungs.

Many pains are discounted as psychosomatic. True psychological disorders like post trauma stress disturbance also occur. Many of the psychological symptoms in some cases may not last. The intensity of recognizable damage in torture victims vary and this is invariably owing to the variety and severity of the torture. Some appear to be totally destroyed and may never again act normally as social beings. A few others eventually appear to cope with the consequences and have will to survive. "Tortured once, tortured for life" can be an exaggeration, but complete recoveries from torture are rare.¹⁶

Torture can be a forced and destructive intrusion of a person's privacy. Torture survivors often show anxiety, weak concentration, intrusive thoughts and poor memory during daytime and sleeplessness and nightmares nocturnally. Some suffer attacks of panic with sweating, palpitation and over breathing, flashbacks of the suffering, aggression, inability to move socially, depression and suicidal tendencies. The psychological effects of torture on families of victims and the community from which they were torn are equally distressing. Most extreme is where there has been a "disappearance", which is common in Sri Lanka. The relatives are in a limbo as the victim's fate is uncertain and the authorities deny responsibility as often is done in Sri Lanka.¹⁷

Those accustomed to actual democracy and the rule of law find it difficult to believe that in Sri Lanka laws governing human rights can be suspended or even ignored with impunity to permit police or security services to engage in coercion or cause massive disappearances, as occurred between 1983 and 1989 and during the frenzy of the civil conflict.¹⁸ Apparently torture is tolerated and justified as essential to maintain order. Law enforcement connotes the elimination of resort to torture or cruel and degrading treatment which is used on the pretext of enforcing order in Sri Lanka. Law enforcement requires records to be

maintained, but transparency is absent in order maintenance by using torture and cruel, degrading treatment. In Sri Lanka even laws requiring reports of deaths to courts were suspended once, to permit police and security forces to perpetrate several murders and cause disposal of corpses. In October 2000 about 26 inmates of Sri Lanka's Bindunwewa Rehabilitation Centre were cut to death while 60 armed policemen were spectators.¹⁹ This is no surprise when in Colombo's principal prison some Tamil detainees were killed by security personnel and a little later few more were murdered by co-prisoners. Torture, unless challenged before an impartial bench of the Supreme Court, is ignored by higher officials. Partiality and political involvement provoked a demand for an independent Commission to control police agencies in Sri Lanka.

Numerous disappearances occurred between 1988 and 1991.²⁰ The state puts the figure around 30,000 but popular estimate was about 60,000. Another atrocious occurrence in Sri Lanka was on October 25, 2000 when over twenty six Tamil persons in a rehabilitation detention center at Bindunuwewa in the highlands were chopped to death. It was torture turned massacre and little other than compensation to buy silence seems to have still followed. Investigation, despite police presence, yielded no satisfactory results.

Torture has been almost endemic in Sri Lanka, and habits die hard.²¹ Being a signatory to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and even ratifying it have not helped much. Initiatives to effectively prevent acts of torture in Sri Lanka still appears to be lukewarm in spite of the fact that torture is constitutionally banned and no derogation of it is legally permitted. The Sinhalese youth insurrection and the civil conflict have been used by successive governments to introduce draconian laws that facilitated the creation of a milieu congenial for law and order officials,

police and armed forces, to resort to torture. The Prevention of Terrorism Act (PTA) and “emergency regulations” framed under the provisions of the Public Security Act abetted officers to detain suspects for long in solitary confinement. Then torture is used to force out confessions, mostly made to escape miserable and continuous torture.²²

The PTA allows a prescribed police officer to keep in custody the arrested person up to 72 hours prior to production before a Magistrate one suspected to be connected with an unlawful terrorist act or suspected of committing one. The Magistrate has no discretion to remand the person till the trial ends. It is severe measures like these that helped mass “disappearances” between 1989 – 1992 and thereafter. Even Presidential Commissions into disappearances gave no relief as torture flourished with lengthy detentions. The Human Rights Commission was expected to examine cases of torture and violations of fundamental human rights but the legislation that created the body failed to furnish an efficient procedure to grant relief to the victim. Torture continues to be an instrument of state policy in Sri Lanka as against the international obligations she has undertaken by ratifying the Convention Against Torture as well as the constitutional and other legal provisions against torture.

In this preliminary insight into the recount on torture and inhuman, cruel or degrading treatment in Sri Lanka, certain facets of the outcome of the research examination merit singular mention. Owing to the protracted conflict which afflicted the island, particular attention has been given to torture and allied offences during war. Likewise specially featured in this scrutiny is a section on torture, cruel, inhuman and degrading treatment of women. The popular tendency has more often been to consider women as lesser mortals and easier prey for perverse torturers by the police or armed services.

The practice and process of adjudication adopted in courts whenever cases of torture are handled too have been examined. Cases have been referred and proceedings critically looked into in the sections that follow. Examples of judicial conduct of trials have been cited in order to illustrate the attitude of Sri Lankan judges and courts towards torture.

Police power and defence power have essentially the same base but differ in the extent of their application. The problem in Sri Lanka has been a situation where both these are called into play in a non-war situation in the sense of an unproclaimed war and the taking of heavier ammunition. While the guarantees against torture etc are calculated to humanize the exercise of police power, the same cannot be said to apply fully in the case of defence power. Amidst the clash of arms the laws are silent. This study of Sri Lankan experience is an attempt to trace a line of control for the exercise of both these powers.

The study is essentially doctrinal that relies upon specific instances at home and elsewhere are used to discern how the slow school of experience has succeeded in the challenge to introduce legal principles into the zone of clash of arms. The methodology adopted here is both descriptive and analytical. Comparative methodology is also relied upon wherever necessary. A uniform method of citation is followed in this thesis and for the sake of convenience and presentation, the references are provided as end notes at the end of every chapter. A detailed bibliography is also provided apart from relevant judicial decisions from various countries that are relevant to the present thesis.

Primary source material for the research exercise has been culled out from the Constitutions of Sri Lanka and apposite legislations on anti-torture and prevention of torture. Judicial cases and reports of trials dealing with torture and infringement of the fundamental right to freedom from torture have been related to specific topics examined in this study.

Conventions and International Instruments bearing on fundamental rights or the offences of torture, cruel and inhuman or degrading treatment binding on Sri Lanka are analyzed in this study. Secondary sources on human rights and freedom from torture are also surveyed in this analysis. Appropriate comparison and references relevant to cases and jurisdiction in other countries has been employed while pursuing this research study.

Under Chapter II, entitled '**Kinds of Torture**', an attempt is made to describe four different kinds of torture in detail, although there are umpteen number of other kinds of torture. Chapter III entitled '**Right to Freedom from Torture**' contains a discussion the legal as well as constitutional basis for the right to freedom from torture and how in practice these legal provisions stand ineffective. Chapter IV entitled '**Judicial Process in Sri Lanka in relation to Torture**' is an analysis of the practices employed by the security forces and police as against the legal provisions and how judiciary in Sri Lanka has looked at the entire regime. Chapter V, entitled '**Questions relating to Universal Jurisdiction**' an attempt is made to discuss the impact of the legal regime that seeks to provide universal jurisdiction to the crimes of torture and lead the discussion on a positive note in favour of universal jurisdiction. In Chapter VI, entitled '**Role of Non-Judicial Institutions in Sri Lanka**' an attempt is made to enlarge the jurisdictional issues and the scope for non-judicial institutions to prevent torture in Sri Lanka. Under Chapter VII, entitled '**Torture and the Laws of War**' an attempt to analyse the international humanitarian law, particularly with reference to internal armed conflict, and their applicability to Sri Lanka are discussed in brief. In the next chapter, Chapter VIII, entitled 'Issues concerning Liability and Compensation' an attempt is made to develop jurisprudence in making the perpetrators of torture liable for all their actions as well as to develop the law relating to payment of compensation the victims of torture. In the concluding chapter, an attempt is being made to sum up the legal regime

relating to the prevention of torture and make a few suggestions that are specific to Sri Lanka.

References

1. AIR 1997 SC 610.
2. Duncan Forrest, ed., A Glimpse of Hell, Reports on Torture Worldwide, Amnesty International, New York, 1996, p. x.
3. Asian Human Rights Commission ; Monitoring the Right for an Effective Remedy for Human Rights Violations, Implementation of Article 2 of ICCPR (Asian Human Rights Commission, Hong Kong, March 2001), p. 15 ; also for “disappearances” in Sri Lanka, see “Cyberspace Graveyard for Disappeared Persons” at www.disappearances.org.
4. See “The Methods of Torture and its Effects”, *Supra*, note 2, Pp. 105-106.
5. *ibid.*,
6. See “Torture through the Ages”, and “Custodial Confinement, Interrogation and Coerced Confessions”, *Supra*, note 2, Pp. 1-20 and 36 – 45.
7. *Supra*, note 2.
8. *ibid.*, for details see Gill Henshelwood, “Women , Children and the Family”, p. 187-196 on treatment of women, children and family; also Centre for Human Rights and Development Sri Lanka, Sentinel, Special Issue, 2002, Colombo, p. 9 for example of rape by security officers.
9. Accounts of infliction of torture in Sri Lanka emanate in judgments of the Supreme Court. But methods of torture in Sri Lanka are often similar to those practiced elsewhere.
10. *Supra*, note. 2; On Sri Lanka see Pp. 52, 74, 105 and 145; also see ‘Torture in the Eighties’, Amnesty International, London, 1984, Pp. 13-17.
11. *Supra*, note. 2; Especially Duncan Forest’s “The Methods of torture and its Effects”, p. 112; and about Sri Lankan police see ‘Suggestions for Police Reform in Sri Lanka, Final Consultation on Police Reforms in Sri Lanka’, Asian Human Rights Commission, Hong Kong, 1999.
12. “Sri Lanka : Disappearances and the Collapse of the Police System and the Collapse of the Police System”, Asian Human Rights Commission, Hong Kong, 1999.
13. See Steve Wright “The New Trade in Technologies of Restraint and Electro Shock”, *Supra*, note 2, p. 145.

14. For examples of torture and rape while in custody of police or security and armed officers, see "CHRD provides legal assistance to those without help", Sentinel Special Issue, 2002, p. 8-13.
 15. About the common incidence of torture by police and military, see Monitoring the Right for an Effective Remedy for Human Rights Violations, Asian Human Rights Commission, Hong Kong, 1999, Pp. 66-71.
 16. *Supra*, note 2, p. 118-120.
 17. Elizabeth Nissan, Sri Lanka: A Bitter Harvest, London, 1996, – A graphic account of torture, disappearances, arbitrary arrest among other analyses which is valid for subsequent years as well.
 18. *Supra*, note 12, Pp. 15 and 57-58.
 19. *ibid.*, Pp. 35-38.
 20. *Supra*, note 17, Pp. 28-29.
 21. Centre for Human Rights and Development, Sentinel, Special Issue, Colombo, Sri Lanka, 2002, Pp. 8-13.
 22. *Supra*, note 17, Pp.30-31.
-