

THE BANANA

And the Aesir came forth from Valhalla and said we are the dialectical troika of Loki (thesis), Thor (antithesis) and Tyr (synthesis). And the Aesir said further, "we will forge a further eternal triangle with the Triad and the Trinity."

And lo! It appeared as if this prophecy would come to pass.

However, Soorya said that this was not in accordance with the domestic Dharma. "Before rejoining our holy family, she must forsake any other entanglements," he said. Vayu decided to take this opportunity to pour salt on fresh wounds. He announced that Mithra, Pruthuvi and Chandra were forming a new triumvirate, aimed at edging out the Regal pair of Indra and Soorya.

And so the threefold union remained at sixes and sevens.

"Alas," said Loki, "the never-ending battle of Valhalla appears to have reproduced itself outside the Aesir!"

This chapter of the cosmic drama ended when the Judges of Yama gave their judgement. And their judgement was that the casting down of the eight out of heaven was within the Dharma. And Indra, Mithra and Varuna were much downcast at this turn of events.

"Verily," said Vayu in glee, "is a Daniel come to Judgement." ■

AI RECOMMENDATIONS: A 'SPEEDY' RESPONSE FROM SRI LANKA

In September 1991, Amnesty International drew up a list of 32 specific recommendations for the attention of the Sri Lankan government, based on their findings during a visit to Sri Lanka in mid-1991. In December 1991, the Sri Lankan government released a Cabinet communique responding to the AI recommendations. According to Bradman Weerakoon, the Presidential Advisor on International Affairs, Amnesty International had thanked the Sri Lankan government for "speedily accepting most of the 32 recommendations."

The AI recommendations and the government responses:

1. AI urges the Sri Lanka government to make a public statement acknowledging that widespread human rights violations have taken place in the country during the past seven years and recognizing the responsibility of its security forces in perpetrating these violations, most notably 'disappearances' and extra-judicial executions.

The government notes that a great many of these violations have been perpetrated by armed groups such as the JVP, the LTTE and other vigilante groups. There have also been alleged human rights violations

in the north-east, during the period that the IPKF was battling the LTTE and also in the internecine conflicts that took place between rival militant groups in the north and east.

It has also been alleged that some elements of the security forces, in the defence of democracy and the unity and integrity of the state, may have been responsible for human rights violations. Where inquiries disclose that members of the security forces have been guilty of such excesses, appropriate action is being taken either departmentally or through the courts.

2. AI urges the government to regularly issue clear and strongly worded directives to its security forces to adhere to the basic principles of international human rights law under all circumstances and to put into place mechanisms to monitor their adherence.
3. AI urges that security service officers follow the example of the commander of the army and pay regular visits to security forces deployed in sensitive areas,
4. AI urges the government to repeal the Indemnity (Amendment) Act as a clear

sign of its commitment to bringing those responsible for human rights violations to justice.

A repeal of the Act is deemed to be not necessary as the Act has ceased to be operative from December 1988.

5. AI urges the government to take all necessary steps to expedite criminal cases against members of the security forces pending before the courts.
6. AI recommends that the mandate of the Presidential Commission of Inquiry into the Illegal Removal of Persons be extended to include cases of 'disappearances' which occurred prior to January 11, 1991.

The government is unable to accept this in view of the following reasons:

Firstly, the work load of cases presently before the commission of inquiry makes it impractical to utilise this mechanism to deal with the cases of alleged 'disappearances' prior to January 11, 1991.

Secondly, there has been an United Nations Working Group which visited Sri Lanka in October, to report on 'alleged' disappearances. The report of this working group is being awaited. →

AI RECOMMENDATIONS

7. AI urges the government to extend the mandate of the Presidential Commission for January 1992, when it is due to expire.
8. AI recommends that the Presidential commission takes the necessary steps to publish details of its work in local newspapers in all areas of the country.
9. AI recommends that the Presidential Commission establish regional offices in all areas of the country, again with priority for those areas most affected.
10. AI recommends that the Presidential Commission inform relatives of the basis on which cases have been rejected and of their right to appeal against the rejection and the conditions under which an appeal can be made.
11. AI urges the President to make public the final report of the findings of the commission for the period January 1991 - January 1992, and that it includes the evidence as well as details of the methods, conclusions and recommendations.
12. AI urges that in addition to providing death certificates, Government will be to justice those responsible for 'disappearances' and provide adequate compensation to the victims or their relatives within a reasonable period of time.
13. AI welcomes the establishment of the Human Rights Task Force. It urges that sufficient resources be provided to it to guarantee its effectiveness.
14. Given the risk of human rights violations occurring is greatest during the initial period after arrest, AI suggests that the Human Rights Task Force establish a 24-hour information office to allow relatives and others concerned to make inquiries at all times.
15. The Human Rights Task Force should be given unrestricted access to people detained.

16. Ensure that all persons in detention without exception are promptly seen after arrest or capture by representatives of an independent body such as the Human Rights Task Force.
17. Detainees should only be held in official, known detention centres.
18. AI recommends that the early reports of the Human Rights Task Force be made public.
19. The human Rights Task Force should consider establishing regional offices to ensure speedy and regular access to people taken into custody.
20. AI urges that all detainees are given access to medical care, lawyers and relatives.
21. Anyone arrested without a warrant should be taken before a judge as soon as possible to determine the legality of the arrest.
22. All vehicles used by the military and police should have number plates displayed at all times.
23. All military uniforms should have the insignia of the battalion or detachment to which the soldier belongs clearly marked.
24. The Human Rights Task Force should be informed by the arresting agency immediately of any arrest with or without warrant.
25. Military and police barracks and checkpoints should keep record of all arrests.
26. AI suggests that where the army feels it necessary to resort to cordon and search operations, a registration system be introduced before people are removed to the local camp and that relatives are given a numbered 'receipt'.
27. AI urges that detainees should be released into the care of their relatives and in the presence of a member of the human Rights Task Force.

28. AI urges the government to set up a review of present command and control structures in the security forces, in the light of the use by the security forces, in the light of the use by the security forces for several armed groups such as Muslim homeguards and anti-LTTE militant Tamil groups.
29. AI urges a system of strict and effective control over the issuance of weapons to civilians for self defence bearing in mind the communal character of the present conflict.
30. AI urges that the government consider an independent commission of inquiry or similar procedure to ensure effective and impartial investigations are carried out into all cases of human rights violations.

Another commission of inquiry at this stage is not considered necessary, since in addition to the provisions presently available in the constitution for investigating cases of human rights violations, further measures are being considered to strengthen this by the establishment of a Human Rights Commission. It is likely that the legislation in respect of the Human Rights Commission will be placed before parliament shortly.

31. AI urges that anyone found to have ordered, committed or covered up human rights violations should be brought to justice.
32. AI recommends that the results of all human rights investigations should be made public.

Editor's Note:

The Sri Lanka Aid Group Meeting is scheduled to take place in Paris in February 7, 1992.

The UN Commission on Human Rights will meet in Geneva in February 1992; among the matters to be discussed will be the report of the Working Group on Disappearances that visited Sri Lanka in October, 1991.