TABLE OF CONTENTS

ABBREVIATIONS			
FOREWORD	iv		
PREFACE	vi		
EXECUTIVE SUMMARY CHAPTER ONE — THE EROSION OF JUDICIAL REMEDIES			
2. Emergency and Security Measures	25		
3. The Role of the Judiciary	28		
3.1. The Independence Constitution	29		
3.2. The First Republican Constitution of 1972	30		
3.3. The Second Republican Constitution of 1978	31		
3.3.1. Constitutional Changes and the Supreme Court			
as a political actor	31		
3.3.2. Writs by the Court of Appeal	41		
CHAPTER TWO - ILLUSTRATIVE CASES	46		
1. The Krishanthi Kumaraswamy Case	46		
2. The Embilipitiya Case	48		
3. Two Political Killings	49		
4. Prosecutions Relating to Sexual Violence and Conflict	52		
4.1. The Ida Carmelita Case	52		
4.2. The Mannar Women Rape Case	53		
4.3. Cases of Mass Killings of Civilians	53		
4.3.1. The Kumarapuram Case	54		
4.3.2. The Thambalagamam Case	55		
4.3.3. The Mylanthanai Case	55		
4.4. The Chemmani Case	56		
4.5. The Mirusuvil Case	56		
4.6. The Bolgoda Lake Bodies Case	57		
4.7. The Bindunuwewa Case	57		
CHAPTER THREE - COMMISSIONS OF INQUIRY FROM 1977 TO 2001	59		
1. Background	59		
2. Pre—1994 Commissions of Inquiry	61		
2.1. The Sansoni Commission	61		
2.2. Inquiry into attack on MSF Vehicle	01		
(Palampiddi-Iranai Road Inquiry)	66		
(dampida nana noda mquiy)	66		

2.3. The Kokkadicholai Commission of Inquiry	68		
2.4. The 1991-93 Presidential Commissions (1991-1993)	71		
2.5. Reflections on the 1991 Presidential Commissions	72		
3. Post-1994 Commissions of Inquiry into Widespread Disappearances	73		
3.1. The 1994 Commissions of Inquiry into Disappearances	73		
3.1.1. General Reflections	74		
3.1.2. Scrutiny of the Mandate	<i>78</i>		
3.1.3. Reflections on the Procedures	83		
3.1.4. Reflections on the Recommendations	86		
3.2. The 1998 All Island Disappearances Commission	88		
3.3. Post-1994 COIs regarding Specific Incidents/Occurrences	92		
3.3.1. The Batalanda Commission	92		
3.3.2. The Presidential Truth Commission on			
Ethnic Violence (1981–84)	94		
3.3.3. The Bindunuwewa Commission	96		
4. Prosecutions in relation to Commissions of Inquiry Reports	97		
4.1. The Sansoni Commission Report	97		
4.2. The Kokkadicholai Commission Report	97		
4.3. The Presidential COIs into Disappearances (1991–1993)	98		
4.4. The 1994/1998 Disappearances Commissions	99		
4.5. The Batalanda Commission	103		
4.6. The Presidential Truth Commission on Ethnic Violence			
(1981–1984)	103		
CHAPTER FOUR - EVALUATING SRI LANKA'S COMMISSIONS			
OF INQUIRY	105		
A No. 11 Francis			
1. Normative Framework	105		
2. Establishment	107		
3. Mandate	108		
3.1. Independent Inquiry	109		
3.2. Relationship with the criminal justice system	110		
3.3. Advisory function 4. Composition	113		
5. Powers and Resources	115		
6. Procedures and Proceedings	117		
	120		
6.1. Security of Victims and Witnesses6.2. Investigation vis a vis Inquiry	120		
6.3. Cross examination and legal representation	120 121		
6.4. Affording alleged perpetrators a right of reply	121		
CHAPTER THE			
CHAPTER FIVE - SRI LANKA'S CRIMINAL JUSTICE SYSTEM	124		
1. Introduction	124		
2. Investigations and prosecutions			

REFE	RENCES		170		
CONC	LUSION		160		
8.	Decisions	of International Tribunals	159		
	7.4.	Sentencing	158		
	7.3.	And the second s	156		
	7.2.	Long delays	155		
	7.1.	Jury Trial/Trial by Judge/Trial-at-Bar	154		
7.	7. The Trial Process				
	6.6.	Admission of Confessions	152		
	6.5.	Burden of Proof	150		
	6.4.	Non-Identification of Perpetrators	150		
	6.3.	Absence of a Specific Crime of Enforced Disappearances	149		
	6.2.		146		
-	6.1.	Command Responsibility	143		
6.	De Jure 1		143		
	5.2.	Language Issues at Trial Stage	142		
٥.	5.1.	Transferral of Cases	140		
		ation as a factor impeding prosecutions	140		
	Witness p	500 0000	138		
2		Review of Attorney General's Decisions	136		
	2.3.	Appeals from Acquittals	136		
	2.2.		131		
	2.1.	First Information Reports	128		