

**Survey report on  
the prevalence of  
illicit small arms  
in Sri Lanka**

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**10 March 2008**

## **Acknowledgements**

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National Commission Against the Proliferation of Illicit Small Arms (NCAPISA)  
Ministry of Defence Building  
15/5 Baladaksha Mawatha, Colombo 3  
Sri Lanka

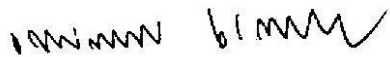
## Foreword

The National Commission Against Proliferation of Illicit Small Arms (NCAPISA) was established to co-ordinate approaches to small arms-related problems in Sri Lanka. In order for NCAPISA to respond effectively to the safety and security concerns associated with illicit small arms, this comprehensive national survey has been undertaken to facilitate a greater understanding of the distribution and impact of these weapons, and the capacity of the state to control licit use and eradicate illicit proliferation.

Between November 2006 and April 2007, building upon international best practices, investigations were conducted across Sri Lanka to generate a sound body of evidence to inform comprehensive action by the government, the people and civil society to tackle the problem of illicit small arms proliferation and misuse effectively. This has accordingly allowed key informants from a diverse cross-section of society, including government officials and civil society organisations, to articulate their experiences and perceptions of the security environment in Sri Lanka. It has also enabled extensive statistical and procedural data to be collected and collated from the Armed Forces, the Sri Lanka Police, the Government Analyst and many government ministries, to increase transparency and ensure that all available information be presented.

Therefore, the aim of this National Small Arms Survey is to provide accurate information to the NCAPISA and the Government of Sri Lanka, in general, on the small arms situation in Sri Lanka, as the basis for taking measures to strengthen existing small arms controls, prevent armed crime, increase community security, and eliminate illicit trafficking. The survey will accordingly act as a catalyst in the development of a National Small Arms Policy and a National Small Arms Action Plan by assisting the government in identifying key problems and highlighting priority areas for action. Solutions to these problems lie in a wide range of areas, including changes in public knowledge, legislative reforms and enhancements of the operations of government agencies.

The Government of Sri Lanka is proud to have completed the survey as it is the first exercise of its kind, not only within Sri Lanka, but within the South Asia region. It also welcomes the opportunity to enter future policy discussions and take specific actions based on the knowledge and analysis presented in the report, because of its commitment to bringing about substantive changes for the benefit of the country and the people.



**Gotabhaya Rajapaksa RWP. RSP. psc**

**Secretary**

**Ministry of Defence, Public Security, Law and Order**

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### **List of Acronyms**

CBO	Community-based organisation
CEFAP	Commercial Explosive and Fire Arm Procurement Unit
IDP	Internally displaced person
JMO	Judicial Medical Officers
LTTE	Liberation Tigers of Tamil Eelam
MODPSLO	Ministry of Defence, Public Security, Law and Order
NCAPISA	National Commission Against Proliferation of Illicit Small Arms
NCO	Non-Commissioned Officer
NGO	Non-governmental organisation
NRA	National Rifle Association
OIC	Officer in Charge
PSC	Private Security Company
SLR	Self-loading rifle
SOCO	Scene of Crime Officer
STF	Special Task Force
UNICRI	United Nations Interregional Crime and Justice Research Institute
UN ODA	United Nations Office of Disarmament Affairs
UN DESA	United Nations Department for Economic and Social Affairs
VIP	Very important person



## Executive summary

Sri Lanka is negatively affected by the proliferation and misuse of illicit small arms, the impact of which creates significant challenges to law and order, peace and democratic governance. The human costs of small arms related violence in the country are high.

Saferworld was commissioned by the National Commission Against the Proliferation of Illicit Small Arms (NCAPISA) in Sri Lanka to conduct a national survey on small arms. The survey, and the resultant report, is intended to assist the Government of Sri Lanka to analyse the nature and extent of the proliferation and use of illicit small arms in the country, and to develop appropriate responses to these challenges.

The research was conducted in two phases: a pilot survey was conducted in Hambantota district between May and June 2006<sup>1</sup>; and the national survey was conducted between November 2006 and April 2007. The following methodologies were employed to gain as broad a picture of the situation in Sri Lanka as possible:

- A nationwide survey of 1,800 households;
- Focus group discussions;
- Key informant interviews;
- Media monitoring;
- Official data sources; and
- A detailed review of secondary information and published research.

Much of the research in this national survey was conducted within the areas of Sri Lanka that are under government control, because security restrictions prevented the survey team from accessing areas of conflict. This restricted the scope of the household survey, focus group discussions and key informant interviews. Other sources of information cover the whole of the country. No information is contained on Liberation Tigers of Tamil Eelam (LTTE) small arms stocks. As a result, the survey can only present a partial picture of the situation in Sri Lanka.

### State controlled firearms and stockpile management

The army and police both claim high standards of stockpile management and security. Nevertheless, some divisional and station-level police stockpile management and security was observed to be very poor. Thus it would be desirable to align current stockpile

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<sup>1</sup> See NCAPISA, *Illegal Small arms & Light Weapons Pilot Survey: Hambantota*, (NCAPISA, 2007).

management practices with relevant international norms and standards. There is currently no central agency overseeing, auditing, monitoring and maintaining records, through a centralised database, of all state stocks of small arms, and this should also be rectified.

While the army has lost considerable numbers of soldiers through desertion, it claims that weapons losses through desertion are negligible. The total number of reported deserters from the security forces after 1996 is 69,000; but in that time it has reportedly lost only 37 T-56s or similar types of guns through deserters or losses, and 21 of these were recovered afterwards. Despite this, there is evidence suggesting smuggling and illicit trading in small arms and ammunition by security force deserters, and to some extent service personnel and police. For example, a prisoner from the Welikada prison noted that military personnel returning home on holiday were the main source of weaponry for his underworld criminal gangs. Weapons available for purchase included 9mm pistols and T-56s. Use of military-type small arms, particularly T-56s and hand grenades, is perceived to be increasing substantially. There is a widespread perception that service personnel and deserters are supplying state arms or weapons collected from the battlefield in operational areas for illicit use in organised crime.

There are some concerns about the level of control over small arms distributed and issued to homeguards. An unknown number of shotguns issued to homeguards are no longer under the system of state control. There are likewise weaknesses in the system for controlling more recent issues of T-56s to homeguards. A clear strategy will be needed to ensure the full recovery of small arms issued to homeguards. The basic period of training for homeguards is only two weeks. As pointed out by a senior official from the Civil Security Department, “giving a T-56 to these homeguards after two weeks of training is a problem”. The survey also received information suggesting some misuse of weapons issued to homeguards, for example for hunting, or teaching others in the community how to shoot.

Some of the small arms stocks held by other state agencies have been shown to have problems with regard to control. Within the prison system, for instance, there is a need for significantly enhanced management and control over small arms, and the destruction of poorly managed stocks of unserviceable small arms.

Other state entities control firearms intended for civilian or commercial purposes. The Commercial Explosive and Fire Arm Procurement Unit (CEFAP) of the Sri Lanka Navy is the sole agency authorised to import firearms, ammunition and explosives for civilian and commercial purposes in Sri Lanka. The annual issue of firearms or ammunition by CEFAP to

civilians does not reveal any information about demand from civilians. The District Secretariats also hold smooth barrel firearms returned to them by owners or by courts.

### **Legal civilian ownership and the licensing system**

There are an estimated 30,500 licensed small arms in civilian possession under crop protection and self-defence categories. Nationwide, this amounts to 1.5 licensed firearms per 1,000 population. The main reasons for wanting a legal small arm are protection of the family and property, self-defence and crop protection.

There are 62 registered private security companies (PSCs) with firearms permits – this represents 16% of such companies. Businesses are increasingly employing PSCs to protect their businesses, which will lead to an increase in the number of such companies, their use of firearms, and therefore the visibility of privately owned firearms. In total, PSCs in Sri Lanka are licensed to hold 571 small arms. Conflicting figures on PSC holdings were made available to the survey team, indicating a weakness in the system for keeping records on PSC licences. There is no information available on whether the small arms licensed to PSCs that have ceased operating have been surrendered. These discrepancies and important gaps in the available information reflect some significant weaknesses in the current licensing and registration system for PSCs.

The legal framework for regulating civilian small arms possession is insufficiently detailed. For example, there are no stipulations detailing what type of small arms may be permitted by each type of licence. A key structural problem generated by the lack of detail in legislation is the high degree of discretion invested in the licensing authority resulting, in some cases, in an arbitrary system not following predictable legal criteria. A further clear weakness in the system is that there is no legal requirement in the licensing framework to prevent PSCs from allowing security guards to take their weapons home with them. It is hoped that weaknesses in the legislation will be resolved in full by the review of the Firearms Ordinance that is currently underway.

There are inadequate systems for monitoring licensed small arms and licence renewal. For example, there is no central system for checking on the renewal of firearms licences. There is also inconsistency in record-keeping at all levels, and there is no system to record numbers and types of firearms issued (the system is currently being developed). Each year, it is estimated that approximately 6,000 firearms licences are not renewed on time, because of weak enforcement and weak administration of renewal requirements.

Public awareness of the licensing system is very low: over 80% of people do not know how to obtain a firearm legally, while 60% are unaware of the period of renewal.

The misuse of firearms licensed for crop protection, in poaching and other illicit activities, was identified as a problem in the survey.

### **The proliferation of illicit small arms**

The estimation of numbers of illicit small arms in circulation is notoriously difficult. There is insufficient evidence, based on the information generated by the survey, to offer an estimation with confidence.

The police have seized 13,000 small arms during the past decade. Small arms seizures by police indicate, in contrast to public perceptions, high numbers of seizures in Uva and Southern provinces. This illustrates the extent to which illicit small arms have permeated Sri Lanka beyond operational areas. Seizure statistics on ammunition, as well as public perceptions, indicate that illicit small arms may be increasingly affecting urban areas, suggesting the need for specific strategies to tackle urban, armed crime and its causes.

In terms of the groups owning illicit small arms, nearly half of the household survey respondents perceived that youth are more likely to have small arms than adults. Two-thirds of respondents perceive underworld criminal gangs, army deserters and politicians as those who possess small arms, a perception that recurred in key informant interviews, focus groups and secondary sources. The public perceives the main reasons for people to have legal or illicit small arms to be criminal activities (29%), revenge (23%), hunting (14%), and retention of weapons by army deserters (13%). Feelings of insecurity are increased by the misuse of small arms and can also raise demand for unlicensed small arms as a means of protection.

Illicit small arms proliferation is strongly perceived to be associated with the JVP insurrections that were key in triggering and contributing to small arms availability in the country. The protracted conflict between Government forces and the LTTE has contributed to the proliferation of illicit small arms in non-affected areas. Military-type small arms are perceived to be increasingly entering circulation from operational areas, and are thought by a variety of sources to be trafficked by security force deserters or service personnel. Although official sources indicate that losses from government stocks are minimal (37 T-56s or similar small arms reported missing from army stocks since 1996), deserters from the security forces were linked by key informants and the general public to the increased availability of illicit

military-type small arms and their misuse in crime. Few illicit military-style small arms have been traced back to their source, and thus it is unclear whether they are sourced from LTTE or government stocks, and by what means they are smuggled. The methodology of smuggling arms along with other goods or vehicle parts was mentioned.

Politicians, their supporters and businessmen are also identified as sources of illicit small arms. Nearly 40% of the respondents perceived that there was illegal trafficking of weapons in their local areas. It was also stated in key informant interviews and focus group discussions that service weapons are illicitly hired to underworld criminal gangs.

Illicit manufacturing of trap guns is a common practice in rural Sri Lanka. Although there is awareness of the significant damage they cause, they continue to be widely used.

There is also local manufacturing of small arms (*galkatas*), especially in rural Sri Lanka. The availability of T-56 ammunition, due to the conflict, has led local manufacturers to produce increasingly sophisticated homemade small arms ('*T-katas*') to fire military-style ammunition. Homeguards and other armed civilians are reportedly in some cases using automatic weapons for poaching and thereby supplying venison for sale in towns.

The public's awareness of the price of illicit weapons was fairly accurate, but was probably linked to the rewards offered for these weapons. Most sources indicate prices of above Rs 25,000 for hand guns and automatic weapons. The price for shotgun ammunition is roughly Rs 200. Locally-made guns tend to cost less than Rs 500.

### **Small arms misuse and its impacts**

The survey covers the impact of small arms in Sri Lanka in terms of crime, social violence, illicit economic activities, and political violence, but does not look at the costs and consequences of the armed conflict in the North and East.

Most survey respondents perceive small arms to be a source of insecurity. A large proportion of people (44%) felt that small arms related crime is increasing. Likewise, the public believes organised crime to be on the increase despite perceiving an overall reduction in crime. Focus group participants also took the view that the proliferation of small arms in society had led to an increase in crime. The use of small arms in community-level conflicts was reported as extremely common by only 6% of respondents, while 13% stated that it 'happens sometimes'. Exposure to small arms misuse appears to vary between ethnic groups with larger proportions of ethnic Muslims and Sri Lankan Tamils claiming that small arms are commonly

used in local disputes. Fear of personal injury from small arms violence is low but significant. Only 3% responded that they feared it all the time but a notable minority (23%) claimed that they sometimes felt such fears.

According to police statistics, in the years 1999–2005 in Sri Lanka, small arms were used to commit 2,659 homicides<sup>2</sup> and 1,596 attempted homicides<sup>3</sup>. In the same period 805 abductions, 518 cases of grievous hurt, 392 rapes and 10,774 robberies were carried out using small arms. Small arms were thus used in committing a significant proportion of total grave crimes in the period 1999-2005. A very high level of small arms use is seen in homicides and attempted homicide. Homicides were committed from weapons ranging from automatic weapons to locally made *galkatas*. Armed robberies and abductions often involve the threat or use of small arms, although the percentage varies quite substantially. Each year, between approximately a quarter and a third of robberies involve small arms, particularly ‘automatic’ small arms and grenades. Compared with high use of small arms in homicide and other violent crime, the very low number of suicides that involve small arms is surprising.

The most commonly used illegal firearms are perceived by household survey respondents to be trap guns (32%), shotguns (26%), locally made *galkatas* (23%), pistols (18%), T-56s (17%) and muzzle-loading guns (15%). A small number of those interviewed also named machine guns and hunting rifles. In police statistics, the most common small arms used in violent crime are ‘automatic weapons’ (a police category that covers military-type weapons such as T-56s, M16s and different types of machine guns), pistols and shotguns in varying proportions. The use of illicit military-type small arms, along with other types, by underworld criminal gangs, is significant. The increasing use of T-56s and other military-style weapons in

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<sup>2</sup> The term homicide is used in accordance with Police Administration Report statistics for ‘Grave Crimes’. Therefore, homicide can be understood as referring to the following offences under the penal code:

– Culpable homicide (as defined by the Penal Code of Sri Lanka (19 of 2001) section 293): ‘Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.’

– Murder (section 294) – ‘Except in the cases hereinafter excepted, culpable homicide is murder: Firstly – if the act by which the death is caused is done with the intention of causing death; or Secondly – If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or Thirdly – If it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or Fourthly – If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.’

– Culpable homicide by causing the death of a person other than the person whose death was intended (section 295): ‘If a person; by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.’

<sup>3</sup> Attempted homicide is defined under the Penal Code of Sri Lanka (19 of 2001) section 300 as: ‘Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable to imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.’

crime increases the likelihood of fatalities from injuries. In some urban areas, the use of pistols, revolvers, and assault rifles as well as shotguns and *galkatas* is often significant.

There is also significant use of *galkatas* and other types of locally manufactured small arms in certain areas. Incidence of accidental deaths and injury by small arms is high in Sri Lanka – largely attributable to the widespread use of trap guns. In rural areas trap guns are often the leading cause of small arms injuries and some deaths, causing, at a minimum, hundreds of injuries and many deaths each year. For example, according to a Judicial Medical Officer (JMO) in Anuradhapura, up to 500 cases of trap gun injuries are seen in the district every year. The small arms most commonly used in poaching are trap guns or shotguns.

Trap guns are common in remote areas which can affect the severity of the injuries they cause and the long-term impact due to the distance that victims have to travel for emergency medical attention. The problem is compounded by the relative lack of commitment to tackling the illicit use of trap guns.

Small arms misuse is having a profound political impact in Sri Lanka. The issuance of firearms to politicians has long been poorly regulated in Sri Lanka. There is a strong perception among key informants and the general public of patronage of organised criminals by politicians and vice versa. This has created a culture in which politicians are associated in the minds of the public with firearms and criminality. If unchecked this will lead to public disenchantment, and have very negative implications for the democratic process, democratic governance and law and order. The misuse of small arms to conduct political violence and intimidation during political elections is considered to be significant although there has been a reduction in reported incidents in recent years as a result of public outcry and improved law enforcement.

The survey also documents the economic impact of small arms. When a small arms incident takes place, it is often the main breadwinner that is killed or injured, affecting the ability of a family to sustain itself economically and exacerbating poverty. This can also have an impact on the local economy. Direct costs of crime can be very high, with victims of robbery and abduction, for example, losing substantial sums of money or goods. Likewise, small arms crime can have indirect costs. For example, it can undermine the capacity of forestry and wildlife departments to fulfil their roles with a devastating impact on wildlife, including elephants. Another indirect cost is the impact that small arms have in supporting illicit economic activities such as illicit logging, illicit gem mining, poaching, and cannabis cultivation (the first two also have an environmental impact). Other organised criminal

activities are supported by the availability of illicit small arms including extortion, kidnapping and protection racketeering. Perceptions of insecurity also affect livelihoods by dissuading (foreign) investment, for example in the tourism industry, and limiting people's freedom to move around safely and therefore get to work. Likewise, the cost of security provision is increasing for Sri Lankan businesses as a result of the threat of armed crime.

Proliferation and misuse of small arms are preventable, unnecessary burdens on the national health system. At a minimum, the cost of small arms to the Sri Lankan healthcare budget includes the costs of the necessary emergency and long-term healthcare and forensic examination of the victims of the cases of firearms misuse documented by Sri Lankan police (in the period 1999–2005: 2,659 homicides, 298 suicides and 1,596 attempted homicides, 518 cases of grievous hurt and 392 rapes). In addition, the health system bears the burden of treating the victims of several hundred small arms related accidents per year.

In terms of the cultural impact of illicit small arms, their availability seems to be contributing to a culture where disputes are more likely to be settled by violence. The context of insecurity is said to be eroding the freedom of the press in Sri Lanka. Small arms are directly involved in the intimidation of journalists.

### **Law enforcement and public safety**

One important analysis that can be drawn from the survey is that the current conflict environment has resulted in prioritising security and counter terrorism at the cost of law enforcement and small arms control. Most people were satisfied with safety and security in their location. However, more Sri Lankan Tamils and Muslims than Sinhalese and Plantation Tamils claimed that their location was not safe.

The public has confidence in the police to respond to complaints in a satisfactory manner: 70% of respondents state that they would turn to the police if threatened with violence, while focus group participants claimed in some cases that the police settled almost all of their problems amicably. However, less than half of those who had called the police reported a positive experience (57% reported the case as unresolved). The predominant perceptions of the police that emerged from focus group discussions were negative, with many participants raising corruption as their primary concern. Other criticisms of the police were that they have become increasingly politicised, and that they have difficulty policing in languages other than that spoken by the majority of the population.



The police need to become more accountable, particularly in relation to the number of deaths of suspects that are alleged to happen during police arrest and detention. Such incidents need to be fully investigated and practices improved. Procedures and processes when police use firearms need to be improved to clamp down on any existing misuse by police.

A further challenge to law enforcement is understaffing within the police service. The number of police officers that are actually engaged in traditional policing roles of combating crime is diminished due to deployment to the conflict areas and various other special duties. Some police officers interviewed expressed a view that due to the conflict, police officers' roles are now restricted to providing security for very important persons (VIPs) and other special duties. The reassignment of officers was said often to have the effect of undermining training and experience. The police also face equipment shortages, in particular a lack of vehicles.

The survey also makes clear that the police do not make use of modern policing and investigative techniques, and lack the technical expertise to fight crime effectively. Poor investigative capacity is simultaneously due to lack of equipment, staff and training. Levels of motivation and commitment among police officers were also found to be low.

Investigation and prosecution were also found to be crucially hampered due to understaffing problems at the Government Analyst's Department. Although it is taking steps to address these issues, the survey found the Government Analyst's Department to be under-resourced. At the end of 2006, the Government Analyst had a backlog of 2,112 small arms and ammunition productions.

The public believes the courts to be relatively uncorrupted, but to be inefficient. There is a suggestion that courts and court officials need to modernise their practices to take advantage of evidence made available through use of new technology.

### **Small arms control**

Most people who participated in the survey perceive there to be an illegal small arms problem in Sri Lanka. A majority of people (54%) categorically affirmed that small arms are a national problem. Only 18% claimed that there was no such problem. Small arms are overwhelmingly viewed as negative both socially and in terms of security. Among household survey respondents, 78% claimed they did not want to possess small arms. 30% claimed it was never justifiable for people to own small arms.

The survey revealed a high rate of support for the enhancement of small arms control in the following areas:

- Search operations conducted by government forces (88%);
- Harsher sanctions for illegal possession (88%);
- Greater legal control (86%);
- Recovery of arms distributed to politicians (84%);
- A general amnesty for surrender of illegal weapons (81%); and
- Tighter border control of the coast (79%).

With this strong public support for small arms control, there seems to be a clear need to maintain and expand the activity of NCAPISA in Sri Lanka. NCAPISA is yet to be appointed through an Act of Parliament, so it remains vulnerable to dissolution after each presidential election. Despite initial setbacks due to the Tsunami, NCAPISA has been facilitating a number of initiatives with the aim of reducing the number of small arms and of understanding some of the root causes of misuse. In spite of the benefits of these endeavours, NCAPISA needs to remain active if it is to fulfil its mandate of curbing the uncontrolled proliferation of illicit small arms in the country. A National Action Plan would provide a coherent framework for maximising the effectiveness of NCAPISA's future initiatives. The recommendations detailed below were jointly developed by Saferworld, the research partners and NCAPISA as a basis for developing this strategic approach.

The state system of control over small arms is strong in areas of stringent licensing, stockpile management of state security forces, destruction of unserviceable weapons and centralised control over issuing of weapons for commercial purposes. The survey has, however, also identified a number of areas that need improvement, including safe storage, record-keeping, training, awareness and resources.

The legislative framework includes civilian licensing, importation, sale, transfer, manufacture, repair and possession of small arms. As stated above, licensing procedures are not always consistently applied. The Firearms Ordinance was last reviewed in 1996, and is currently undergoing a review, which should eliminate some of its shortcomings, such as the lack of distinction between the types of firearms that can be licensed and those that cannot. The proposed legal reforms focus on: a broader definition of firearms, a review of the issuing of licences in line with international standards, competency testing, the requirement for end-user certificates, increasing penalties, introducing new firearms-related offences (for example

covering trafficking and brokering), prohibitions on the possession of specific types of firearms and the establishment of gun free zones.

In terms of policing and prosecution, legal provisions on illicit manufacturing are not currently being enforced stringently enough. In the absence of a mechanism for organising data on the age, gender, economic background, ethnicity, religion or other demographic data of people involved in small arms related crime, there is a lack of information regarding the social background of persons involved in small arms related crime.

The survey also revealed poor and inconsistent record-keeping by police on small arms cases. For example, the following information is often not present in police records: type of weapon used, make, country of origin, model, calibre and serial number of small arms. The lack of this information makes tracing these arms and preventing further proliferation from the same source impossible.

While most illicit arms in circulation – except those held by the LTTE – do not appear to be smuggled in from foreign sources, the survey points to limitations in the capacity to detect smuggling. Particular weaknesses in government controls relate to the need for coastal patrols and weak customs department small arms training and capacity.

In July 2005 a substantial public small arms destruction ceremony destroyed almost 35,000 small arms. These had been accumulating for many years through government offices, police stations and courts. The collection and appropriate disposal of these small arms needs to be regularised.

Past amnesties and attempts to collect illicit small arms and small arms issued without proper controls have been largely unsuccessful. The findings of this survey indicate some reasons for these failures and offer some insights into how future weapons collection initiatives may develop greater potential for success. These reasons include: the fear of crime, lack of faith in immunity from prosecution under a small arms amnesty and lack of trust in the police leading to a reluctance to hand small arms over to them.

A further factor may have been that public awareness-raising surrounding previous collection efforts was unsuccessful: 75% of respondents had no knowledge of previous government initiatives to collect unlicensed weapons. Given the limited success of previous amnesties, awareness-raising will need to be the focus of much greater attention as an accompaniment to other initiatives to control small arms in the future in Sri Lanka. Religious institutions could

play a greater role in using their influence with the public to support reductions in the availability of illicit weapons. It was notable that negative views of small arms and awareness of the dangers they pose are deterring people from obtaining them more strongly than the procedures and costs involved in obtaining a licence to possess them and this may be a useful point to bear in mind in developing future awareness campaigns against illicit small arms possession and misuse. A further notable consideration in relation to public awareness is that understanding of the Firearms Ordinance is low among both the public and law enforcement authorities.

The survey notes that the skills of journalists in accurate and impartial reporting on small arms related incidents and topics are underdeveloped. Despite some questions as to the independence of the media, the capacity for it to be utilised as a means of controlling small arms and light weapons (SALW) is significant. The media is potentially a key ally in government efforts to stem the spread and misuse of illicit small arms. There is much room for improvement in media representation and reporting on small arms incidents, because media coverage has sensationalised gun use, contributing to both fear of crime and glamorisation of gun culture.

Non-governmental organisations (NGOs) have made important contributions to armed violence documentation and reduction in Sri Lanka, including by contributing to a successful campaign to reduce electoral violence. The capacity, level of training and past contributions of civil society suggest it should be granted a greater role in the future actions of NCAPISA to tackle small arms.

In analysing capacity and developing a strategy for the reduction of armed violence it is important to note that as long as sources of supply are present in Sri Lanka, it will remain crucial to tackle factors in the demand for small arms. This would require a focus on enhancing the criminal justice system, pursuing methods for resolving disputes and building trust at the local level, integrating deserters and offenders back into society and generating employment for youth.

## Recommendations

On the basis of the survey the following recommendations have been developed for the various stakeholders engaged in control of small arms and reduction of armed violence in Sri Lanka. These recommendations should be addressed as part of a co-ordinated approach to tackling the effects of small arms on human security. This will entail ensuring that work to implement them is linked into and consistent with a range of other relevant activities, including ongoing police service and wider security sector development. This co-ordinated approach is important at all levels and with all actors – from national policy making through to operational planning.

### **National Commission Against Proliferation of Illicit Small Arms (NCAPISA)**

- Lead on the development of a National Small Arms Policy and National Small Arms Action Plan
- Draft a document to establish NCAPISA under an Act of Parliament, and invest in NCAPISA the function of co-ordinating the National Small Arms Policy and National Small Arms Action Plan
- Examine the feasibility and composition of an independent investigations authority to review all firearms-related incidents and make recommendations to prevent such incidents in the future
- Investigate the role of NCAPISA in co-ordinating the system of control, the chain of evidence and exchange of information between different stakeholders and actors under the National Small Arms Action Plan
- Develop a media strategy and profile to promote the national small arms policy and conduct training for media on national small arms policy, international small arms instruments, and the use and abuse of small arms in Sri Lanka. The media strategy should also seek to ensure the dissemination of reliable official information on small arms and light weapons

### **Executive and Parliament**

- Create a parliamentary caucus on small arms control and the national small arms policy, overseeing the implementation work and activities of the National Commission
- Raise the awareness of MPs on the impact and effect of small arms through promoting the national survey within parliament
- Develop a leaders' code of conduct on the use of small arms

- Establish the National Commission under an act of parliament
- Approve the National Small Arms Policy and National Small Arms Action Plan in Parliament and provide oversight over the implementation of the policy
- Debate and enact the reviewed firearms legislation in parliament
- Review the policy of issuing firearms to politicians and VIPs and place the issue of such firearms under the licensing system

### **Ministry of Defence, Public Security, Law and Order (MODPSLO)**

- Review and strengthen the licensing system and develop a computerised central database for keeping records of civilian and state stocks
- Prepare an instruction manual and checklist for licensing officials, police and legal practitioners
- Conduct training and capacity-building of licensing officers
- Conduct awareness raising for public and government officials on the licensing system
- Prepare a handbook for firearms users on the Firearms Ordinance and licensing procedures
- Train licence holders/users, including with user-competency training and testing
- Develop a monitoring system for licence holders and permit holders
- Review and strengthen the system for issuing firearms to politicians and VIPs and ensure both that all such weapons issued are licensed and that there is full record-keeping on all such weapons issued
- Investigate and strengthen controls over weapons movements from the North and East
- Lead on the annual verification and inspection of state and commercial stocks and ammunitions
- Collect illegal, obsolete and surplus weapons and ammunition for destruction
- Assess the feasibility of establishing an assistance fund for firearms victims
- Examine the feasibility of establishing a coast guard to better control the smuggling of weapons and ammunition and enhance the capacity of the Customs Department
- Review the issuing of ammunition by CEFAP to commercial dealers for sale to licence holders

### **Security Forces**

- Subject current practices adopted to manage the movement of personnel, weapons, ammunition and equipment from operational areas to constant review and strengthening (including the scrutiny of personnel going on leave)

- Improve checks on deserters, especially as to whether they have deserted with service or other weapons and ammunition
- Review and strengthen the mechanism for collecting, recording and bringing under control weapons, ammunition and ordnance captured on the battlefield in line with international best practice, norms and standards (applicable to police and homeguards in addition to security forces)
- Raise awareness and conduct training for security forces on the consequences of the proliferation of illicit firearms
- Review stockpile management and accountability mechanisms for all security force stocks, in line with international best practice, norms and standards
- Review existing procedures for the issuing and accountability of ammunition and strengthen them where necessary
- Review the marking of state stocks in line with the International Instrument on Marking and Tracing
- Ensure that all seized, surplus, obsolete and unserviceable weapons, components and ammunition are documented and regularly destroyed in line with international best practice

## **Police**

- Increase the availability of manpower, equipment and technology for police investigations and retain expertise for crime fighting and investigation once it is developed
- Review and strengthen the methods and mechanisms for investigating firearms incidents involving police officers
- Institute refresher training for police officers in investigating firearms related incidents and post-incident investigation processes. This should include training on firearms identification, sources of firearms, methods of concealing firearms, illegal manufacturing and so forth
- Review and strengthen police record-keeping on crimes involving small arms, in terms of information on perpetrators, victims, firearms and ammunition involved and introduce an information management system that enables the generation of statistics and other information on firearms-related crime (including by classifying all firearms-related crimes as a distinct category within grave crimes). Records of firearms used in crime should in future make clear whether the weapon used was licensed or unlicensed.
- Institute refresher training for police officers on the Firearms Ordinance, regulations, and weapons handling, identification and record-keeping
- Upgrade storage facilities and weapons management systems at police station level

- Strengthen relations between the police and the public and conduct public awareness programmes in this regard
- Develop a co-ordination mechanism between the MODPSLO, police and District Secretariats, including on licensing and firearms misuse
- Review and refresh police training on the use of firearms, rules of engagement and proportionate use of force
- Develop an awareness programme for citizens on how to react if exposed to gunfire
- Create intra-department mechanisms to investigate complaints of excessive use of force
- Develop an island-wide programme to tackle illicit manufacturing and possession of small arms with the assistance of NCAPISA. In line with public perceptions, this should tackle illicit possession and misuse among underworld criminals, politicians and their supporters, businessmen, army deserters, PSCs, farmers, homeguards and hunters, as well as focusing on youth
- Examine the proliferation of military-type weapons and trace their origins (local and international) in co-operation with the security forces, the Government Analyst and other relevant agencies
- Explore the development of a system for dealing with informants which ensures the protection of informants
- Investigate the allegation that a large number of private security companies are operating illegally, and ensure that all such companies are licensed and operating within the law

### **Civil Security Department**

- Centralise the storage, control and accountability of all weapons held by the Civil Security Department and issued to the homeguards
- Review and strengthen controls over the issuing of firearms and ammunition to the homeguards for duties on a daily basis, and particularly reinforce accounting in relation to spent ammunition
- Review and strengthen the curriculum and training that homeguards receive in weapons management, rules of engagement and the proportionate use of force, in line with international norms and standards
- Re-examine the issuing of shotguns to homeguards during the 1980s and bring the remaining weapons back under the control regime
- Develop a handbook for homeguards with a code of conduct, rules of engagement, guidelines governing their duties, and penalties for misuse
- Review and strengthen the supervision of homeguards' employment and deployment



### **Ministry of Justice/Attorney General's Department**

- Identify bottlenecks and obstacles to improve efficiency in the disposal of firearms-related cases and prioritise these cases within the system as necessary
- Make the effort to collect financial compensation for victims from the perpetrators of firearms crimes, via the court system
- Move for the cancellation of firearms licences in cases where a licensed firearm has been misused
- Finalise the review of firearms legislation, ensuring that penalties for firearms offences offer sufficient deterrent (for example by increasing the lenient penalties for visitors illegally importing weapons)
- Raise awareness of the new firearms legislation among law enforcement officials, licensing officials, firearms owners and the public
- Improve co-ordination between the courts and the licensing authority
- Improve record-keeping within the court record system of the details of the specific weapon in line with the Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88), adopted by the United Nations General Assembly on 8 December 2005.

### **Prisons**

- Ensure the collection and destruction of all surplus and obsolete weapons within the prison system
- Review the storage facilities for weapons held by prisons and strengthen these in line with international best practices, norms and standards
- Review and strengthen controls on the movement of goods into prisons, to ensure that illicit firearms do not enter prison premises
- Review the capacity of the prisons department to transport and protect the transportation of high-risk prisoners
- Examine overcrowding and the capacity within the prisons department to separate those convicted of grave crimes and those convicted of minor crimes, in order to minimise the transfer of knowledge relating to the mechanics of small arms crimes and foster effective rehabilitation of offenders
- Pursue programmes for rehabilitation of offenders through training and education, in preparation for their re-entry as productive citizens in society

### **Government Analyst**

- Review and strengthen the training of Government Analyst personnel to ensure their effective and efficient processing of new firearms cases and to clear the backlog of cases
- Strengthen the short-term capacity of the Government Analyst through the provision of temporary human resources
- Examine the possibility of decentralising the Government Analyst to district-level
- Review and strengthen the technical capacity and resources available to the Government Analyst
- Enhance the safe storage of firearms deposited with the Government Analyst and awaiting examination and report
- Reduce stockpiles within the Government Analyst to a minimum to ensure that these are not a security risk, and that they do not deteriorate during storage
- Review and improve the transportation of evidence from Police stations to the Government Analyst

### **Ministry of Foreign Affairs**

- Continue to play a strong and active role on behalf of the Sri Lankan Government in strengthening international and regional instruments to control small arms, including the United Nations Programme of Action and the Arms Trade Treaty
- Promote and strengthen the co-operation between the National Commission and similar bodies elsewhere
- Promote co-operation and information sharing between law enforcement and customs bodies internationally and regionally
- Promote Sri Lanka's good practice internationally and regionally
- Promote good relations between the National Commission and international organisations, including the UN

### **Health Services**

- Improve and centralise record-keeping on victims of firearms-related incidents
- Record the costs involved in treating firearms injuries and victims to determine the cost of these injuries to the health system
- Review and strengthen the rehabilitation and counselling procedures for victims of firearms cases
- Consider expanding the WHO-compliant system for classification of diseases to document firearms cases, by adopting the international classification of external causes of injury through the Statistics Division within the Ministry of Health

- Examine the establishment of a system for collating information on firearms injuries from forensic doctors or JMOs
- Improve the investigative capacity of JMOs through the provision of equipment and resources

### **Customs**

- Conduct training and capacity building of customs officials to increase efficiency in detecting small arms smuggling
- Review the resources and equipment available to the customs department to detect smuggling of arms
- Improve intelligence gathering for customs purposes
- Improve co-operation and information exchange between customs and other law enforcement agencies
- Together with the Ministry of Foreign Affairs, agree a customs co-operation agreement to tackle arms smuggling with key source/transit countries
- Improve customs capacity to patrol the coastline, in co-operation with the Navy and coastguard

### **Departments of Forestry, Agriculture and Wildlife**

- Co-operate to improve stockpile management under the auspices of the MODPSLO
- Train officers holding small arms in their management, use and responsibilities under the law
- Explore alternatives to the use of trap guns, raise awareness of the negative impact of trap guns and help police to detect and prosecute trap gun misuse
- Co-operate with further research on the impact and cost of trap guns
- Co-operate with police to detect and prosecute poaching with small arms
- Train officers in detecting and avoiding trap guns, and responding to cases of trap gun injury

### **Ministry of Education**

- Explore the introduction of non-violence education and awareness-raising on the negative impacts of small arms into curricula and educational activities within schools, universities and among the general public, drawing on best practice and lessons learned elsewhere

## **Media**

- Communicate National Small Arms Policy to the public
- Raise awareness about the adverse impact and the risks of small arms
- Improve the quality of media reporting on small arms, including by participating in training on small arms policies and issues in Sri Lanka
- Develop a media code of conduct which includes measures to prevent the glamorisation of violence and the promotion of gun culture
- Publicise the negative effects of trap guns
- Explore ways in which the media can enhance community relations with the police and promote positive examples of community-based policing
- Produce public service announcements on small arms through the electronic media
- Further promote violence-free elections and emphasise that there is no place for arms in the democratic process
- Publicise initiatives to reduce and prevent arms proliferation, such as weapons collection and destruction

## **Civil society**

- Promote widespread grassroots awareness-raising on the negative impact of illicit small arms and constructive approaches to tackling the problem
- Increase co-operation and co-ordination between civil society, NCAPISA and the government to work together to address the problem
- Raise issues of public concern in government policy-making processes, and communicate the concerns of the general public to the National Commission, the media, the Government and other relevant actors
- Together with Parliament, ensure sufficient oversight for the National Small Arms Policy
- Participate in training for civil society to monitor weapons destructions
- Research and promote community-based approaches to reduce the impact of small arms
- Develop good lines of communication between the commission, civil society and communities to increase the exchange of information on small arms issues (including the establishment of a hotline for the public to report small arms related problems)
- Increase public co-operation with law enforcement authorities in the detection of illicit firearms possession and use
- Research the problem of trap guns and explore alternatives to trap gun use in crop protection
- Conduct a public awareness campaign on the dangers and negative effects of trap gun use
- Further research the psychological impact of small arms on society

# 1 Introduction

## 1.1 The context of the survey

This survey was commissioned by the National Commission Against the Proliferation of Illicit Small Arms (NCAPISA) in Sri Lanka. The survey and the resultant report are intended to assist the Government of Sri Lanka to analyse the nature and extent of the proliferation and use of illicit small arms in the country, and to develop appropriate responses to these challenges.

This report contains the results of the comprehensive national survey of small arms in Sri Lanka. This is the first survey of its type conducted in South Asia. The survey, conducted by Saferworld, the Marga Institute, the Department of Sociology at the University of Kelaniya and independent media analysts was conducted with the support of the United Nations Department for Economic and Social Affairs (UN DESA) and Office of Disarmament Affairs (UN ODA) to support NCAPISA.

## 1.2 The purpose of the survey

The core aim of the survey is to equip NCAPISA with the information it needs to oversee the development and implementation of a National Action Plan and a National Small Arms Policy to tackle the problem of small arms. The purpose of the national survey is thus to:

- Assess and highlight the geographic and demographic extent of small arms possession and misuse;
- Assess and highlight the nature of illicit small arms proliferation, including trafficking and circulation;
- Demonstrate the human and social impact of illicit small arms use;
- Outline measures which currently exist and which need to be developed to control illicit small arms use;
- Outline the scale and scope of the illicit small arms problem in relation to other socio-economic and political issues; and
- Estimate both licit and illicit small arms holdings among the civilian population.

**Box 1: Definition of small arms**

There are many definitions of small arms and light weapons (SALW). The 1997 UN Panel of Governmental Experts on Small Arms broadly defines them as follows: ‘small arms are those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew.’<sup>4</sup> This definition focuses on military-type weapons. For the purpose of this survey a broader definition of small arms is used. This term is used to cover all types of firearms – from crude homemade weapons, such as trap guns, *galkatas* and muzzle-loading guns, to shotguns, hunting rifles, hand guns (such as pistols and revolvers) and military-type small arms including self-loading rifles (SLRs), assault rifles, sub-machine guns and light machine guns. The UN definition also includes munitions and ammunition. This is also covered in this report, particularly ammunition of types used in all of the identified types of small arms, as well as hand grenades. This survey does not cover light weapons such as mortars, portable anti-aircraft guns, rocket propelled grenades and portable anti-tank and anti-aircraft missiles.

**1.3 The scope of the survey**

In particular, following and building on the methodologies developed through the pilot small arms survey in Hambantota<sup>5</sup> and several other successful Saferworld SALW surveys conducted in other regions of the world, this survey has focussed on gathering information in the following areas:

- State controlled firearms and stockpile management;
- Legal civilian ownership and the licensing system;
- The proliferation of illicit small arms;
- Small arms misuse and its impacts;
- Law enforcement and public safety; and
- Small arms control.

The data collection for the national survey consisted of the following activities:

- A nationwide survey of 1,800 households;
- Focus group discussions;
- Key informant interviews;
- Media monitoring;
- Official data sources; and
- A detailed review of secondary information and published research.

<sup>4</sup> UN, *Report of the Panel of Governmental Experts on Small Arms*, (UN, July 1997).

<sup>5</sup> NCAPISA, (2007).

This research was conducted in two phases: a pilot survey was conducted in Hambantota district between May and June 2006;<sup>6</sup> a national survey was then conducted between November 2006 and April 2007.

Much of the research in this national survey was conducted within the areas of Sri Lanka that are under government control because security restrictions prevented the survey team from accessing areas of conflict. This restricted the scope of the household survey, focus group discussions and key informant interviews. Other sources of information cover the whole of the country. This should be borne in mind when reading the report. Further information on the methodology used in researching and compiling this survey is included at Annex A.

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<sup>6</sup> Ibid.

## **2 State-controlled firearms and stockpile management**

The following chapter of the small arms survey evaluates the strengths and weaknesses of the systems utilised by the Government of Sri Lanka to manage its stockpiles of small arms. It notes the claims of the military and the police to be maintaining good stockpile management and security systems. However, the systems of stockpile management need to be appraised in conjunction with the information included later in the survey on the availability and misuse of high powered illicit small arms in Sri Lanka, and the evidence on sources of illicit small arms, as well as the parts of the recommendations section that deal with increasing the stringency of existing controls on state stocks. This is because although the way in which the state controls its small arms is in some ways commendable, various information sources indicate that some high powered illicit small arms, demonstrated to be having a significant negative impact on Sri Lankan society, may be prevented from entering circulation if controls on weapons stocks, personnel and deserters from the security forces are further tightened.

Other state agencies also need to take further measures to secure the stocks that they control. In a recent report, for example, commissioned by the Prisons Commissioner General (October 2006), it was found that there are a number of identifiable weaknesses in relation to the security of prison stocks, and with regard to record-keeping.

Sri Lanka has one central authority, CEFAP, which is administered by the Sri Lanka Navy, to deal with retail and importation of small arms and ammunition for civilian and commercial purposes. Importation of small arms for state stocks and civilian and commercial purposes is subject to stringent procedures under the authority of the MODPSLO.

### **2.1 Military stockpile management and security**

The Sri Lanka Army claims to have a very effective system for stockpile management; it was not, however, possible for the survey team to verify these claims in any way.

The army's small arms control procedures are claimed to include requirements and processes whereby:

- All stocks are checked and recorded by the serial number of the weapon;



- The weapons issued to the soldiers/officers are recorded by the name of the holder and number of the weapon;
- Weapons have to be returned to the armoury when soldiers/officers are not on duty;
- Every evening the armoury non-commissioned officer (NCO) physically checks the weapons and seals the armoury; and
- In operational areas, in order for personnel to get their leave approval finalised, their weapons are to be handed back and the ammunition issued to them is to be properly accounted for. In this way, losses are found, pilferage is identified and accounted for.<sup>7</sup>

At the national level, central oversight and control of army stocks is claimed to be good and being enhanced, in terms of stockpile management and security systems and the monitoring and record-keeping of weapons issued to army personnel at the unit and individual levels.<sup>8</sup>

At the national level, the Army Director of Operations has conducted an armoury and ammunition check for any unserviceable or redundant weapons and ammunition.<sup>9</sup> The unserviceable weapons were disposed of by deep sea dumping after the metal parts had been crushed. The army claims that it does not hold large stocks of weapons other than those issued to personnel.<sup>10</sup>

In each unit, two NCOs (the Armoury and Ammunition NCOs) are responsible for storage of small arms and ammunition. They are accountable to the Commanding Officer through the Adjutant Officer.<sup>11</sup> Armouries are reinforced structures which are locked with two or three padlocks. They are always sealed by a second party other than the Armoury NCO. Weapons and ammunition are stored separately, under the control of the two separate officers.<sup>12</sup>

There have been losses of small arms and ammunition from army stocks. However, the information provided on this is mixed. A key informant interview with a senior army officer indicates that such losses are minimal, while a large range of other sources indicates that army personnel and deserters are involved in illicit trading and misuse of small arms — some of which come from army stocks.

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<sup>7</sup> Interview with senior army officer, Army Headquarters, Colombo, 16 March 2007.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

In particular, while the army has lost considerable numbers of soldiers through desertion, it claims that weapon losses through desertion are negligible. The total number of reported deserters from the security forces after 1996 is 69,000; but in that time it has reportedly lost only 37 T-56 or similar types of guns through deserters or losses, and 21 of these were recovered afterwards.<sup>13</sup>

**Box 2: Small arms profile: T-56**

The Type-56 (T-56) 7.62 x 39 mm Assault Rifle is the standard assault rifle in service with the military and police in Sri Lanka. It is a Chinese made weapon based on the Russian Kalashnikov AK-47. Weighing around 4 kg (depending on the variant), the T-56 has a cyclic (theoretical) rate of fire of 650 rounds per minute, a muzzle velocity of 710 metres per second and an effective range of 400 metres.

The primary Chinese small arms manufacturer, North China Industries Corporation (Norinco), has manufactured several versions of the T-56 including: a basic variant introduced to the People's Liberation Army in 1956; the T-56-I, based on the Soviet AKM, with an under-folding metal stock; the T-56-II, with a side folding metal stock that was introduced for export only in 1980; and others.<sup>14</sup>

The T-81, also in service in Sri Lanka, is a family of assault rifles and light machine guns (LMGs) based on the T-56. These have a longer barrel than the T-56, weigh slightly less, but retain similar muzzle velocity and range.<sup>15</sup>

The Army Director of Operations also claimed that “in Sri Lanka Army a soldier is always groomed to respect the armoury as a sacred place. For that we always keep regiment colours and other well respected items inside the armoury. Anyone who goes into the armoury should be properly dressed in the uniform. By that we psychologically keep a barrier from anyone stealing from the armoury”.<sup>16</sup>

In contrast to these assertions, however, information from numerous sources, including key informants, focus groups, and the household survey, indicates that serving military personnel and deserters are a major source of illicit small arms. These are either from their own stocks or from small arms captured on the battlefield in conflict areas. A former Secretary of the

<sup>13</sup> Ibid.

<sup>14</sup> [http://www.sinodefence.com/army/small\\_arms/type56rifle.asp](http://www.sinodefence.com/army/small_arms/type56rifle.asp).

<sup>15</sup> Ibid. See also Norinco website at <http://www.norinco.com>.

<sup>16</sup> Ibid.

Ministry of Interior, for example, claimed that army deserters took the weapons issued to them and misused them.<sup>17</sup>

The same senior military officer cited above stated that it is extremely difficult to steal a weapon from the army. If small arms or ammunition go missing there will be a court of inquiry. Thus, he claimed, in comparison to other countries like Burma/Myanmar where the army can be involved in thefts of arms, “in Sri Lanka it is extremely difficult to steal from army stockpiles, and no mass scale losses are reported”.<sup>18</sup> The effectiveness of these preventative measures, in addition to physical security and management measures, relies on strong record-keeping and monitoring of stocks.

### **2.1.1 Record-keeping and monitoring of army small arms and ammunition**

The Sri Lanka Army has a computerised central system to manage its small arms holdings. This system has both summary and detailed forms of information collection and reporting through monthly returns — which were shown to the survey team. Thus, according to the army, “from headquarters you can control stockpiles based on the last monthly return”.<sup>19</sup> This system is not networked yet, but a networking process is apparently forthcoming.

There are detailed accounting procedures for weapons and ammunition used and procedures for inquiry in the event of the loss of arms and ammunition.

## **2.2 Police stockpile management and security**

There is a detailed process of information exchange and record-keeping to keep track of weapons distributed within the police force.<sup>20</sup> The police claim to have a competent system for arms procurement, management and security, based on the following six stages:

1. Order;
2. Purchase;
3. Store;
4. Issue;

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<sup>17</sup> Mohammed Junaid, ‘Presentation by Sri Lanka on Stockpile Management (including weapon destruction) and Record Keeping’ at Regional Workshop on Small Arms and Light Weapons, Bali Island, Indonesia, 11-12 February 2003.

<sup>18</sup> Interview with senior army officer, Army Headquarters, Colombo, 16 March 2007.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

5. Repair;
6. Destroy

In relation to the first two stages, the police procure weapons from legal companies.<sup>21</sup> They are purchased with serial numbers marked on them by the manufacturers. It is also claimed that the police mark each small arm with a second police number.<sup>22</sup> In terms of record-keeping, when small arms are distributed to police stations and police headquarters from the central armoury, an issue order and a receipt order are created. These orders record both the police number and the manufacturer of the small arms. These records are then pasted into a register.<sup>23</sup>

The officer in charge of the police central armoury stated that there is an annual survey of unserviceable weapons in the police stocks.<sup>24</sup> The results of this survey are sent to an MODPSLO committee which decides what to do with the weapons. Unserviceable small arms are then destroyed by crushing or deep sea dumping.

The police have detailed departmental orders on stockpile management, security and armoury maintenance, and the central police armoury in Colombo is said to comply with international stockpile management standards.<sup>25</sup> In addition to the record-keeping system outlined above, armoury doors have three locks and the main stores have an ammunition dump.

Ammunition is reportedly kept and used in order of year: there are sections in the stores organised by the year in which the ammunition was imported. This is intended to prevent the accumulation of old stocks of ammunition that could become unsafe. Nevertheless, some older stocks of ammunition exist and are reportedly used for training purposes.

Standards of small arms storage within police stations vary greatly. According to police standards, police stations are supposed to have a minimum of gun racks with chains and padlocks, usually in the main charge room. Some police stations have stronger measures such as vaults with barred and solid doors that were seen by the survey team. Some police stations have strong boxes for ammunition. In contrast, in many police stations it was reported that, due to limited space, stocks of small arms and ammunition are kept together

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

rather than separately.<sup>26</sup> Further, in some police stations visited by the survey team, the measures taken to secure small arms and ammunition are inadequate. In one instance small arms (both serviceable and unserviceable T-56 assault rifles) were contained in a wooden rack secured by only a light gauge chain and a pair of handcuffs; and a 'strong box' for storing ammunition was locked with only one small padlock. In other locations, for example Ratnapura, small arms are stored in the production room, alongside evidence.<sup>27</sup>

### **2.2.1 Control over small arms issued to police officers**

There appear to be some problems with maintaining control over small arms that are issued to police officers. Some of the information gathered by the survey team suggests that serving police officers may be a source of illicit small arms and ammunition. One focus group participant, for instance, claimed to know of a case in which a police officer sold his small arm for Rs 5,000.<sup>28</sup> Additionally, one focus group participant claimed that small arms could be hired illicitly for short periods from officers at checkpoints.<sup>29</sup> Such allegations seem also to be reflected in broader public perceptions: 10% of household survey respondents identified police officers as a source of small arms and ammunition.

At police stations in operational areas it was claimed that although officers sign small arms out in the same way as in other areas, after initial issue, the small arms are often kept at checkpoints rather than returned for safe storage. The survey team was told that such small arms might be kept at a checkpoint for years at a time, a practice criticised by a senior police officer.<sup>30</sup>

In addition to the issuing of weapons to police officers on duty, officers of the rank of sub-inspector and above are issued with a personal weapon.<sup>31</sup> Likewise, officers believed to be at risk during an investigation are often issued with a small arm for personal protection.<sup>32</sup> It is likely that these small arms are not subject to the same level of monitoring as standard-issue small arms.

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<sup>26</sup> Ibid.

<sup>27</sup> Interview with senior police officer, Ratnapura. 7 December 2006.

<sup>28</sup> Focus group discussion with farmers (Moneragala).

<sup>29</sup> Focus group discussion with the business community (Colombo).

<sup>30</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>31</sup> Interview with senior police officer, 5 December 2006.

<sup>32</sup> Ibid.

### 2.3 Controls over the homeguard/Civil Security Department small arms and ammunition

Established in 1986 on a voluntary basis, the homeguard service, under the Civil Security Department, has recently undergone a substantial expansion and restructuring.<sup>33</sup> The current strength of the Civil Security Department is 35,200 (including 2,270 females), which is almost double that of 2006. The homeguard service has expanded due to increasing insecurity in conflict areas as a result of the escalation of the ethnic conflict.<sup>34</sup>

Homeguards' small arms are supposed to be issued and controlled through a locally designated police or army camp. Homeguards collect their small arms from the police station or army camp at the start of duty, and then return them to the same place as soon as they are off duty.<sup>35</sup> The survey team was able to verify this process in some areas. In Kalpitiya the survey team was told that the homeguards operating in the area had to check small arms in and out of the station. Generally, in that area, the homeguards have a good reputation, are perceived as being responsible and have a long service history.<sup>36</sup>

In threatened villages some homeguards are allowed to take home the small arms issued to them. This is estimated to apply to approximately 15–20% of all homeguards.<sup>37</sup> The practice was presented by the director general of the Civil Security Department as an effective deterrent to terrorists against attack.<sup>38</sup> There are some concerns about the safety and security of small arms and ammunition kept in homeguards' homes. According to a homeguard training officer, the safety of ammunition, and the separate storage of small arms and ammunition is emphasised to the homeguards during training.<sup>39</sup> In a focus group discussion with homeguards, the survey team was told "we are allowed to take the weapons home. We keep it safely in the locker so that children cannot take it. Sometimes we chain it to the bed. We won't allow the small ones to go into the room where the weapon is kept".<sup>40</sup> This indicates that the safety and security measures undertaken may be insufficient for the safeguarding of small arms. The survey team was not able to verify how representative this example of limited security is to the overall security of small arms held by homeguards.

It was stated that institutional oversight of those small arms located outside of controlled stockpiles is guaranteed by the requirement that each homeguard produce his/her issued

<sup>33</sup> Interview with senior official, Civil Security Department, Colombo, 23 February 2007.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Interview with police officers, Kalpitiya, 5 December 2007.

<sup>37</sup> Interview with senior official, Civil Security Department, Colombo, 23 February 2007.

<sup>38</sup> Ibid.

<sup>39</sup> Interview with Homeguard Instructors, Kandakuliya Homeguard Training Centre.

<sup>40</sup> Focus group discussion with male homeguards (Medawachchiya).

firearm at a local police post on a daily basis, where a count of ammunition is also taken by an authorised officer. This is done in order to ensure that these small arms are not misused.<sup>41</sup> Furthermore, when a homeguard goes on leave, he/she has to hand over his/her weapon to the police.<sup>42</sup>

As the homeguard service has undergone significant expansion, it has now developed a simple structure. Previously homeguards operated under direct instructions from the army or police. Under the Civil Security Department, they are now divided into seven sectors: Trincomalee, Gomarankadawela, Anuradhapura, Vavuniya, Ampara, Batticaloa and Moneragala. There is a sector commander – a police officer – responsible for each sector. Beneath the sector commanders, 1,000 wardens and 2,000 sub-wardens have been created. One warden is in charge of two sub-wardens who are in charge of a group of 35 homeguards. It was claimed that the warden can be sacked for the misconduct of any homeguard under his supervision.<sup>43</sup> Senior Civil Security Department officials claimed that this should help maintain discipline over small arms and ammunition stocks and use.<sup>44</sup>

It is currently too soon since the introduction of this structure to assess how well this is working. However, concerns remain that with shotguns previously issued to homeguards effectively out of state control, and with further weaknesses in safe storage and control procedures, the issue of small arms to homeguards may have unintended negative consequences for the proliferation of illicit small arms and their misuse in Sri Lanka.

## **2.4 Prison stockpile management and security**

A committee was recently appointed by the Prisons Commissioner General to look at the small arms belonging to the Prisons Department. This commission submitted its report in October 2006. It identified a range of weaknesses and recommendations, especially with regard to record-keeping, training provision and maintenance:

1. Oiling/greasing and maintenance of small arms in all the prisons are poor;
2. Small arms stores/armouries and strong boxes are not cleaned properly;
3. Small arms registries/inventories and records are not properly kept. Small arms inventories should be kept separately from other inventories and serial numbers of small arms should be recorded. Proper records of ammunition stocks should be maintained;

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<sup>41</sup> Interview with senior official, Civil Security Department, Colombo, 23 February 2007.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

4. There is no record/central registry at Welikada Prisons headquarters and it was not maintained properly. Not all prisons maintain separate reports in a regular manner;
5. There is no proper record of stocks maintained at the central armoury;
6. A large number of repeater shotguns are not maintained or attended regularly and are not in working order. More of them should be sent to an authorised place for repairs;
7. Training on use and maintenance of small arms should be provided for selected officials from prisons all over the country;
8. A monthly return/report should be sent to the Welikada Prisons Headquarters at the end of each month and a copy to the Monitoring Committee;
9. Each prison should be visited at the end of every six-month period for a small arms inspection;
10. A jailer/overseer/senior warden should be appointed to be responsible for small arms.<sup>45</sup>

In addition to the problems identified by the prisons department committee, a media report on an attempted small arms murder that took place in Welikada prison, injuring three prisoners, suggests the need to enhance controls over the movement of goods into prisons. The small arm was reportedly smuggled in by a group of prisoners to kill an underworld gang leader who was in the prison.<sup>46</sup>

## **2.5 Department of forestry stockpile management and security**

Reported losses of small arms by the Forest Department are limited. There have been seven small arms lost or stolen since 2005, including one pistol, one repeater shotgun and two shotguns from stores in Matugama, one shotgun taken in a robbery in Rakwana, and one pistol taken from Forest Range Officer's quarters in Kalawana.

In relation to the controls over the use of small arms within the forestry department; forestry officers operate under watchers' licences. Thus if an officer uses his/her small arm he/she has to prove why it was used.<sup>47</sup>

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<sup>45</sup> Ibid.

<sup>46</sup> *Virakesari*, 1 July 2005, p12.

<sup>47</sup> Interview with forestry officers, Matale, 11 December 2006. In one case, for example, in Nuwara Eliya, at around 6.00 pm forest officers detected an illegal logging operation. During the operation a forest officer fired in self-defence and injured an offender. The defendant's lawyers pressed charges of misuse against the officer. The officer had to justify the reason for firing it and it took three years to conclude the resulting court case.



## 2.6 Commercial Explosives, Firearms and Ammunition Procurement Unit (CEFAP) stocks

CEFAP is charged with the procurement of explosives, small arms and ammunition for commercial and private purposes. CEFAP accordingly maintains a stock of small arms and ammunition in order to supply licensed small arms holders and ammunition dealers.

**Table 1: Yearly issues of small arms by CEFAP<sup>48</sup>**

Items	1999	2000	2001	2002	2003	2004	2005	2006
<b>Pistols (9mm)</b>	75	38	20	104	53	70	98	36
<b>Repeaters</b>	50	200	73	47	88	23	111	126
<b>Shotguns</b>	1,146	1,985	1,703	1,531	1,252	433	249	299
<b>Total</b>	<b>1,271</b>	<b>2,223</b>	<b>1,796</b>	<b>1,682</b>	<b>1,393</b>	<b>526</b>	<b>458</b>	<b>461</b>

While these figures do not indicate the number of weapons held by CEFAP they do illustrate that hundreds of small arms have to be stocked in order to fulfil possible demand. It also highlights that there was a major drop in the number of shotguns purchased between 2003 and 2004. There is no indication as to the cause of this decrease. If it was because of a reduced desire to own a shotgun, rather than a conscious decision by CEFAP to control demand, then it is possible that up to one thousand shotguns may have been purchased for sale but not sold.

CEFAP continually imports new supplies of small arms based upon demand;<sup>49</sup> therefore, at the very least, the average number of small arms imported and stored for sale is likely to be constant, year on year.

### 2.6.1 CEFAP stockpile management and security

All stocks imported for civilian use are controlled by CEFAP. The army provides security for CEFAP stocks. Small arms are stored separately from ammunition in armouries secured by multiple locks. Only three selected members of CEFAP staff are permitted to open these stores, all of whom have to undergo security clearance.<sup>50</sup>

<sup>48</sup> Information provided by CEFAP.

<sup>49</sup> Interview with senior official CEFAP, Colombo, 23 February 2007.

<sup>50</sup> Ibid.

## **2.7 District Secretariat stocks**

District Secretariats hold a limited number of small arms surrendered for a variety of different reasons. As such, they may include: small arms that have been handed over by licensed civilians when they reach the age of 65 (an age at which many district secretaries will revoke an individual's licence);<sup>51</sup> small arms that have been handed in after the death of the licence holder; and guns that have been presented by the courts for destruction following the conclusion of legal proceedings.<sup>52</sup>

The numbers of small arms held by District Secretariats varies. In Puttalam, there were around 25 small arms, whereas in other areas there are significant stocks, such as in Hambantota where in May 2006 there were around 200 small arms (mostly 12 bore shotguns).<sup>53</sup>

Overall, an evaluation of the number of small arms in the possession of District Secretariats is difficult, given that there does not appear to be systematic records kept of small arms held in their vaults. It is therefore not possible to estimate total holdings, but this seems unlikely to exceed 1,500, and may even be as low as a few hundred. This lower number is likely, as many small arms were recently brought to Colombo for a large public destruction in July 2005, in which over 34,000 obsolete weapons from police divisions and stations, district secretariats and courts were destroyed.

### **2.7.1 District Secretariat stockpile management and security**

The District Secretariat inspected by the survey team – a centrally-placed room with thick walls, a robust door and dual-lock system – was apparently a fairly secure location for storage of small arms. Nevertheless, a system guaranteeing regular destruction of weapons held in District Secretariats would further reduce the risk of misappropriation and the unnecessary accumulation of dangerous weapons.

## **2.8 Controls on imports of small arms by state agencies**

There is scant publicly-available information on the procurement systems for government forces: including the army, navy, air force, civil security department and police. However, an interview with some registered arms suppliers revealed some details of this system.<sup>54</sup> Procurement for security agencies is not carried out through CEFAP. Military procurement

<sup>51</sup> While this appears to be common practice it is not specified in law.

<sup>52</sup> Some weapons are sent by the courts directly to Colombo for destruction.

<sup>53</sup> NCAPISA, (2007).

<sup>54</sup> Interview with anonymous arms suppliers, 25 February 2007. All information in this section is drawn from this source.

deals are done through tenders issued by the MODPSLO or the purchasing force, based on different categories of weapons and equipment. There are 37 such categories covering various small arms, major conventional arms and explosives. Most suppliers specialise in only one or two of these categories. The MODPSLO sends the requirements for the deal to suppliers, although this can come through the army, navy or air force, depending upon for whom the consignment is required. In those cases where there is only one supplier for a certain type of weapon, then the MODPSLO directly contacts the supplier and the deal is processed. Recent changes mean that all purchasing and dealing with suppliers for the army, navy, air force or the police will be done by a new company, Lanka Logistics Pvt Limited – chaired by the Defence Secretary.<sup>55</sup> It was suggested that under the new system, earlier corruption in weapons procurement would be reduced. With regard to police, the Police Central Armoury identifies the types of firearms needed. Thereafter, the police tender board calls for tenders from registered arms suppliers.

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<sup>55</sup> 'Professional challenge on transparency, accountability', *The Sunday Times Sri Lanka*, 06 May 2007, <http://www.sundaytimes.lk/070506/FinancialTimes/ft317.html>

### **3 Legal civilian ownership and the licensing system**

The following chapter discusses civilian possession of small arms under the licensing system. The total number of licensed civilian small arms holdings is estimated at 30,500. The majority of these are shotguns being held for crop protection.

Several state agencies and departments, primarily the MODPSLO, district secretariats and police, play a key role in ensuring control of licensed small arms. Notwithstanding this, it is clear that there are significant problems with the licensing system which need to be addressed, as a lack of oversight with regard to renewal or exemption has allowed many formerly legal weapons to slip out of the system.

#### **3.1 Legislation on civilian possession**

According to the Firearms Ordinance, every civilian that is in possession of a gun must have applied for a licence within the first ten days of receipt of the weapon.<sup>56</sup> An applicant is obliged to supply the following to the licensing authority:

- Name and address;
- Details of manufacture and a description of the weapon in question; and
- If necessary, the gun.<sup>57</sup>

This is limited in comparison to other countries where a small arm may not be acquired without a licence, and where licensing requirements include mental health certificates, training in the handling and storage of small arms and ammunition, evidence of safe storage facilities and background checks.

##### **3.1.1 Types of weapon permitted under licence**

The Firearms Ordinance does not provide a list of which types of small arm are legal or illegal in Sri Lanka. Moreover, the survey team was not able to discover any other regulation stipulating which types of small arms are permitted by each type of licence. Rather, this seems to be determined by common practice and the decisions of the MODPSLO. Accordingly, only shotguns of 12 or 16 bore are permitted for crop protection, while repeaters,

<sup>56</sup> Firearms Ordinance (No. 33 of 1916), Section 23:1.

<sup>57</sup> Ibid, Section 23:1/2.

rifles and hand guns (pistols and revolvers) may be licensed for personal protection, and shotguns, pistols and repeaters for PSCs and banks.

Similarly, other decisions on permissible types of small arms are made by officials rather than specified in law. Currently, the MODPSLO is not permitting new licences for automatic small arms to be used as personal protection weapons – a decision made by the Secretary of Defence. Likewise, the precise makes and models of small arms made available through CEFAP are not specified by law but are determined by a procurement committee comprised of CEFAP and the MODPSLO.

Civilians, by law, are only permitted to possess a small arm for a number of specific purposes. All other possession is prohibited. The specific purposes allowed for are:

- Crop protection or animal husbandry;
- Personal protection;
- Protection of property (watcher's permit and PSC licences);
- Security of banks and government institutions; and
- Sports shooting.<sup>58</sup>

On the basis of the limited information available on reasons why licences are approved, types of licensed civilian possession appear to occur in the following proportions:

**Chart 1: Percentages of Weapons Licences by Type**



The data collected from 11 districts indicate that the majority (two-thirds) of licensed civilian weapons are for crop protection (Chart 1).<sup>59</sup> Indeed, if Colombo is excluded, the proportion of

<sup>58</sup> Interviews with senior official, MODPSLO, Colombo, 1 December 2006 and 21 February 2007; and information provided by the MODPSLO.

<sup>59</sup> This is based on ratios of the 11 districts for which information was available on types of licences, rather than the 13 districts for which total licence numbers were available.

licences that are given for crop protection increases to 85.7%. Such licences tend to be for shotguns, and are restricted to those persons that own and cultivate over five acres of land.

### **3.2 Licensed civilian possession**

The overall level of licensed civilian possession of small arms in Sri Lanka is estimated to be low. It is estimated that there are around 30,500 licensed small arms nationwide. This estimate is based upon detailed information gathered through key informant interviews throughout Sri Lanka.

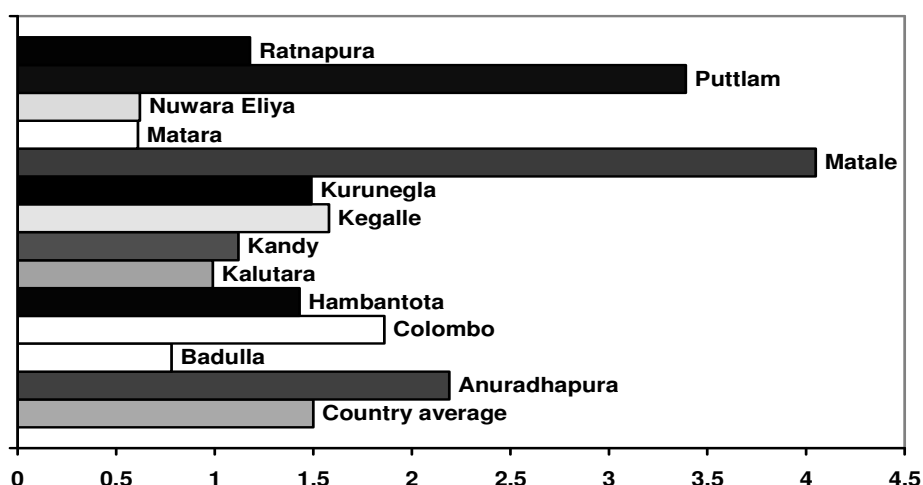
It is not possible to provide a completely reliable estimation of the total number of small arms licensed to civilians in Sri Lanka, as, despite some information being available, there is no centralised database nor a sufficiently organised network of routinely kept records that is able to produce this information. Moreover, without accurate reporting on the age, gender, specific location or precise occupation of licensees, a more specific analysis of the distribution of licensed small arms is not possible.

However, through key informant interviews the survey team was able to gather information on licensed small arms in 13 out of 25 Districts (see Table 2). An analysis of this data indicates that there is an average of 1.55 licensed small arms per 1,000 population. If this average is extrapolated across the whole of the country then there would be approximately 30,485 licensed small arms in the country.<sup>60</sup>

The MODPSLO is currently in the process of establishing a computerised central small arms registry. This is a very welcome first step towards enhancing record-keeping capacity within the licensing system. Once this process is complete, more detailed analysis on the distribution of small arms will be possible.

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<sup>60</sup> Extrapolation from the figures from these 13 districts is likely to be representative as they account for over 66% of the total population of Sri Lanka.

**Chart 2: Licensed civilian small arms per thousand population****Table 2: Licensed civilian small arms in 13 districts<sup>61</sup>**

District	Licensed weapons per thousand population	Population (thousands)	Total licences	Crop protection	Banks	Personal protection
Anuradhapura	2.19	782	1,716	1,601	111 <sup>62</sup>	4
Badulla	0.78	825	646	533	93	20
Colombo	1.86	2,382	4,430 <sup>63</sup>	700	920	730
Hambantota	1.43	542	774	703	71	-
Kalutara	0.99	1,094	1,088	609	103	376 <sup>64</sup>
Kandy	1.12	1,343	< 1,500	-	-	Very few
Kegalle	1.58	794	1,257	(Est) 1,172	77	8
Kurunegla	1.49	1,498	2,233	2,067	147	19
Matale	4.05	466	1,888	1,728	60	(Est) 100 <sup>65</sup>
Matara	0.61	795	483	330	153	-
Nuwara Eliya	0.62	729	449	311	30	108 <sup>66</sup>
Puttalam	3.39	737	2,500	-	-	-
Ratnapura	1.18	1,060	1,255	1,048	33 <sup>67</sup>	174
	<b>1.55</b>	<b>13,047</b>	<b>20,219</b>	<b>(11 districts) 10,802</b>	<b>(11 districts) 1,798</b>	<b>(9 districts) 1,539</b>

<sup>61</sup> Interviews with District Secretaries and Firearms Licensing Officers. See also NCAPISA, (2007).

<sup>62</sup> Banks estimate includes both banks and licences for protection of property.

<sup>63</sup> This includes: 476 licences for private security companies and 1,604 for other government agencies.

<sup>64</sup> Personal protection also covers businesses.

<sup>65</sup> Personal protection licences are mostly held by estate superintendents.

<sup>66</sup> Personal protection licences are mostly ordinary shotguns for banks

<sup>67</sup> This specific information was not available, but is based on the total of 1,255 licences, less 1,048 for crop protection and 174 for personal protection.

While this rate of civilian ownership cannot be compared with other states in South Asia, as no comparable survey is available, comparison with countries in Europe indicates that the figure of 1.55 small arms per 1,000 population is low. A national small arms survey undertaken in Moldova, for example, found that there were ten times the numbers of small arms for the same proportion of the population. Similarly, in Serbia it was found that there were 147 small arms per thousand population.<sup>68</sup>

### **3.2.1 Licences for crop protection**

Only individual shotguns can legally be licensed by either the District Secretary or the MODPSLO for crop protection. In some circumstances, temporary licences can also be issued by the MODPSLO for a period of three months. This practice was first established in the 1980s, and until 1996 they could be issued by District Secretaries. Once a temporary licence expires the owner must hand over the small arm provided to the police. The issuing of shotguns on this temporary basis is considered to be safer than letting people buy firearms.<sup>69</sup> While this may be the case there is some apparent opportunity for abuse, as indicated by one interviewee from Rotawewa, who stated that “in 1997, I was able to obtain 67 shotguns for crop protection from Mihintale Police Station”.<sup>70</sup>

There is no centralised information on the number of temporary licences that are currently valid; and there are also no statistics available on the geographic distribution of such licences. This represents a further problem with the licensing and record-keeping system.

### **3.2.2 Licences for personal protection, banks and other institutions**

Aggregated data from the MODPSLO seen by the survey team indicate that in almost 10 years between 1997 and October 2006, 3,512 weapons were licensed or issued to individuals for self-defence, to institutions and banks for protection of property, and to PSCs for protection of cash in transit.<sup>71</sup>

With regard to self-defence, an estimated 9.5% of all licences for small arms are granted for this purpose. The small arms permitted include shotguns, pistols and revolvers, and some rifles.<sup>72</sup> The number of civilians permitted to possess a small arm for their protection is limited, and successful applicants are generally politicians and prominent business persons.

<sup>68</sup> Saferworld and SEESAC, *SALW Survey of Moldova*, (SEESAC, 2006), p8.

<sup>69</sup> Interview with senior official, MODPSLO, Colombo, 21 February 2007.

<sup>70</sup> Interview with local government member, Rotawewa, 7 February 2006.

<sup>71</sup> Information provided by the MODPSLO.

<sup>72</sup> In Ratnapura for example, small arms licensed for personal protection consist of 28 pistols, one rifle and 145 shotguns. In Baddulla, licences were granted for 12 shotguns and 8 pistols.



The majority of the successful applicants, from the 13 districts for which there is information, originate from Colombo (47%) and Kalutara (24%).<sup>73</sup> It is likely that many more are licensed in areas for which information was not available, particularly around the conflict zones.

In addition, some civilians are issued with a small arm from state stocks without the need of having to apply for a licence. Many MPs, for instance, have been issued with a small arm, mostly revolvers and pistols, for their protection. Between 2003 and 2006, 35 small arms are recorded to have been issued in this regard to MPs by the MODPSLO.<sup>74</sup> Often these weapons are not returned at the end of a politician's term in Parliament. Official records of state weapons issued to politicians and VIPs are notably weak, with only limited recent information available. As a result of the lack of oversight, many small arms issued in this manner are thought to have fallen into illicit circulation.

Many banks, both state and privately owned, have also been issued with a licence to own a small arm. These small arms tend to be shotguns, though some repeater shotguns and 9mm pistols have also been issued. An estimated 10.7% of small arms licences are for banks. Other than banks, some government and private institutions are also permitted to possess small arms for the protection of property. In spite of this knowledge, central records seen by the survey team are not sufficiently detailed to assess the types of institutions that have been granted licences, or their national distribution.

Aside from the small arms held by PSCs, no further information is available on the total numbers of watcher's licences. This is an important gap in the licensing and record-keeping system in Sri Lanka, for there is accordingly no data on those watchers that have been granted a licence outside of a PSC.

### **3.2.3 Licences for sports shooting**

There is a small sports shooting community in Sri Lanka.<sup>75</sup> The National Rifle Association (NRA) is the governing body for sports shooting clubs across the country. The president of the NRA is always a high-ranking serving officer from the army, navy or air force.

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<sup>73</sup> The 13 districts included: Anuradhapura, Badulla, Colombo, Hambantota, Kalutara, Kandy, Kegalle, Kurunegla, Matale, Matara, Nuwara Eliya, Puttalam and Ratnapura. The Survey team was not able to obtain information from Ampara, Batticaloa, Galle, Gampaha, Jaffna, Kilinochchi, Mannar, Monaragala, Mullaitivu, Trincomalee or Vavuniya.

<sup>74</sup> Information provided by the MODPSLO.

<sup>75</sup> Interview with senior representative, NRA, Colombo, 27 February 2007. All information in this section was provided by this source.

Altogether there are 13 clubs and a marksmanship school. The total number of NRA members including members from the army, navy and air force is around 1,000. Out of this, the number of civilian members reportedly accounts for around 600. 20% of the NRA members are female. There is no information available on the number of small arms held by members.

However, before a member may import a small arm for their personal use, they must have been part of the NRA for at least three years, and must have taken part in some (the exact number was not specified) shooting competitions during this time. The application is then considered by a technical team before it is endorsed. More generally, before any member may own a small arm for the purpose of sports shooting, strict criteria have to be met. The member is accordingly expected to justify why they require a small arm and provide a police clearance report before the application will be processed by the technical team and a council.

### **3.2.4 Licences for private security companies**

There are 389 PSCs active within Sri Lanka, 58% of which are based in Colombo, with neighbouring Gampaha accounting for a further 15%. The only PSCs that are permitted to use small arms are those that are registered as transporting money.<sup>76</sup>

PSCs that are eligible for a small arm are required to obtain a licence from the MODPSLO.<sup>77</sup> The licence is then the responsibility of the owner of the PSC or a designated security officer. An additional watcher's permit is required before a security guard can then use the small arm in the course of his/her duties.

The number of small arms allotted to each PSC is dependent upon information submitted to the MODPSLO on the size of the company, in terms of the number of staff employed and the number of vehicles owned. One senior MODPSLO official claimed that PSCs appear to prefer to have repeater shotguns, although 9 mm pistols have also been issued, especially to banks, the Board of Electricity, telecoms cashier counters and similar licensees.<sup>78</sup>

Only 62 PSCs are licensed to possess a small arm (16% of all PSCs in Sri Lanka). Of these, the great majority are located in Colombo (77%) and in neighbouring Gampaha (8%). In terms of the number of weapons held, the concentration of small arms is similarly dominated by Colombo (88%).

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<sup>76</sup> Interview with senior official, MODPSLO, Colombo, 10 December 2006.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

The survey team received two independent summaries of MODPSLO data relating to small arms and PSCs. Analysis of the most detailed collection of statistics indicates that nationally, PSCs have holdings of 571 authorised weapons (see Table 3). However, the second summary indicates that PSCs have a total of 758 small arms (35 pistols, 2 revolvers, 518 shotguns and 203 repeater shotguns). This discrepancy in the governmental recording of private security data does not appear to be unique, as information gathered in mid-2006 indicated that there were only 280 legitimate PSCs nationwide, of which 82 had licences to hold weapons. These 82 PSCs reportedly held a total of 752 small arms including pistols, revolvers, shotguns and repeater shotguns.<sup>79</sup>

There is no information available on whether the small arms licensed to PSCs that have ceased operating have been surrendered. These discrepancies and important gaps in the available information reflect some significant weaknesses in the current licensing and registration system for PSCs and the weapons they are licensed to possess.

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<sup>79</sup> NCAPISA, (2007).

**Table 3: Private security companies and small arms ownership<sup>80</sup>**

District	Total number of PSCs	Number of PSCs with small arms	Number of PSCs without small arms	Total number of small arms licensed to PSCs in district
Ampara	2	-	2	-
Anaradhapura	6	1	5	1
Badulla	5	1	4	2
Batticaloa	3	-	3	-
Ratnapura	6	1	5	5
Trincomalee	1	-	1	-
Vavuniya	1	-	1	-
Colombo	229	48	181	503
Galle	8	1	7	2
Gampaha	60	5	55	18
Jaffna	4	-	4	-
Kalutara	10	-	10	-
Kandy	16	1	15	13
Kegalle	4	-	4	-
Kurunegala	13	1	12	2
Matale	4	-	4	-
Matara	8	2	6	25
Moneragala	1	-	1	-
Polonnaruwa	4	1	3	1
Puttalam	4	-	4	-
<b>TOTAL</b>	<b>389</b>	<b>62</b>	<b>327</b>	<b>571</b>

### 3.3 Types and makes of small arms in civilian possession

Detailed national and district-level records on weapons types, calibres, manufacturers, models and serial numbers of licensed weapons are severely lacking. While CEFAP did provide some information on the small arms it has sold, these figures were not sufficient to draw any substantive conclusions. Nonetheless, from the information available, most licensed

<sup>80</sup> The survey team was provided with detailed information of the weapons licensed to PSCs. This table represents summary data and interpretation of that detailed information. The total number of PSCs does not contain the details of organisations that have been marked as closed or not open. Similarly, the organisations described as 'Let Rtd' and voided have been excluded. In the event that these PSCs are marked as possessing weapons, these stocks have not been added to the figure for the total number of small arms for the district.

small arms in Sri Lanka are 12 or 16 bore shotguns held for crop protection. Some licences issued to banks and for personal protection are for repeater shotguns, pistols, revolvers, and rifles. Before 2006, 9 mm pistols were issued for personal protection, but in 2006 the MODPSLO decided to stop this practice. Only .38 revolvers or repeaters have since been issued for personal protection.<sup>81</sup>

In a limited number of district-level records, some valuable information was recorded in registers – though it tended to be incomplete. Manufacturers or models recorded included: Astra (Spain – 12 bore); Baikal; BSA; CBC; Coppel; CZ75 (Czech pistol); FARBAN; Ginado; GKCO; GMM(CN)758; Greener; Hamilton and Richardson; Harriston; HNR/H&R; LG4 .38 Special; M57-76 Muzzle-loading; Miblican Scotch; Midland; NORINCO; S25; Savage; Stevens; Stevenson; Tantoglio; Topper (12 bore); Wembley and Scot; William Powell; Winchester; and W-R Pistol.

Additionally some weapons are recorded with their country of origin including ‘Brazilian Shotgun’, ‘German rifle’ or ‘USA 12 bore’.<sup>82</sup> The dearth of complete information and the lack of a systematic central record-keeping system have limited the capacity of the government to monitor and control licensed small arms in Sri Lanka effectively.

### 3.4 Legal trade in small arms and ammunition

The only legal means by which a civilian may purchase a new small arm is through CEFAP. The price of available small arms as of February 2007 was as follows:

**Table 4: Price of small arms sold by CEFAP, February 2007<sup>83</sup>**

Model	Price (Rs)
Baikal 12 bore shotgun (Russian)	9,600
Baikal 16 bore shotgun (Russian)	10,900
Hatsan (Turkish) repeater shotgun	25,000
CZ 75 pistols (Czech)	58,000
Heckler and Koch USP model pistol (German)	110,000

The cost of these small arms includes a 15% VAT and customs levy (2.5% for ammunition).<sup>84</sup> Hand gun and rifle ammunition is sold only to license holders, who are required to present a

<sup>81</sup> Interview with senior official, MODPSLO, Colombo, 10 December 2006.

<sup>82</sup> Information from District Records of Firearms Licences and discussions with District Secretaries and Licensing Officers.

<sup>83</sup> Interview with senior official, CEFAP, Colombo, 23 February 2007.

letter of authorisation from the MODPSLO prior to purchase. Shotgun ammunition is sold to authorised dealers, not direct to the licence holder. There are 103 registered dealers of explosives and/or ammunition registered with the MODPSLO. Of these, 69 are authorised to sell shotgun cartridges. The prices of ammunition are set by the MODPSLO, as follows:

**Table 5: Market Price of SG rounds<sup>85</sup>**

Ammunition Type	Price (Rs)	
	Colombo	Outstation
12 bore SG round	50.10	51.10
12 bore No 4 round	41.20	42.20
12 bore BB (No 4) round	42.00	43.00
16 bore SG round	51.00	52.00
16 bore No 4 round	34.00	35.00

CEFAP records indicate that the sale of ammunition in recent years has been consistent. Thus, despite a significant drop in the number of new purchases of small arms since 2003, ammunition usage remains high. This may signify that while sales of small arms have decreased, usage has not.

**Table 6: Yearly issues of small arms ammunition by CEFAP<sup>86</sup>**

Cartridges	1999	2000	2001	2002	2003	2004	2005	2006
12 bore	179,738	202,809	289,600	255,049	286,954	328,347	281,844	320,419
16 bore	17,340	22,505	21,325	18,615	26,825	19,890	18,160	19,915
9 mm	17,186	3,580	8,710	4,560	19,118	10,135	16,393	10,925
<b>Total</b>	214,264	228,894	319,635	278,224	332,897	358,372	316,397	351,259

Although CEFAP is the only authorised retailer of small arms in Sri Lanka, licensed small arms can also be obtained by two other legal means. The first consists of the transfer of a small arm from one licensee to another. This is common practice for those who have had their licence revoked, particularly in cases where persons are not considered physically fit enough to own a small arm or have reached the informal age limit of 65. When a licence is revoked, the small arm in question should be deposited with the state at the discretion of the Government Agent. However, in accordance with sections 15 and 16 of the Firearms Ordinance, a small arm may be transferred between people, following the completion of

<sup>84</sup> Ibid.

<sup>85</sup> Information provided by the MODPSLO.

<sup>86</sup> Information provided by CEFAP.

applicable legal requirements. The recipient is often the son or grandson of the former licensee.

The second means of acquiring a used small arm is via the District Secretariat. This is because some seized and surrendered small arms that have become the property of the state may be sold on to licensees. The value of each small arm is judged by an independent committee comprised of the army, the police and the District Secretary.<sup>87</sup>

### **3.5 Demand for new licences**

One senior official indicated that there has been an increase in the past two years of applications for crop protection licences and that demand has remained consistently very high for personal protection licences.<sup>88</sup> Nationally, however, the total number of licences issued for personal protection is believed to have fallen slightly over the past ten years.<sup>89</sup> Detailed figures indicating the types of small arms being licensed or issued for personal protection are available only for the past four years, during which time there has been a slight increase.

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<sup>87</sup> Interview with Firearms Licensing Officer, Puttalam, 5 December 2006.

<sup>88</sup> Interview with senior official, MODPSLO, Colombo, 12 October 2006.

<sup>89</sup> Information provided by the MODPSLO.

**Table 7: Weapons licensed for protection purposes 2003–2006<sup>90</sup>**

	Self-defence	Protection of property (banks etc)	Cash transport	State issue to MP
<b>2003</b>				
<b>Revolvers</b>				8
<b>Pistols</b>	58	1	4	2
<b>Repeaters</b>	2	70	42	
<b>Shotguns</b>	20	2	35	
<b>Total</b>	<b>80</b>	<b>73</b>	<b>81</b>	<b>10</b>
<b>2004</b>				
<b>Revolvers</b>	2			7
<b>Pistols</b>	43	36	3	1
<b>Repeaters</b>	5	45	17	
<b>Shotguns</b>	7	5	24	
<b>Total</b>	<b>57</b>	<b>86</b>	<b>44</b>	<b>8</b>
<b>2005</b>				
<b>Revolvers</b>				6
<b>Pistols</b>	80		7	3
<b>Repeaters</b>	15	8	49	
<b>Shotguns</b>	1	36	56	
<b>Total</b>	<b>96</b>	<b>44</b>	<b>112</b>	<b>9</b>
<b>2006</b>				
<b>Revolvers</b>	2			7
<b>Pistols</b>	13	25		
<b>Repeaters</b>	15	64	36	
<b>Shotguns</b>	32	97	24	1
<b>Total</b>	<b>62</b>	<b>186</b>	<b>60</b>	<b>8</b>
<b>Sub-total</b>				
<b>Revolvers</b>				<b>32</b>
<b>Pistols</b>				<b>276</b>
<b>Repeaters</b>				<b>368</b>
<b>Shotguns</b>				<b>340</b>

The demand for new licences varies between districts. While they are only a loose indicator of demand for small arms, the number of applications in different districts does show

<sup>90</sup> Ibid.



significant differences between districts. In Ratnapura, for instance, 98 new licences were granted in 2006.<sup>91</sup> In Matale there were 26 new applications in 2006. In other places, such as Anuradhapura and Puttalam, only ten or fifteen licences may be applied for in a year – approximately 50% of which are expected to be granted.<sup>92</sup>

In Puttalam the survey team was told that “when issuing the licences for self-defence we seriously consider the reasons and strongly adhere to the law and procedures to prevent firearms getting into unwanted hands. We have received a request from a German who runs an 18 acre farm to get a gun for protection of property. We have encouraged him to get some other means or rather discouraged him to get a firearm”.<sup>93</sup>

### **3.6 Licensing procedures**

There is presently no specific documentation on licensing procedures contained within the Firearms Ordinance. However, forms that an applicant must submit require further information in accordance with the type of licence being applied for. The law is currently being amended to include a detailed licensing procedure in the firearms ordinance in keeping with international standards.

#### **3.6.1 Procedures for granting crop protection licences**

A licence for crop protection is only available to the owner of a plot of over five acres of cultivated land. Application forms are obtained from the District Secretary’s Office for Rs 10. Licences are applied for at the district level, where the forms are filled out and appropriate signatures and statements are obtained. These are then sent to the MODPSLO — first to the Additional Secretary’s Office and finally to the Secretary of Defence. The application process takes about three months.<sup>94</sup>

Applicants are required to provide a range of detailed information detailing their need to hold a small arm for crop or livestock protection.<sup>95</sup> They must also reveal whether they have ever been charged with or convicted of a criminal offence. This initial application has to be supported and verified by either an Agricultural Officer or Grama Niladhari (Village Officer). It then requires police station approval and the District Secretary’s signature. District Secretaries (or Firearms Licensing Officers) are supposed to interview applicants.

<sup>91</sup> Interview with District Secretary, Ratnapura, 7 December 2006.

<sup>92</sup> Interview with Firearms Licensing Officer, Puttalam, 5 December 2006; and Anuradhapura, 7 December 2006.

<sup>93</sup> Interview with District Secretary, Puttalam, 5 December 2006.

<sup>94</sup> Interview with District Secretary, Ratnapura, 7 December 2006.

<sup>95</sup> Sample applications for crop protection licences and general application for use of a gun were provided to the survey team.

Applications that are successful are then submitted to the MODPSLO.<sup>96</sup> At this point in the process, the Additional Secretary can request further documentation, such as land titles. Once the Additional Secretary's signature has been provided, the final approval is confirmed by the Secretary of Defence.

### **3.6.2 Procedures for granting personal protection licences**

Application forms for personal protection can only be obtained from the licensing authority of the Secretary of Defence. In contrast to the licensing procedure for crop protection and animal husbandry, applicants need to submit a police report, a wealth report and any other pertinent information before an application form is issued. The form includes declarations and a report of the superintendent of police in the area concerned. Further signatures are required from the District Secretary, then the MODPSLO, and then there is a screening process. If all of those stages are successful, the Additional Secretary may recommend the licence to the Secretary of Defence, who will then reject or issue the licence at his discretion.<sup>97</sup>

It should be noted that many small arms issued by the government to politicians for personal protection are not licensed.

### **3.6.3 Procedures for granting watchers' permits**

Watchers' permits are for personnel issued with small arms for protecting crops or property on behalf of an employer. Under section 34 of the Firearms Ordinance, the licensing authority may allow employers to provide any person employed as a guard of 'immovable property or crops or any other property' that is in need of 'special protection' with a small arm for this purpose. Watchers' permits may be issued by the MODPSLO or District Secretaries, though other written authorisation is permitted under the law. Importantly, the licence for this weapon is held by the employer, and, according to the law, the employer has responsibility for ensuring that the watcher issued with the small arm is not a convicted criminal.<sup>98</sup> Thus, under the law, the suitability of the watcher is not assessed by the government but by the employer. However, having recognised this weakness in the watchers' permit controls, the MODPSLO began requesting personal information on particular watchers in January 2007.<sup>99</sup>

<sup>96</sup> Interview with senior official, MODPSLO, Colombo, 1 December 2006.

<sup>97</sup> Ibid.

<sup>98</sup> Firearms Ordinance (No. 33 of 1916), Section 34.

<sup>99</sup> Interview with senior official, MODPSLO, Colombo, 1 December 2006.

### **3.6.4 Procedures for granting sports shooting licences**

Only members of the NRA can apply for a sports shooting licence from the MODPSLO. Each application has to be made through the NRA. In addition to licensing requirements, there are strict regulations with regard to the storage of small arms owned by the members of the NRA.<sup>100</sup> They must be stored in a steel cupboard, and there are regulations about the thickness of the door and other aspects of storage.<sup>101</sup> In the Firearms Ordinance there are no limitations placed upon the storage of ammunition for sports shooting. A representative of the NRA stated that the various shooting clubs store their ammunition with the army, navy or police.<sup>102</sup> The NRA itself stores ammunition with the Police Field Force Headquarters on Havelock Road, Colombo.<sup>103</sup> National sports shooting team members are permitted to take ammunition home for daily practice.<sup>104</sup>

### **3.6.5 Procedures for authorising import of weapons by visitors**

The section on importation in the Firearms Ordinance stipulates that importation of guns or parts of guns into Sri Lanka is prohibited except through the port of Colombo or by passengers arriving at any port in Sri Lanka as part of their personal baggage.<sup>105</sup> Following a customs declaration, an additional permit is required to transport the small arms. Applicable permits may be obtained from either the Secretary of the MODPSLO (required for those small arms imported for business use) or directly from customs (for those small arms carried by passengers).<sup>106</sup> If any of these procedures are not followed, and appropriate permits are not obtained, an offence will have been committed against the Firearms Ordinance. However, the law provides little deterrent against such offences, as offenders under this provision are liable 'to a fine not exceeding one thousand rupees or to imprisonment [...] for a period not exceeding six months or to both'.

### **3.6.6 Procedures for granting licences to private security companies**

PSCs appear to be a growing phenomenon in Sri Lanka, where they and their small arms are controlled by a combination of regulations. To possess and use small arms, a PSC should have:

- A PSC registration to operate as a PSC;
- A small arms licence for the company (usually the company director); and

<sup>100</sup> Interview with senior representative, NRA, Colombo, 27 February 2007.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Firearms Ordinance (No. 33 of 1916), Section 9.

<sup>106</sup> Ibid, Sections 10/11.

- Watchers' permits for the guards.

It is illegal for companies to offer private security services unless they are registered with the MODPSLO. The legal framework for regulating PSCs is relatively new. The Private Security Agencies Act No. 45 of 1998, and the regulations made under that act and published in the Extraordinary Gazette No. 1105/27 of 12 November 1999, came into effect on 1 January 2002.<sup>107</sup>

The MODPSLO claims that under these measures, “a legal basis has been established to act upon the establishment and carry on the business of Private Security by Private Security Agencies and also to control training and to evaluate the quality of employees of such establishments”.<sup>108</sup>

Within one year of this law coming into force, 209 Private Security Agencies were licensed.<sup>109</sup> Current information indicates that there are 389 PSCs registered in Sri Lanka. This includes a newly-established government-owned PSC: Rakna Arakshaka Lanka Private Limited.<sup>110</sup> This company was established at the start of 2007 to provide private security services to all government departments and agencies. In time it will also provide security services to other private establishments and clients.<sup>111</sup>

There are reportedly some problems in the functioning of the PSC registration process. According to focus group discussions with PSC staff, “approaches to set up such establishments are reportedly obtained by bribing ministry officials and other concerned officers”.<sup>112</sup>

The focus group also estimated that 25–50% of PSCs are operating illegally.<sup>113</sup> The distribution and misuse of small arms by unregistered companies, or registered companies that do not hold appropriate firearms licences, is not known.

Applications for small arms licences for PSCs are made by the company, not by the individual security guards.<sup>114</sup> Companies then obtain watchers' permits to issue arms to their staff.<sup>115</sup> It

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<sup>107</sup> Private Security Agencies Act (No. 45 of 1998); Extra-ordinary Gazette 1105/27, 1999; and MODPSLO website:

[http://www.defence.lk/main\\_res.asp?fname=fags#SecAgen1](http://www.defence.lk/main_res.asp?fname=fags#SecAgen1).

<sup>108</sup> [http://www.defence.lk/main\\_res.asp?fname=fags#SecAgen1](http://www.defence.lk/main_res.asp?fname=fags#SecAgen1).

<sup>109</sup> Ibid.

<sup>110</sup> Interview with senior official, MODPSLO, Colombo, 21 February 2007.

<sup>111</sup> Ibid.

<sup>112</sup> Focus Group Discussion with PSC staff (Colombo).

<sup>113</sup> Ibid.

<sup>114</sup> Interview with Senior Official, MODPSLO, Colombo, 1 December 2006.

<sup>115</sup> Ibid.

is illegal for a PSC to hold small arms without a watchers' permit.<sup>116</sup> The decision on the number of small arms that a particular PSC may have is decided on a case-by-case basis by the MODPSLO. Small arms are only permitted for those PSCs involved in providing security for money transactions, such as in banks, or in cash transport.

There are some training requirements for the staff of PSCs. As the Private Security Agencies Act does not specify these requirements, they are determined by the MODPSLO. According to some PSC staff, "training revolves around civil security. Training is focused on routine matters such as requirements of the institution, use of cell phones, fire fighting and safety".<sup>117</sup>

There are some discrepancies in information relating to the length of required training. Lengths cited from different sources include two, five, seven, fourteen and fifteen days. This discrepancy may be accounted for by the different backgrounds of particular PSC staff: according to one key informant, many PSC staff are retired police and military and do not need this training;<sup>118</sup> similarly, in a focus group discussion with PSC staff, it was stated that only ex-servicemen are given small arms, and that ex-military personnel are only required to undertake five days of training. Thus there appears to be some confusion over the length of training required. Once training is completed, PSC staff receive a certificate in order to be eligible for a watchers' permit issued by the District Secretariat.<sup>119</sup>

There are no set standards in the laws and regulations for the management and security of small arms held by registered PSCs. In focus group discussions, PSC staff claimed that "guns are kept in the custody of the chairman and licences are renewed every year [...] The chairman assigns the weapon in writing to the officer concerned [...] When changing shifts, weapons are handed over in writing to the establishment or to an authorised officer".<sup>120</sup> A clear weakness in the system is that there is no legal requirement in the licensing framework to prevent security guards from taking weapons home with them. That decision apparently rests with the company.<sup>121</sup>

### **3.7 Rejection of licence applications**

The rejection rate for licence applications appears relatively high. No central statistics exist, but impressions from key informants involved in the licensing process indicate that significant

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<sup>116</sup> Ibid.

<sup>117</sup> Focus group discussion with PSC staff (Colombo).

<sup>118</sup> Interview with senior official, MODPSLO, Colombo, 12 December 2006.

<sup>119</sup> Focus group discussion with PSC staff (Colombo).

<sup>120</sup> Ibid.

<sup>121</sup> Interview with senior official, MODPSLO, Colombo, 12 December 2006.

proportions of applications fail at both the central government and district levels. According to a senior MODPSLO official, approximately 90% of applications for personal protection licences and 30% of applications for crop protection are rejected.<sup>122</sup> The District Secretary also has the authority to approve or disapprove the referral to the Defence Ministry, and thus further to rejections by the MODPSLO, District Secretaries reject some applications at their stage in the process. In Anuradhapura, roughly 50% of licence applications are rejected each year.<sup>123</sup>

The most common reason for rejecting applications in many districts is the failure to supply appropriate information with the application, typically of the following types:<sup>124</sup>

- Proof of ownership of sufficient land. Some people who request licences are farmers who do not have any property rights or *chena* cultivators on government reservation lands;<sup>125</sup>
- Proof of the type of land held. There is sometimes suspicion that the land may be uncultivated; or
- Evidence of income.

Some districts seem particularly rigorous in the documentation they require from applicants. The survey team was told by one licensing officer: “We ask those who forward new applications to send us the land deeds to support their request, or a veterinarian’s report to support the size of their livestock holding.”<sup>126</sup> Overall, the practice of processing licence applications at the district level varies. Good practices are often the result of personal initiatives by the officials involved.

### 3.8 Renewal of licences

According to the law, all licences are valid for one year, expiring on the 31 December. Renewal, even of personal protection licences, can be carried out through the District Secretary.<sup>127</sup> It is the responsibility of the person named on the licence to ensure that it is renewed annually.<sup>128</sup> As part of the renewal process, the licensing agent has the right to inspect the firearm for which the licence is intended. The licensing authority can revoke a licence or permit at any time or can refuse to renew it under the Firearms Ordinance. If this

<sup>122</sup> Interview with senior official, MODPSLO, Colombo, 1 December 2006.

<sup>123</sup> Interview with Firearms Licensing Officer, Anuradhapura, 7 December 2006.

<sup>124</sup> Interview with Firearms Licensing Officer, Puttalam, 5 December 2006.

<sup>125</sup> Interview with Firearms Licensing Officer, Anuradhapura, 7 December 2006.

<sup>126</sup> Interview with Firearms Licensing officer, Puttalam, 5 December 2006.

<sup>127</sup> Interview with senior official, MODPSLO, Colombo, 12 December 2006.

<sup>128</sup> Firearms Ordinance (No. 33 of 1916), Section 23:3.

happens, the licence in question has to be returned to the licensing authority within a specified timeframe.<sup>129</sup>

The rates of licence renewal appear to vary between districts, differing between 70% and 95% per year in the four districts where information was ascertained by the survey team. In some areas renewal rates are high, but reportedly sometimes about 10% of renewals are delayed because the Senior Superintendent of Police has to issue a certificate, which can take some time.<sup>130</sup>

Renewal rates are likely to vary between different types of licence. In Kalutara the survey team was told that pistol owners definitely renew their licences. If not, they can be arrested.<sup>131</sup> In contrast, in other areas, weapons issued under licences gained through political influence are reported to be slipping into illicit possession. In Kandy, for instance, the survey was informed that “we have issued licences to unnecessary people (people with political backing). Few of them come to renew”.<sup>132</sup>

Many small arms become technically illicit because the licences are not renewed. If, for example, an average renewal rate was 80% then 6,000 arms would be or would become technically illicit each year. These failures in the renewal system appear to be related to a combination of four factors:

1. Low public awareness of the renewal requirements;
2. Weak enforcement of renewal requirements;
3. A weak legal framework with low punishments imposed for failure to renew; and
4. Failures in information exchange between the MODPSLO and District Secretariats.

In the household survey, 60% of respondents claimed not to know the period for renewal, and only 28% were aware that the period is one year. Only 1% thought they ‘never’ required renewal.

Most districts permit licences to be renewed several years after lapsing – provided that the appropriate fees and fines are paid. The fee for renewing a crop protection licence is Rs 100. For a ‘double gun’ it is Rs 200. For rifles and pistols it is Rs 2,000. The penalty for delays is

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<sup>129</sup> Ibid, Section 6.

<sup>130</sup> Interview with official, District Secretariat, Kalutara, 12 December 2006.

<sup>131</sup> Interview with official, District Secretariat, Kalutara, 13 December 2006.

<sup>132</sup> Interview with representative of the Explosive Commissioner, Kandy, 11 December 2006.

equal to the amount of the renewal fee. The survey team saw numerous district level records of licensed firearms with gaps in licences of several years.

There is no central systematic check of whether firearms licences have been renewed. The officially allocated period for renewal is between October and December (although the process can take several months).<sup>133</sup>

Some licensing officers have instituted additional requirements within the licensing renewal process to improve it, but these are not part of the official process. For example, in Puttalam, the Firearms Licensing Officer at the District Secretary's Office sends a reminder to firearms owners, informing them that they need to get a police clearance report from the local police certified by the Divisional Senior Superintendent of Police. Only then will the District Secretary approve the renewal.<sup>134</sup>

There are other problems with gaps in the flow of information. The MODPSLO, for example, does not inform District Secretaries when it issues a new licence. Thus there is no way to ensure their renewal.<sup>135</sup> Likewise, District Secretariats do not inform the MODPSLO of renewals issued or refused.<sup>136</sup>

### **3.9 Record-keeping in the licensing system**

According to the Firearms Ordinance, the licensing authority is expected to maintain a register of all licences granted.<sup>137</sup> At the MODPSLO a database is being developed to computerise licence records. Likewise, at CEFAP, detailed records are kept of the serial numbers of weapons issued by them to licensees – though this only applies for recent years. Detailed records are maintained in a paper book at the district level, but practice in record-keeping varies, with only some using the official registry format. The survey team observed many different formats and types of information being recorded in different districts. In many cases separate records are kept for each year. This makes it difficult to monitor whether or not renewal is taking place.

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<sup>133</sup> Interview with Firearms Licensing Officer, Puttalam, 5 December 2006.

<sup>134</sup> Ibid.

<sup>135</sup> Interview with Firearms Licensing Officer, Kegalle.

<sup>136</sup> Interview with senior official, MODPSLO, Colombo, 21 February 2007.

<sup>137</sup> Firearms Ordinance (No. 33 of 1916), Section 27 (Amendment 18).



**Box 3: Licensing practices in Kegalle District**

One of the best observed practices was in Kegalle. The licensing officer uses a standard format prepared by the Ministry of Defence. He sends out the request for re-licensing in October each year, personally informing each licence holder of his/her obligations.<sup>138</sup>

Atypically, he also attempts to take action against licences that have not been renewed. For instance, the licences issued to estates (for small arms issued to watchers) are always issued in the name of the estate superintendent. It is recorded as a personal issue in that regard. He cited a case of an estate superintendent known to him who has not renewed a licence for a shotgun issued to him since 2003. He has requested Eheliyagoda Police station to look into the matter but they have not shown any interest in four years.<sup>139</sup> Similarly, there is one incident of a 'relative of a politician' who holds a pistol and three other small arms who has failed to renew his licences for the past four years. The licensing officer claimed that the police have not taken any action.<sup>140</sup>

**3.10 Withdrawal of licences**

A person may have his/her licence withdrawn if they have been convicted of any offence under the Firearms Ordinance, applicable acts under the Fauna and Flora Protection Ordinance or under Schedule B of the Penal Code.<sup>141</sup> A licence may also be revoked by the licensing authority if it is perceived that the small arm is no longer required for the purpose for which it was originally granted<sup>142</sup> or if the licence holder is thought to be a danger to the public peace.<sup>143</sup> The Minister of Defence, however, has the right to exempt certain persons from this.<sup>144</sup>

According to section 29 of the Firearms Ordinance, if a licence is revoked, or a request is made for the surrender of a licensed small arm, the licensee should deposit the small arm within ten days of receiving notice to do so. This applies:

- '(a) where the holder of a gun licence has not applied for its renewal on the expiration thereof;
- (b) where the renewal of a gun licence has been refused; and
- (c) where a gun licence has been withdrawn.<sup>145</sup>

<sup>138</sup> Interview with Firearms Licensing Officer, Kegalle.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Firearms Ordinance (No. 33 of 1916), Section 6:1a.

<sup>142</sup> Ibid, Section 6:1c.

<sup>143</sup> Ibid, Section 36:1.

<sup>144</sup> Ibid, Section 36:2.

<sup>145</sup> Ibid, Section 29: 1.

Some withdrawal of a licence or refusal to renew a licence, empowered by parts b) and c) of Section 29.1, occur as a result of common practice within the licensing system rather than conditions specified in law. For instance, persons over the age of 65 are often not permitted to possess licensed small arms. In some cases, decisions to revoke small arms licences on the basis of age and fitness are taken before that age. These decisions may be taken by a range of different officials involved in the licensing process: including the Senior Superintendent of Police, the District Secretary, and the MODPSLO.

Once an order to submit a small arm has been received, the licensee should submit it within ten days. After submission small arms are held for a period of one year. If the licensee does not produce a valid licence within that time, the small arm is forfeited to the state. The law also states that ‘upon such forfeiture, the person who was the owner of such gun shall be entitled to compensation of an amount equal to the value of such gun as assessed by a competent person appointed for the purpose by the licensing authority’.<sup>146</sup>

In addition, any licensed small arms holder may deposit his/her weapon if he/she no longer wishes to possess it.<sup>147</sup> Such individuals must surrender both the small arm and the licence. Any small arms deposited in this way can be disposed of at the discretion of the District Secretariat. Some such weapons are sold on to new licensees, while others are destroyed.

### **3.11 Public perceptions of the licensing system**

In general, the legal procedure for licensing small arms was considered to be effective by only 19% of household survey respondents. In contrast, a quarter considered it to be ineffectual and 14% stated that it is in need of reform (7% of those surveyed were unaware of the system).

#### **3.11.1 The need for awareness-raising**

Household survey respondents were asked if they knew how to obtain a legal weapon. Knowledge was very low among respondents, with only 19% correctly identifying the local government authority as the first step in applying for a licence. Significantly, 75% said they did not know or could not answer. In response to questions concerning awareness of renewal procedures it is equally apparent that the majority of people are unaware of legal obligations and applicable procedures. Only 28% were aware that a licence is only valid for a period of

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<sup>146</sup> Ibid, Section 29:2.

<sup>147</sup> Ibid, Section 29.4.

one year; other respondents (approximately 10%) stated that licences were valid for five/ten years. Only 1% thought they ‘never’ required renewal.

The diverse and sometimes conflicting responses to the set of questions posed in different ways to elicit awareness and knowledge of legal processes demonstrate that a large majority of the general public do not have adequate knowledge of the requirements of the current licensing system, including the laws relating to small arms, their possession, procedures for legal procurement of arms, and the issuing and renewal of licences. This lack of awareness is a poor basis for encouraging people to license their small arms rather than keep unlicensed weapons. It could lead to a situation where even users of firearms for legitimate purposes would be supplied from illegal sources. It has probably already contributed to the serious shortcomings of the renewal system in particular.

Generally the survey team found that the understandings of the legal requirements for the licensing of firearms were well known and understood among District Secretaries, although there are differing interpretations of how flexible or appropriate a framework the law is, with some complaining that the system was too rigid and would not allow them to give licences where there is a need. Grama Niladhari are also well informed of the licensing procedure.

A further point of concern is the inconsistent understanding of the laws and regulations among the police. As noted in chapter 6 below on ‘Law enforcement and public safety’, police records of illicit possession cases and the seriousness with which such cases are dealt vary considerably across the country.

### **3.12 Control of the legal gun trade**

According to the Firearms Ordinance, in relation to arms dealers, an annual licence has to be acquired prior to the sale of any weapon. If a weapon is sold in contravention of the Firearms Ordinance, an offence will have been committed. According to the law a trader is also expected to document all guns received and subsequently sold, and notify the licensing authority of the sale within three days.<sup>148</sup>

However, in practice there are no legally licensed small arms dealers in Sri Lanka – only CEFAP is authorised to retail in firearms and to import them for that purpose. Once a permit is issued to purchase a firearm, it is valid for 30 days. After 30 days it has to be renewed by

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<sup>148</sup> Ibid, Section 16.

the MODPSLO.<sup>149</sup> For small arms required for crop protection, the purchaser must buy and collect the weapon in person with the permit. But VIPs are, in practice, allowed to delegate the authority to someone else to purchase the small arm on their behalf.<sup>150</sup> The serial number of the small arm is recorded in the permit. This information must be conveyed to the MODPSLO so that it is recorded on the licence issued. Other than the serial number, no other markings are made on the firearm.

All purchases issued from CEFAP are recorded. Every month a record is sent to the MODPSLO. All details are recorded, including the signature of the purchaser. However, these records only began in 1998. While some records were handed over to CEFAP by the organisation previously tasked with importing and retailing small arms and ammunition, none of these covered the period prior to 1998. Records are kept manually.<sup>151</sup>

Licensed owners may transfer their weapons to another person, provided that a new licence is issued for the new possessor. It is illegal for a licensee to sell or give as a gift their small arm to a second party without obtaining a permit to do so from the District Secretary.<sup>152</sup> Such permits are only valid for thirty days. Following a transfer, it is then the responsibility of the new possessor to apply to the licensing authority for an endorsement of the transaction.

### **3.13 Control of legal ammunition trade**

According to section 50 of the Firearms Ordinance, in relation to the sale of ammunition, the purchaser has to provide documentary evidence that he/she is allowed to own a small arm and that the cartridges being bought are appropriate to the weapon. The vendor is required to note the name of the purchaser, the type and quantity of the ammunition sold and evidence of eligibility to own a weapon.<sup>153</sup> If ammunition is not sold in accordance with the provisions specified, an offence will have been committed under the Firearms Ordinance.

In practice, the scale of ammunition allowed to be purchased is limited. For crop protection licensees, an annual allocation of 40 cartridges is allowed. Half of these are issued for the first half of the calendar year and the rest for the second half. In each issue of twenty cartridges, eight light and twelve standard shotgun cartridges are allowed.<sup>154</sup> The District Secretary or the controller of explosives can make an endorsement on the licence and

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<sup>149</sup> Interview with senior official, CEFAP, Colombo, 23 February 2007.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Firearms Ordinance (No. 33 of 1916), Section 15:1.

<sup>153</sup> Ibid, Section 50.

<sup>154</sup> Interview with senior official, MODPSLO, Colombo, 21 February 2007.

authorise a licensed dealer to issue cartridges.<sup>155</sup> There are only ten assistant controllers of explosives in Sri Lanka. There are 69 authorised cartridge dealers in the country.<sup>156</sup>

According to the regulations, when a person purchases cartridges for the second time, they should produce the empty cartridge cases to prove that they have been used.<sup>157</sup> In practice, however, when the survey team asked licensing officers and District Secretaries about this system, they claimed that this was not happening.

Pistol or rifle rounds can only be obtained from CEFAP, not from authorised dealers. Ten such cartridges are allowed for property protection per year.

All ammunition for civilian licensed small arms is imported by CEFAP. Shotgun ammunition is then sold to authorised dealers. Authorised dealers are required to store their ammunition in a police station, and only sell it to licensed firearms holders at a set price. When authorised dealers collect ammunition from CEFAP, the transport must have an armed police escort and a police permit. If these requirements are not fulfilled, CEFAP will refuse to allow the transport to take place. The condition of the vehicle is not checked. Departure after 14.00 hours is not usually allowed, and transport after dark is only allowed with permission from the MODPSLO.<sup>158</sup>

Some officials expressed a view that the ammunition control system is working well.<sup>159</sup> However, according to one firearms licensing officer, there is no system in place for checking quotas and the number of rounds used.<sup>160</sup>

### **3.14 Control of small arms manufacturing**

According to the Firearms Ordinance, all weapons manufacturers require a licence before they can legally manufacture a small arm.<sup>161</sup> The law also requires that every small arm produced in Sri Lanka should be clearly marked on its barrel with details of the manufacturer including name and a consecutive number.<sup>162</sup> It is an offence to manufacture a firearm in contravention of the Firearms Ordinance.

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<sup>155</sup> Ibid.

<sup>156</sup> Interview with senior official, CEFAP, Colombo, 23 February 2007.

<sup>157</sup> Interview with senior official, MODPSLO, Colombo, 21 February 2007.

<sup>158</sup> Interview with senior official, CEFAP, Colombo, 23 February 2007.

<sup>159</sup> Interview with District Secretary, Ratnapura.

<sup>160</sup> Interview with Firearms Licensing Officer, Puttalam.

<sup>161</sup> Firearms Ordinance (No. 33 of 1916), Section 15:1.

<sup>162</sup> Ibid, Section 18:1.

A record of all weapons produced and their identifiable markings is to be kept by the manufacturer.<sup>163</sup> Records may be reviewed, either by officials not below the rank of Sub-Inspector or any official with the written authorisation of the Inspector-General of Police. Failure to produce documentation in line with the requirements of the Firearms Ordinance is an offence and any person found guilty is liable to punishment as prescribed by section 183 of the Penal Code.<sup>164</sup>

An additional licence is required for the repair of weapons, and repair can only be undertaken on proven legal weapons. Moreover, unless otherwise authorised the repairer may not add barrels or locks to guns.<sup>165</sup> If a weapon is repaired in a manner not specified, then an offence will have been committed against the Firearms Ordinance.<sup>166</sup>

No such manufacturing is currently permitted in Sri Lanka. Thus any production of arms that takes place is currently illegal. However, it remains important to have strong legal frameworks to regulate manufacturing of small arms in case a decision is taken at a later stage to permit manufacturing. If such a decision is taken, these legal requirements should first be updated with enhanced marking and record-keeping requirements, in line with international standards.

As noted elsewhere in this report, there is extensive illicit manufacture of *galkatas*, *T-katas* and trap guns in Sri Lanka, and their distribution is the most widespread of all illicit small arms in the country.

During the survey, the survey team was shown many police records of cases of prosecutions under the Firearms Ordinance. However, none of these indicated any prosecutions for the illegal manufacture of firearms in Sri Lanka. The evidence indicates that *galkatas* and trap guns are manufactured across the island and that the manufacturers are widely known in villages. The rarity of prosecutions for illegal manufacture indicates that these requirements of the Firearms Ordinance are not being systematically implemented or complied with, constituting a significant failure in small arms control.

### **3.15 Imports for licensed firearm owners**

Only CEFAP is authorised to import small arms and ammunition for the purposes of retail to civilians. It imports shotguns, double-barrelled shotguns, repeater shotguns (pump action),

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<sup>163</sup> Ibid, Section 19:1.

<sup>164</sup> Ibid, Section 19.

<sup>165</sup> Ibid, Sections 20/21.

<sup>166</sup> Ibid, Section 20:6.

pistols, revolvers and ammunition. Additionally, some civilians and visitors are permitted to purchase weapons abroad and then import them for their own use.

CEFAP was established eight years ago. Prior to that time, imports for small arms for licensees were carried out by the buildings unit, general trading company and the Ministry of Finance. In 1998, given the heightened security concerns surrounding the escalation of the conflict, CEFAP was established. CEFAP has 44 members of staff in total: 35 uniformed staff and 9 naval civilian staff.<sup>167</sup> CEFAP has a budget allocated by the Navy, separate from the Navy budget, of approximately Rs 300 million.<sup>168</sup>

CEFAP does not decide upon imports autonomously. CEFAP's imports of firearms, ammunition, commercial explosives, ammunition and chemical explosives (only the two types used in match production) are decided upon by a procurement committee on the basis of demand. This is composed of the director of CEFAP and several officials from the MODPSLO, including the Assistant Secretary, the deputy controller of explosives and the chief accountant of the MODPSLO. Following the committee's decision, a procurement plan is drawn up based on the shelf life of the goods.<sup>169</sup>

In relation to the choice of suppliers from which procurements are made, the director of CEFAP told the survey team that weapons were ordered from legal foreign companies, though they may be accessed through local agents. He claimed that most foreign suppliers had a local agent in Sri Lanka. Currently CEFAP's main imports of small arms come from a small number of companies: Baikal (Russia) for shotguns; Hatsan (Turkey) for repeater shotguns; and CZ (Czech Republic) and Heckler and Koch (Germany) for pistols.

Decisions about suppliers are made on the basis of tenders. As with other government tender processes, each individual procurement is negotiated with suppliers (rather than having preferential trading arrangements established). When suppliers submit a tender for a procurement, the decision-making process depends upon the scale of the deal. CEFAP can approve procurements up to Rs 10 million; tenders of up to Rs 20 million need approval from the MODPSLO; and with larger tenders of Rs 30–50 million, only the MODPSLO can make a decision (for small arms a tender of that size is unlikely to arise). Once the order is approved by the tender board, CEFAP makes the purchase.<sup>170</sup>

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<sup>167</sup> Interview with senior official, CEFAP, Colombo, 23 February 2007.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

When questioned on the types of documentation required in the import transaction in relation to international small arms agreements, the CEFAP director claimed that every order had a delivery verification certificate, an end-user certificate and all other necessary documentation.<sup>171</sup>

All imported firearms are required to have a serial number, but this requirement does not apply to ammunition. The technical evaluation committee helps to evaluate the models of small arms being ordered: samples are requested by CEFAP and are examined by the technical evaluation committee. Each small arm comes with a factory test sheet. There are no other ballistic tests carried out before the weapons are given to the purchaser.<sup>172</sup>

Once the goods are imported the price is decided by a pricing committee established for this purpose. The agreed price includes all costs involved in the procurement process including licence fees, transportation, airline expenses and VAT. No small arms or ammunition are exempted from VAT or custom duties.<sup>173</sup>

In addition to these standard import processes, through which CEFAP buys in bulk for all civilian customers, CEFAP also imports firearms specifically ordered by individuals (e.g. for marksmen, sporting purposes and personal security). Special approval must be given by the MODPSLO and the controller of imports and exports for these, and decisions are taken on a case-by-case basis.<sup>174</sup>

For example, when a sports shooter wants to import a special type of weapon, the NRA is involved and strict rules apply.<sup>175</sup> A sports shooter has to have been a member of the NRA for at least three years before applying for a small arm, and must have taken part in competitions during this time. The shooting club president must recommend to the NRA that the applicant is a proven competitor. The NRA has a technical team to consider these applications. The qualifications of the applicant to own a small arm are said to be considered very carefully. Checks are undertaken on why he/she wants a small arm, how many small arms the applicant already owns and other similar checks. An applicant for this type of acquisition must also get a police clearance report. Once the NRA technical committee has been through this process, final approval is given by the NRA council. The NRA council then

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<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Interview with senior representative, NRA, Colombo, 27 February 2007.



makes a recommendation to the MODPSLO. Upon approval by the MODPSLO, the government, through CEFAP, imports the small arm(s).<sup>176</sup>

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<sup>176</sup> Ibid.

## 4 The proliferation of illicit small arms

There is no reliable basis to estimate the number of illicit small arms available in Sri Lanka; however, there are indications that the distribution of small arms varies markedly. Aside from the North and East, most household survey respondents perceived a concentration of arms in Western Province (62%) and North Central Province (37%), and in urban (64%) rather than rural (8%) settings. Small arms seizures by police indicate, in contrast to public perceptions, high numbers of seizures in Uva Province and Southern Province. This illustrates the extent to which illicit small arms have permeated Sri Lanka beyond operational areas. Seizure statistics on ammunition, as well as public perceptions, indicate that illicit small arms may be increasingly affecting urban areas, suggesting the need for specific strategies to tackle urban armed crime and its causes.

The household survey identified the main groups that have illicit small arms as being criminals and underworld gangs (66%), politicians and their supporters (43%), businessmen (26%), army deserters (24%) and the LTTE and other non-state armed groups (16%). Moreover, politicians interviewed for this survey accepted that small arms proliferation amongst politicians and their supporters remained significant.

Small arms held by farmers (both licensed and illicit weapons) are not universally used for crop protection, as there are indications that they may also be used for personal protection or for hunting, and may not be re-licensed in a timely manner as legally required. Many farmers use illegal trap guns to protect their land from wild animals.

The most commonly available small arms appear to be of local manufacture. It is also evident that military-type weapons are becoming more prevalent. The growth in the availability of T-56s is evidenced by reports from multiple key informant interviews and by the records of the Government Analyst. This trend suggests the need for careful tightening of all potential means by which such weapons are leaking into circulation.

In terms of sources of illicit small arms, nearly 40% of the respondents to the household survey stated that there was some degree of illegal trafficking of weapons in their areas. The survey also revealed that the level of public knowledge of how to obtain an illicit small arm is substantial. The leading sources of illicit small arms were cited as follows: the police (10%), army deserters (9%), a member of an underworld criminal gang (8%) and dealers (7%). The public was less aware of how to acquire ammunition, but the main sources cited were

security force deserters (6%), dealers (5%), gang leaders (5%) and police (5%). A further source of illicit small arms are the manufacturers of *galkatas*, *T-katas* (*galkatas* that fire T-56 ammunition), muzzle-loading guns and trap guns that are all sold illegally within Sri Lanka.

At the same time and to an increasing extent, illicit military-type small arms appear to be proliferating as a knock-on effect of the conflict between the Government of Sri Lanka and the LTTE. Supply of weapons to underworld gangs is very commonly ascribed to deserters, but also among some informants is said to be linked to currently-serving security/police force personnel supplying small arms for purchase or hire. Some key informants emphasised the LTTE as the key source of supply. However, this is difficult to prove because serial numbers have typically been removed from weapons seized. Some key informants indicate that smuggling of small arms from abroad does take place, but that it is only of a limited scale. The question of the origin of illicit military-type small arms in circulation in Sri Lanka allows for no straightforward conclusions. It will be important to discover what sources and smuggling methods are fuelling the perception of the general public and key informants that deserters are key suppliers and users of illicit military-type small arms in Sri Lanka. The mechanism needs to be strengthened, so as to increase effectiveness and eliminate abuse.

#### **4.1 History of illicit small arms in Sri Lanka**

As a result of their durability, stocks of illicit small arms often build up over an extended period of time. Thus, rather than focusing upon one contemporary event, the scale of unlawful possession needs to be contextualised with reference to the recent history of Sri Lanka.

The availability of illicit small arms in Sri Lanka appears to have been relatively low prior to the 1970s, as demonstrated by the difficulty in acquiring illicit arms faced by the Janatha Vimukthi Peramuna (JVP) between 1969 and 1971. However, what is significant is that the demand for weapons during this period appears to have greatly increased the capacity of local manufacturers, particularly blacksmiths, to produce homemade weapons.<sup>177</sup>

In the 1980s, the stocks of illicit small arms available increased significantly. This was due both to the dawning of the conflict between Tamil rebel groups in the North and East and the government; and a second, more destructive, JVP insurrection.

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<sup>177</sup> NCAPISA, (2007).

Between 1987 and 1989 the JVP again attempted to coerce the government of Sri Lanka, and this time accrued significant numbers of small arms. According to one key informant, during this time “guns were available like mustard seeds”.<sup>178</sup> JVP insurgents are thought to have obtained large numbers of weapons by stealing them from police stations or forcing civilians to relinquish their small arms under the threat of force. In response, in 1987, the government instructed all civilians in possession of a small arm to hand it over to the nearest police station. Soon after this, the government also stopped issuing new licences.<sup>179</sup>

An important contributor to small arms proliferation during this period, however, was the distribution of an unknown number of hand guns and shotguns by the Ministry of Defence, the army and the police to politicians and other key officials. Some politicians are reported to have taken 25 weapons to distribute to their bodyguards and supporters.<sup>180</sup> Chris Smith’s report on Sri Lanka for the Small Arms Survey in 2003 estimated that 11,000 such small arms were distributed at this time, but indicated that the true figure may be double this.<sup>181</sup> At the end of the second JVP insurrection, the government called for all distributed small arms to be returned. Some accounts indicate that virtually none were surrendered.<sup>182</sup> Other sources however, dispute this and state that around 80% were returned.<sup>183</sup>

In discussing the context of recent history, it is also important to note that the long-term conflict between government forces and the LTTE appears to be a factor in the proliferation of military-style small arms and other dangerous weapons such as hand grenades into Sri Lankan society. Furthermore, security force deserters are stated by numerous sources to the survey to be involved in the traffic of these weapons as well as perpetrators of organised (and often armed) crime. The conflict will have long-term implications for small arms proliferation and levels of armed violence in non-conflict areas that will need to be concertedly addressed for many years to come.

## **4.2 Indications of current illicit small arms distribution**

The estimation of numbers of illicit small arms in circulation is notoriously difficult. There has previously been no definitive estimation of the total number of illicit small arms available in Sri Lanka. The previously quoted figure of 1.9 million, for example, was based on a conjecture

<sup>178</sup> Interview with local government member, Rotawewa, 7 December 2006.

<sup>179</sup> As reported by a former Additional Secretary to the MODPSLO, 30 May 2006; a senior police officer, Medawachchiya, 7 December 2006; and a Firearms Licensing Officer, Puttalam, 5 December 2007: all licence holders had their licences taken away from 1989 to 1997. This continued until 1997 in the non-conflict areas. From 1997 onwards the process of issuing new licences and renewal of licences resumed.

<sup>180</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>181</sup> C. Smith, (2003), p18.

<sup>182</sup> Ibid.

<sup>183</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

that 10% of the population possessed some kind of small arm, but this was not supported by evidence.<sup>184</sup> There is insufficient evidence, based on the information generated by the survey, to offer a new estimate with confidence. In order to demonstrate the practical difficulties in arriving at a reliable estimate of illicit possession, the evidence available and the various methods that have been considered by the survey team for estimating the figure are presented in the box below.

**Box 4: Evidence and methods for estimating numbers of illicit small arms in circulation**

**Estimations based on the household survey**

The most useful source available to the survey team for estimating illicit possession is the household survey. Illicit stocks, by their very nature, are not registered, and those who keep illegal small arms are unlikely to admit to this. Likewise, the general public has in many similar surveys shown itself to be cautious about responding to questions on weapon ownership. For this reason, in relation to the question of illicit firearms possession, the household survey findings need to be interpreted carefully.

In response to the household survey question, ‘has there ever been a firearm in your household?’ 71% of respondents claimed that they had never owned one, while 4.4% of households stated that they had possessed a small arm at some time. If accurate, this would suggest that 206,046 households had at some stage possessed a firearm. Of the weapons that had been possessed by this minority of households, respondents indicated that half of them had been taken away by the police, 23% by a political group, and 3% by force by unspecified persons, while 1% had been stolen. 10% of weapons were handed over voluntarily to a family member or during an amnesty. Thus, 89% of the weapons were said no longer to be in the possession of the household.

If these figures are considered to be accurate, it would indicate that 22,665 households are still in possession of a small arm in Sri Lanka, slightly less than the estimated total of small arms licensed in the country (30,500). This suggests, as might be expected, that respondents who stated that their household had at some time possessed a firearm acknowledged this only in the case of legal firearms ownership.

It should be noted however, that of those households that claim no longer to be in possession of a small arm, in a significant proportion of cases (27%, the equivalent of 55,632

<sup>184</sup> See Smith, Chris, (2003), p16

households) the weapon appears to have passed into illicit circulation. Accordingly, the removal of a small arm by political groups, force or theft could be interpreted to mean that, while the weapon is no longer in the possession of the household questioned for the survey, it may not have been removed from illicit circulation.

Moreover, some of the respondents may not have been replying honestly in claiming that the police had taken away the household's weapon. Police records for the past decade document that less than 13,000 small arms have been recovered by the police. Although substantial numbers of weapons are said by some sources to have been collected after the second JVP insurgency, and others are likely to have been collected as a result of crime fighting activities that are not covered by the statistical data available, it is still questionable whether half of the total weapons said by respondents to have been possessed at some time (over 100,000 small arms) could have been taken away by the police within living memory.

As an additional caveat to accepting the legitimacy of an estimation based upon the 4.4% of households which at some stage possessed a weapon, a further 8% said they did not know if the household had ever owned a weapon, and 17% failed to provide an answer. If the failure to provide an answer to this question in fact indicates that the household has at some stage possessed a small arm, it would indicate that, beyond the 206,046 households projected above to have held a firearm at some point (the legal owners), 796,086 households have at some stage possessed (presumably illicit) small arms. It should be stressed that this projection cannot be verified, and would only be correct if all those refusing to answer this question did so in order to deny firearms ownership. This is by no means a straightforward assumption.

In response to a household survey question regarding current ownership, 11 households, or 0.6% of the total survey sample, admitted to having a weapon at the time of the survey. When multiplied by the number of households in Sri Lanka, the resultant figure, 28,097, is close to the number of licensed firearms estimated to be in circulation by the survey (30,500). Again, this suggests that survey respondents were only willing to admit directly to legal possession.

It should be borne in mind in relation to the above estimate that the average number of weapons for these households was 1.72. If this average is multiplied by the number of these households in Sri Lanka, the number of small arms using this methodology could be nearer to 50,000. This multiplier should not be considered trustworthy however, as the household

survey produced too small a sample of respondents to provide give an accurate number of weapons owned per household. Nevertheless, as is the case in most countries, the average number must be assumed to be greater than 1.<sup>185</sup>

A further clue as to the scale of illicit possession is provided by the household survey question in which respondents were asked to state whether a friend or family member was in possession of a small arm. Although 4% of respondents answered positively, projecting an estimate of illicit possession based on this percentage is not possible: firstly, it is not clear how many friends or family members would on average have been taken into consideration by each respondent in making his/her answer; and secondly, there is no indication as to whether different positive respondents would be referring to the same or to different owners.

It should further be noted that the true figure for the whole of Sri Lanka may be higher still than is suggested by the responses to the household survey, given that the districts included in the survey sample excluded those in the North and East of the country – the areas perceived in the household survey as having the greatest problems with small arms proliferation and misuse nationwide.

### **Estimating possession based on firearms use in suicides**

Another method considered by the survey team as potentially indicative of the rate of firearms possession in Sri Lanka is to project an estimate based on the rate of firearms use in suicide and/or homicide. Rates of firearms suicide and, to a lesser extent, homicide have been linked to the level of firearms possession in a United Nations Interregional Crime And Justice Research Institute (UNICRI) study comparing data in 18 countries.<sup>186</sup> Drawing on the UNICRI data, if the average ratio of firearms suicides per million population to percentage of households possessing firearms is used to project firearms possession in Sri Lanka in relation to the Sri Lankan firearms suicide rate (2.46 per million population), this suggests that there would be 43,946 households possessing illicit weapons in Sri Lanka.<sup>187</sup>

<sup>185</sup> Cf. P Holtom et al, 'Turning the Page: small arms and light weapons in Albania' (CPDE/Saferworld, 2005), p 49, fn 269, 270. If projected from the responses of the very small number of respondents (0.6%) who admitted to owning firearms, the number of small arms per small arms owning household could be 1.7 (55% had only one small arm, 18% had two and 27% had three or more).

<sup>186</sup> Killias, M 'Gun Ownership, Suicide and Homicide: An International Perspective. In, *Understanding Crime and Experiences of Crime and Crime Control*, Del Frate, A., Zvekic, U., and Van Dijk, J.J.M. (Eds.) UNICRI Publication No 49, Rome (1993).

<sup>187</sup> Suicide rate calculated based on police statistics presented in Chapter 5 (see Table 15) and on the national population of 18,732,455 cited in GoSL Department of Census and Statistics, 'Population Statistics', <http://www.statistics.gov.lk/population/index.htm>; firearms suicide rates for other countries as in Killias, M 'Gun Ownership, Suicide and Homicide: An International Perspective. In, *Understanding Crime and Experiences of Crime and Crime Control*, Del Frate, A., Zvekic, U., and Van Dijk, J.J.M. (Eds.) UNICRI Publication No 49, Rome (1993), p 294.

This estimate is viewed as very unlikely to be accurate by the survey team, because of the contradictory picture that emerges when comparing Sri Lanka's comparatively high firearms homicide rate (also believed to be correlated to the level of firearms possession) with its unusually low firearms suicide rate. The rate of firearms homicides in Sri Lanka places the country fifth out of twenty-six countries for which statistics are available.<sup>188</sup> Conversely, Sri Lanka's suicide rate is 2.49 per million, lower than all 18 countries for which information is given in the UNICRI study. Furthermore, the proportion of suicides committed with firearms in the period 1999–2005 in Sri Lanka is approximately 1%, whereas in a survey of 34 countries undertaken for the UN International Study on Firearm Regulation in 1998, the average proportion of suicides committed with firearms was 19%.<sup>189</sup> Thus, Sri Lanka's firearms suicide rate is thought by the survey team to be unrepresentative of the scale of the small arms problem in Sri Lanka in relation to other countries, and a poor basis for estimating the true scale of illicit small arms possession in the country.

Another method that has previously been used to project levels of illicit firearms ownership is to compare the use of licensed firearms in suicide with the use of unlicensed firearms, and to multiply the number of known licensed weapons by the ratio produced. As no figures are available to the survey team regarding the proportion of suicides committed with licensed weapons in comparison to unlicensed weapons in Sri Lanka, this method is not available to the survey team.

What these estimations, and their relative disparity, indicate is that it is not possible to deduce an accurate figure of the total number of illicit small arms in circulation based upon public responses to the household survey or crime statistics. Nonetheless, it is clear that there is a significant small arms problem in Sri Lanka, as the testimony of respondents indicates that over half of the respondents acknowledged the proliferation of small arms to be either a major or serious problem, while almost the same proportion felt that firearms-related crime was on the increase.

There are indications that the distribution of small arms varies markedly between different areas of the country. Most household survey respondents perceived a concentration of arms

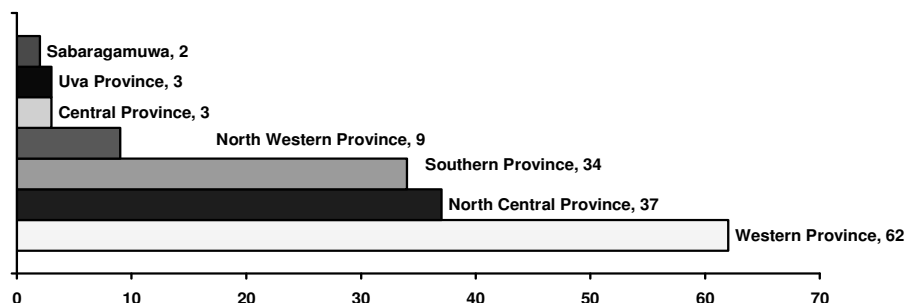
<sup>188</sup> Firearms homicide rate calculated based on police statistics presented in Chapter 5 and on the national population of 18,732,455 cited in GoSL Department of Census and Statistics, 'Population Statistics', <http://www.statistics.gov.lk/population/index.htm>. Firearm homicide rates for other countries as in Krug E, Dahlberg L, Mercy J, Zwi A, Lozano R (eds), *World report on violence and health*, (Geneva, World Health Organization, 2002), pp 322-323 (see Chart 21 below).

<sup>189</sup> See Taylor Z, Phillips C, 'Living with the Legacy – SALW Survey, Republic of Serbia', (UNDP/Saferworld, Belgrade, 2005), p15.



in particular provinces. The majority of people felt that there is a concentration of small arms in the Western Province (62%). A significant minority expressed a view that small arms were abundant in North Central Province (37%) and Southern Province (34%). Few respondents felt that there were many small arms in North Western Province (9%), Central Province (3%), Uva Province(3%) or Sabaragamuwa Province (2%).

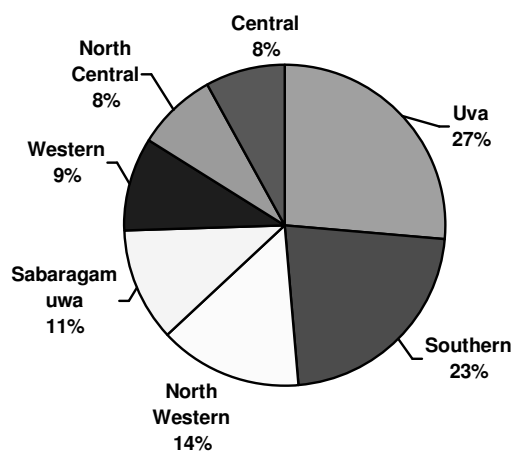
**Chart 3: Public perceptions of concentrations of small arms in different provinces**



Furthermore, small arms proliferation is largely seen as an urban (64%) rather than rural (8%) problem, with only a small proportion (4%) of respondents perceiving there to be no distinction between the two.

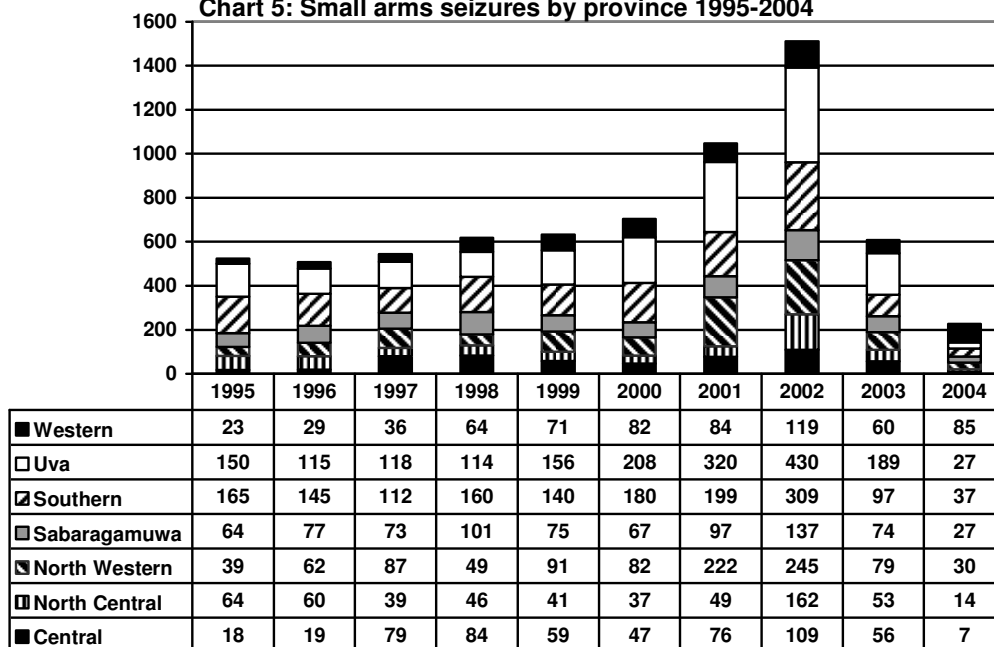
In contrast with public perceptions, police statistics suggest that small arms seizures are frequent outside operational areas across Sri Lanka. As illustrated in Chart 4 below, statistics for the period 1995–2004 indicate higher levels of proliferation in provinces such as Uva, North Western and Southern. These statistics should, however, be interpreted cautiously; variations in the standard of law enforcement and the attention devoted to small arms seizures may vary from district to district, thus these figures are not necessarily a guide to distribution of illicit small arms in Sri Lanka.

**Chart 4: Small arms seizures by province 1995-2004**

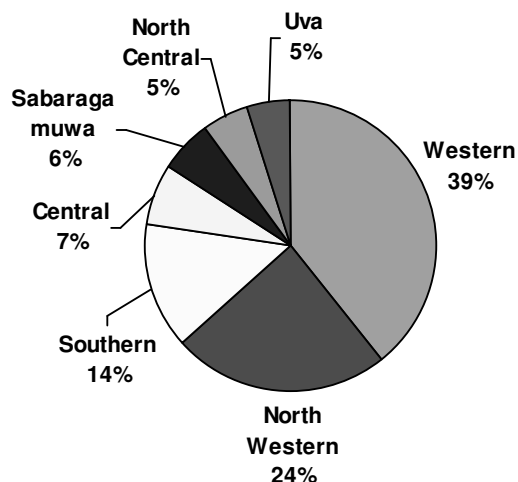


Trends in seizures by province over the 10-year period reveal no significant variation in the frequency of seizures in specific locations:

**Chart 5: Small arms seizures by province 1995-2004**

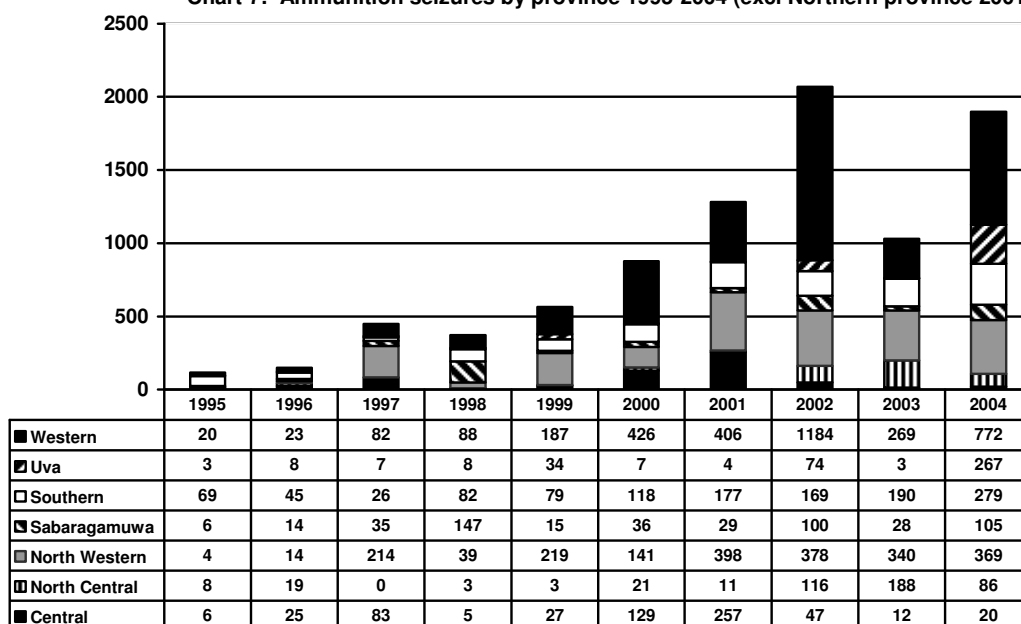


**Chart 6: Ammunition seizures by province 1995-2004**



If examined for trends over time, the statistics show a clear increase in rates of seizure in Western province. This reinforces the public perception, that armed crime may be particularly emergent in more urban areas of the country.

**Chart 7: Ammunition seizures by province 1995-2004 (excl Northern province 2001)**



Only 10% of respondents claimed to have seen small arms being carried in public by civilians (not including those carried by security forces or police), while 60% had not. Many people were reluctant to answer these questions in the survey and, according to the researchers, more fear and trepidation was observed in responding to this question than to others.

The greatest proportion of respondents who saw people carrying small arms witnessed them in forested areas and *chenas* where they were used for crop protection (43%). Other areas where small arms had been seen to be carried included market places and streets (20%) and at political meetings and rallies (30%). A further 4% had seen them in casinos and night clubs, 2% in private houses and 1% at sports events.

It is significant that of those that had seen a small arm, half had personally witnessed them being used: these were predominantly adult and young men. Although in small numbers, both young and adult women had witnessed the use of small arms. The high proportion of 37% refused to answer, indicating that a sense of unease existed about responding to a highly sensitive question.

Knowledge of ownership of weapons by persons in a respondent's local neighbourhood appears to be low; however, a high proportion of people were unwilling to respond to questions on local availability. Only about 20% of people stated that they knew there were weapons in their local areas: 6% said people had unlicensed weapons, 8% that they had licensed ones, and 4% that they had both. 33% maintained their neighbourhood had no weapons. Knowledge of local availability was highest among the Sinhalese and lowest among Plantation Tamils.

A high proportion of people was unwilling to respond to questions on local availability of arms, or claimed to have no knowledge of weapons. Only 3% stated that 'many' households in the area had at least one small arm. 11% said a few households had, while 15% maintained that no-one had (Sri Lankan Tamils and Muslims more frequently than other groups).

Interestingly, in separate questioning, nearly 40% of the respondents stated that there was some degree of illegal trafficking of weapons in their areas: 10% stated that a lot of trafficking took place, 17% that some took place, and 12% that little took place.

In some focus groups, different views of the availability of illicit arms were given. For instance, one focus group in Nikaweratiya expressed the view that every village had at least

two or three unauthorised weapons and these were used when trouble arose.<sup>190</sup> Only 6% of household survey respondents were willing to estimate likely numbers of weapons per household, including estimates of one (2%), two (3%) and more than two (1%). Over half (59%) did not know, while 21% were reluctant to answer.

Knowledge of how to use small arms, as one further indicator of the distribution of small arms, was not widespread, with only a small minority of 7% claiming such knowledge (10% of males and only 1% of females). There were both youth and adult males and females within this group.

### **4.3 Holders and users of illicit small arms**

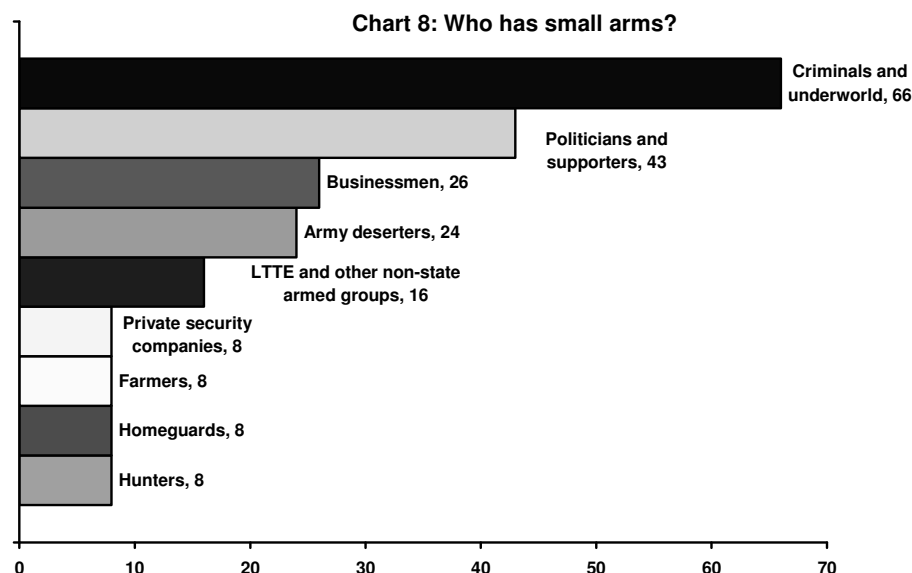
It is not possible, on the basis of current police data, to analyse the age, gender, economic background, ethnicity or religion, or other similar demographic characteristics, of people involved in illicit possession cases and other small arms related crime, as such data is not recorded in police crime statistics at the national level.<sup>191</sup> Court records might include some of this data, but these were not accessible to the national survey team.

The perception of rising organised crime and small arms crime is reinforced by the perception that the main groups that have small arms are criminals and underworld gangs (66%). High proportions of people also specified politicians and their supporters (43%), businessmen (26%), army deserters (24%) and the LTTE and other non-state armed groups (16%) as holders of small arms. Others such as PSCs, farmers, homeguards and hunters were each perceived by 8% of respondents to be in possession of small arms.

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<sup>190</sup> Focus group discussion with farmers (Nikaweratiya).

<sup>191</sup> Interview with senior police officer, Avissawella, 7 December 2006.



All ethnic and religious groups showed a broadly similar pattern of responses. Similarly, in focus group discussions, in addition to the armed forces, those cited as possessing small arms included the ‘economic elite’, political supporters, gangs and criminals.<sup>192</sup>

In the household survey, 14% of respondents agreed with the statement that ‘some houses, particularly those of underworld gang leaders, could have small arms, while a typical Sri Lankan household would not have guns’.

Nearly half of the survey respondents perceive youths to be more likely to own a small arm (49%) than an adult (16%), with only 10% seeing no distinction. This perception was shared by most categories of respondent, including youths themselves.

While the above perceptions are illuminating, they are not necessarily a reliable reflection of the true numbers of small arms in the possession of each grouping.

### 4.3.1 Legal or illegal possession?

When asked whether the weapons held by the above groups were likely to be legally held, most people (62%) considered that the arms held by these groups would be unlicensed, while only 9% felt they would be licensed.

Over half the respondents (57%) considered that privately owned small arms were likely to be unlicensed. 44% stated that ‘most’ were unlicensed, and 13% felt that some small arms in

<sup>192</sup> Focus group discussion with Tamil women (Ampara).

private possession were unlicensed. Only 4% stated that there were no unlicensed small arms with private individuals. No significant differences were evident in groups classified by age and gender. While each ethnic group had at least 35% who thought privately owned small arms were unlicensed, this proportion was highest among the Sinhalese. Among religious groups a very high proportion of Christians thought private small arms were likely to be unlicensed.

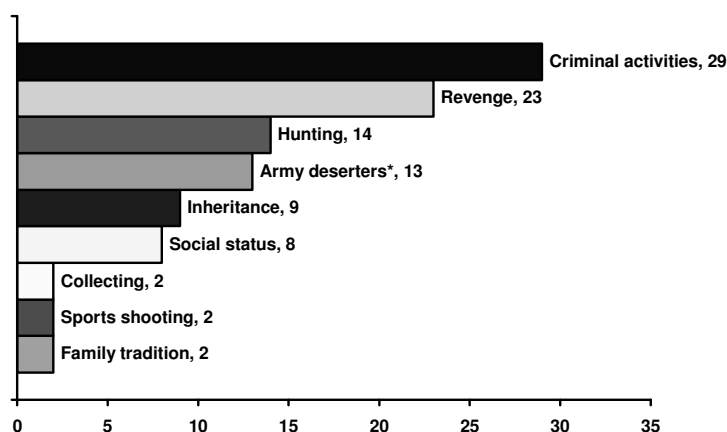
It is not possible to verify whether these perceptions provide a realistic description of illicit small arms availability in Sri Lanka. As a consequence, it is important that additional information be recorded by the police of people involved in illicit possession cases and other small arms related crime, as such data would allow for a more dependable analysis to be recorded at the national level.

### 4.3.2 Perceptions of demand for illicit small arms

When asked why, other than for protection, *other people* keep small arms, a range of legal and illicit reasons were highlighted. The strongest reasons given related to the violent use of weapons: 29% of respondents highlighted criminal activities, 23% revenge, and 14% hunting. 13% highlighted the keeping of weapons by army deserters.

In addition to wanting arms for particular uses, the social and economic value of small arms was cited, in terms of their value for inheritance (9%), for social status (8%), as collector's items (2%), for sports shooting (2%) and as a family tradition (2%).

Chart 9: Reasons, other than protection, for possessing small arms



\* For further information on the links between army deserters and the proliferation of illicit small arms, see section 4.5.4 on 'Deserters and state forces: military, police, homeguards'.

There were variations in the perceptions of these motives for possession of small arms. More Sinhalese and Sri Lankan Tamils perceived people keeping small arms for violence-related uses than did Plantation Tamils and Muslims. Among religious groups, much higher proportions of Christians (with Buddhists & Hindus following closely) perceived the demand for small arms being for use in violence. In general more Christians perceived their value as inheritance and status symbols than the other groups.

In many instances, national survey focus group participants directly or indirectly highlighted unemployment as a core root cause of demand for weapons. Tamil men in Ampara, for instance, indicated that people took up weapons due to poor economic conditions, ‘sinister experiences’, and unemployment.<sup>193</sup>

### **4.3.3 Army deserters, criminals and the underworld**

The growth in the availability of T-56s is evidenced by reports from key informant interviews in Avissawella, Badulla, Colombo, Galkissa, Galle, Hambantota, Matara, Ragama, Ratnapura, and numerous other references to neighbouring locations. Data on weapons submitted to the Government Analyst in the past five years indicates similar rising levels of criminal rifle misuse. Illicit possession of T-56s and other military-type weapons in Sri Lanka appears to be largely confined to deserters from the security forces and underworld criminal gangs. Illicit T-56 possession does not yet appear to have permeated the rest of society. There is a perception that the use of small arms in crime is likewise largely related to the underworld and deserters.<sup>194</sup> The link between organised crime and the illicit use of small arms is exemplified by the testimony of key informants in Mihirana: following a decrease in organised crime in the area, in 2006, 528 grave crimes were recorded, compared with 748 in 2003 and 834 in 2004.<sup>195</sup>

According to a former secretary of the Ministry of Interior in 2003, up to 30,000 may have been taken by deserters.<sup>196</sup> It was claimed that:

“A large number of newly recruited personnel for the armed forces have deserted and these deserters committed serious crimes outside the conflict areas using weapons issued to them. Furthermore, police investigations revealed that these deserters assisted or connived with the crime syndicates commonly known as underworld criminals. Police estimate that the deserters possess a large number of weapons,

<sup>193</sup> Focus group discussion with Tamil men (Ampara).

<sup>194</sup> Interview with senior police officer, Nawagamuwa police division, 15 February 2007.

<sup>195</sup> Interviews at Mirihana Police Station, 16 February 2007.

<sup>196</sup> [http://www.priu.gov.lk/news\\_update/features/20031017small\\_arms\\_weapons\\_mass\\_deaths\\_distraction.htm](http://www.priu.gov.lk/news_update/features/20031017small_arms_weapons_mass_deaths_distraction.htm).



namely, Chinese-made T-56 Automatic Rifles, 9 mm pistols and an unspecified quantity of hand grenades which are used for drug related activities, contract killings, highway robberies and thefts etc.”<sup>197</sup>

There is a strong perception among many key informants that deserters from the security forces are involved in underworld activities.<sup>198</sup> In his 2003 report, Chris Smith claimed that deserters in possession of illicit SALW were at the heart of a crime wave.<sup>199</sup> The police do not often record whether a suspected criminal is a deserter, and thus cannot provide statistics corroborating this. Nevertheless, there are clear indications that deserters: provide access to small arms;<sup>200</sup> are often members of underworld criminal gangs; and are very often implicated in armed criminal incidents, particularly cases involving T-56s.<sup>201</sup> In Badulla, for instance, on 27 April 2006, an army deserter entered Mahiyangana police station with a T-56 and started firing. Three police officers were injured and the suspect was shot dead during the incident. A T-56 assault rifle, one magazine and 6 unused bullets were recovered from the scene.<sup>202</sup> Likewise, a police officer in Galkissa claimed that “in firearm-related crime [there is] always at least one army deserter involved”.<sup>203</sup> A focus group with slum dwellers in an area known for underworld activity similarly suggested that there is at least one deserter in all underworld criminal gangs.<sup>204</sup> It was also stated that these gangs receive technical training in handling weapons, especially T-56s, from deserters.<sup>205</sup>

The role of deserters in the supply of small arms is discussed in the section below on ‘Supply of illicit small arms’.

#### **4.3.4 Politicians and their supporters**

The distribution at the time of the second JVP insurrection of an unknown number of hand guns and shotguns by the Ministry of Defence, the army and the police to politicians and other key officials is already noted above. Politicians interviewed for this survey accepted that small arms proliferation among politicians and their supporters remained significant.<sup>206</sup> Some of these were initially issued or licensed by the government, but have since become

<sup>197</sup> Mohammed Junaid, ‘Presentation by Sri Lanka on Stockpile Management (including weapon destruction) and Record Keeping’ at Regional Workshop on Small Arms and Light Weapons, Bali Island, Indonesia, 11-12 February 2003.

<sup>198</sup> Interview with business man, Galle, 5 December 2007.

<sup>199</sup> Smith, Chris, (2003), p 17.

<sup>200</sup> As elaborated above in the section ‘Supply of illicit small arms’.

<sup>201</sup> Interviews with JMO, Galle, 7 December 2006 and prisoner, Welikada Prison, 19 February 2007; and Mohammed Junaid, (2003).

<sup>202</sup> Interview with police officer, Badulla, 8 December 2006.

<sup>203</sup> Interview with police officer, Galkissa, 16 February 2007.

<sup>204</sup> Focus group discussion with urban slum dwellers (Colombo).

<sup>205</sup> Interview with senior police officer, Mt Lavinia, 15 February 2007.

<sup>206</sup> Interview with politician, Colombo, 19 February 2007.

unlicensed. One politician interviewed confirmed the widely-stated belief that there are no records kept of weapons issued to politicians, and there is no pressure for them to return them when they are no longer serving.<sup>207</sup> It is likely that politicians and their supporters also possess illicit arms from other sources, but this could not be verified by the survey team.

Underworld activity is believed to be closely linked to the use of violence as a political tool. In a view echoed by many sources, one key informant indicated that the underworld gets small arms from politicians and that “when the politician is in power they become their bodyguards. Once the politician loses his power, they resort to the underworld”.<sup>208</sup> Some politicians also commission the use of weapons to obtain power by intimidating opponents and disrupting the election process (as noted below in the section ‘Electoral violence and political impacts of small arms’).

#### **4.3.5 Farmers and illicit hunters**

Small arms use is also widespread in fields that are not related to the illicit activities of the underworld, deserters, and the supporters and bodyguards of politicians. For example, small arms held by farmers (both licensed and illicit weapons) are not universally used for crop protection, as there are indications that they may also be used for personal protection or for hunting. In focus group discussions with farmers in Moneragala and Kurunegala for instance, the view was expressed that every village has at least two or three unauthorised weapons that are used “when trouble arises”.<sup>209</sup>

Farmers in possession of an illicit small arm generally fall into one of three categories:

- Owner of an illegal type of small arm, such as a trap gun or locally manufactured muzzle-loading rifle;

Many farmers use trap guns for crop protection. According to a key informant in Dambulla, during 2006 there were 15 arrests for trap gun possession, in relation to which the accused always justified their use on the grounds of crop protection. Focus group discussions held with farmers indicate that in rural areas there is extensive trap gun usage and knowledge.<sup>210</sup> In relation to illicit hunting, such as for wild boar or deer, trap guns are known to be in extensive use. Key informant interviews indicated that trap guns and other illicit weapons are

<sup>207</sup> Interview with politician, Colombo, 27 February 2007.

<sup>208</sup> Focus group discussion with farmers (Moneragala).

<sup>209</sup> Focus group discussions with farmers (Nikaweratiya) and farmers (Kurunegala).

<sup>210</sup> Focus group discussion with farmers (Kurunegala) and farmer (Anuradhapura).

used for this purpose in Kantale, Matara, Avissawella, Nuwara Eliya, as well as elsewhere.<sup>211</sup> The devastating impacts of trap gun use are set out in the section ‘Trap guns’ below.

- Owner of an illicit small arm through inability to obtain a licence, due to failure to meet the requirements for land ownership (such farmers are often engaged in *chena* (slash and burn) cultivation);

A substantial proportion of applications for crop protection licences are turned down by both District Secretaries and the MODPSLO. It is likely that some of these farmers then obtain firearms illicitly for crop protection purposes, or resort to the use of trap guns.

- Eligible candidates for a licence who fail to apply for or renew it.

Gaps in the renewal system for crop protection licences are allowing between 5% and 30% of licensed small arms to become, often temporarily, illicit each year. Further, some farmers who might be able to license their illicit weapons are apparently reluctant to do so due to a lack of awareness of licensing requirements and procedures or a “general disdain for bureaucratic process”.<sup>212</sup>

#### **4.4 Types of weapon in illicit circulation**

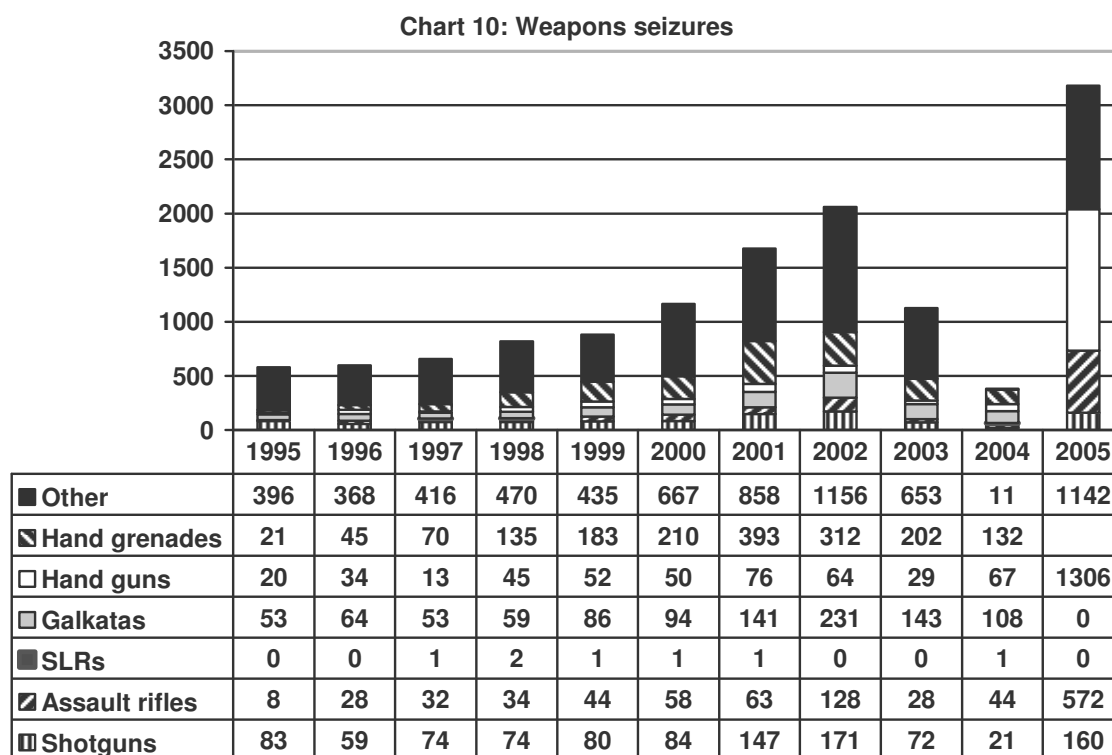
The varieties of illicit small arms available consist of a full range of military and non-military types. The proportion of each appears to have changed significantly in recent years. In particular, a growing proliferation of military small arms (particularly T-56 assault rifles) can be evidenced.

Data on seizures and prosecutions can provide some revealing testimony on the types of illicit small arms available in society.

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<sup>211</sup> Interviews with senior police officer, Kantale, 9 December 2006; Assistant District Secretary, Matara, 6 December 2006; senior police officer, Avissawella, 7 December 2006; and police officer, Nuwara Eliya, 8 December 2006.

<sup>212</sup> NCAPISA, (2007).



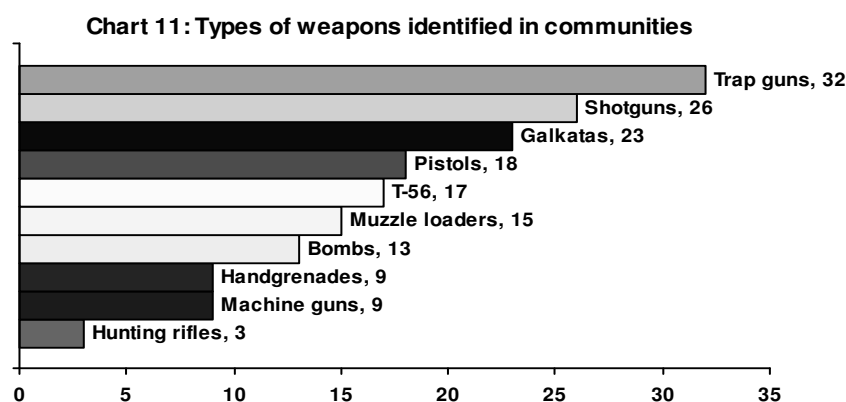
The survey team was given no specific explanation by security personnel for the sharp increase in recoveries of hand guns and military-type weapons in 2005. However, it is suspected that it is a result of a crackdown on underworld criminal gangs<sup>213</sup>, as there was a large increase in the number of seized assault rifles – their preferred weapon – rather than being a result of a sharp rise in illicit small arms availability. This conclusion is seemingly confirmed by the proportional consistency of the number of small arms cases reported throughout the period under examination.<sup>214</sup>

As illustrated in Chart 10 above, in recent years the most consistently identified small arms seized by the police have been *galkatas* and shotguns, followed by automatic weapons (consisting almost exclusively of T-56s). The large number of seizures of types of small arms classified as ‘other’ may reflect significant limitations in the identification of small arms or in record-keeping in relation to firearms crime. The categories of weapons should be revised to reduce the number of weapon types not specified, and to give exact numbers of trap guns, muzzle-loading guns, hunting rifles, pistols and revolvers seized.

<sup>213</sup> Interview with senior officer, Galkissa Police

<sup>214</sup> Information provided by Sri Lanka Police Service.

In contrast to the police data, respondents to the household survey perceived trap guns (32%), shotguns (26%), locally made *galkatas* (23%), pistols (18%), AK-47s and T-56s (17%), and muzzle-loading guns (15%) to be the most commonly used small arms. Other types of small arm cited included machine guns (9%) and hunting rifles (3%), while the responses also pointed to the presence of bombs (13%) and hand grenades (9%). The perception of the frequency of trap gun misuse suggests that their seizure may well account for a significant number of the ‘other’ firearms seized by the police.



The proportion of respondents identifying these types of small arms did not vary significantly according to the respondents' gender or age. Significant among the ethnic groups, however, were the relatively high proportions of Muslims and Sri Lankan Tamils who cited military weapons such as AK-47s and T-56s. Other military style weapons, such as machine guns and bombs are cited more by Sri Lankan Tamils and Muslims.

#### 4.4.1 Trap guns

Although police data does not indicate levels of trap gun seizures, the household survey, key informant interviews, focus group discussions and media analysis all report widespread availability and misuse. Also, the number of homicides that involve trap guns indicates that their availability and misuse needs to be taken much more seriously. The use of trap guns was reported to be particularly prevalent in Ampara, Anuradhapura, Galle, Hambantota, Kantale, Kalutura, Kegalle, Kurunegala, Matale, Medawachchiya, Moneragala, Polonnaruwa, Ratnapura and Vavuniya.

The level of trap gun use in crime is recorded and specified below in the section 'Small arms use in crime'.

#### 4.4.2 Shotguns

Shotguns account for the highest number of licensed civilian small arms, and are also likely to account for a high proportion of illicit firearms. This assumption is supported by the consideration that shotguns are popular for use in crop protection, and that they have previously been issued in unknown quantities to homeguards,<sup>215</sup> as well as having been in circulation in significant quantities during the JVP insurrection (as evidenced in the public weapon destruction programme in 2005, in which shotguns seized from the JVP accounted for a significant proportion of the destroyed weapons).

#### 4.4.3 *Galkatas* and muzzle-loading guns

Availability of *galkatas* can be evidenced throughout the surveyed regions of Sri Lanka. Nationally, at least 1,032 small arms in the '*galkatas*' category were seized by the police between 1995 and 2005. The highest number of *galkatas* recovered were from: Tangalle (265), Chilaw (116), Ratnapura (96) and Anuradhapura (48). Only Batticaloa and Gampola recorded no seizures of *galkatas* during this period. The evidence of there being widespread public availability of *galkatas* is strengthened by the testimony of key informants: a senior police officer estimated that there may be 10,000 muzzle-loading *galkatas* in the south, in comparison to the limited availability of .38s and .38 specials;<sup>216</sup> likewise, in Hambantota, an interview with local youths near Middeniya revealed that muzzle-loading guns, *galkatas* and trap guns were commonplace.<sup>217</sup>

#### 4.4.4 Assault rifles

While the proliferation of illicit military-type small arms is perceived to be increasing, it appears that actual availability is confined to certain groups (underworld criminal gangs and deserters from the security forces).<sup>218</sup> Outside of conflict and near-conflict areas, significant seizures of T-56s appear to be limited to urban centres with links to the underworld (including Colombo).

#### 4.4.5 Hand grenades

Some sources also indicate that the number of crimes carried out with hand grenades is increasing, and that this is perceived to be linked to deserters from the security forces.<sup>219</sup>

There is no systematic data available for the use of hand grenades in specific types of crime;

<sup>215</sup> Interview with senior official, Civil Security Department, Colombo, 23 February 2007.

<sup>216</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>217</sup> Interview with youths near Middeniya, 24 May 2006.

<sup>218</sup> Based on police seizures data. 2005 figures used were for category of 'assault rifle'; all others specified T-56.

<sup>219</sup> Chris Smith, (2003), p17.

however, seizures of hand grenades by the police increased significantly from 1999 to 2005 (see Chart 10).

## 4.5 Supply of illicit small arms

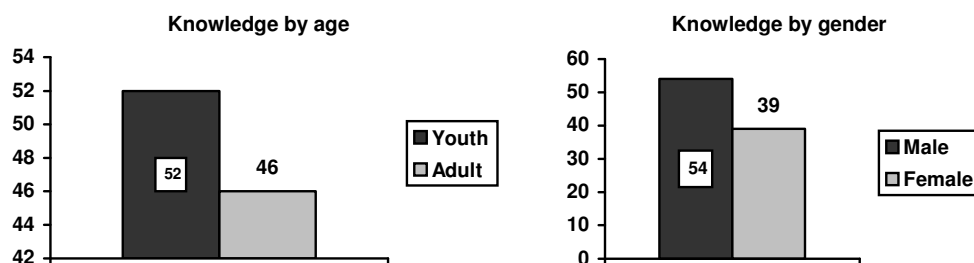
This section discusses the supply of illicit small arms in Sri Lanka. Many illicit small arms were formerly legal, but due to weaknesses in the licensing system (including failure to enforce renewal or abuse of those unlicensed weapons distributed to politicians) have failed to remain so. However, this is not common for all small arms, particularly those of local manufacture and military-types. Thus there exist several means through which a member of the public may be able to obtain a small arm without any governmental oversight.

### 4.5.1 Public awareness of how to obtain illicit small arms

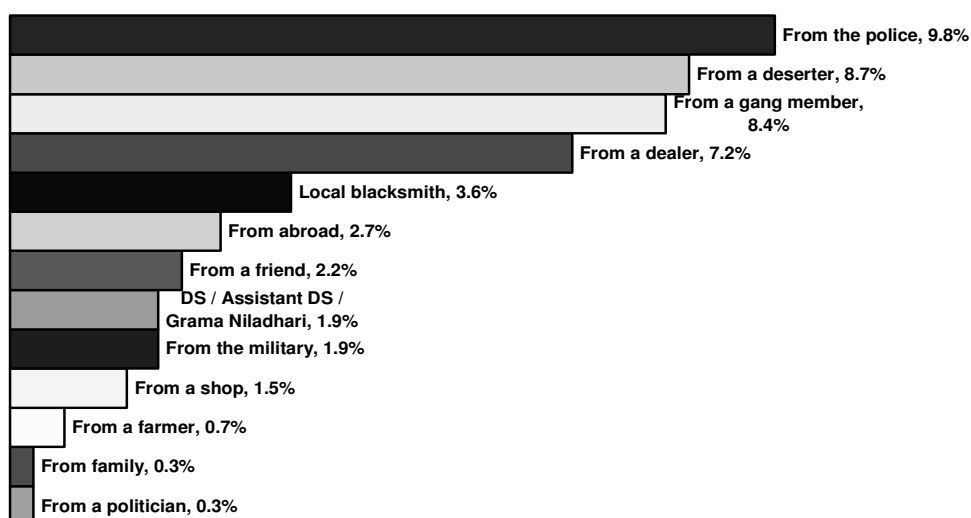
The level of public knowledge of how to obtain an illicit small arm is an illuminating indicator of availability. The findings of the household survey show that the overall level of awareness is substantial.

In total, one-third (excluding the 14% that failed to respond to questioning regarding supply) of respondents expressed themselves as having at least some knowledge of where they could obtain a small arm. Of the 34% that did know how to obtain a weapon, there were some significant differences in relation to age and gender.

Charts 12–13: Proportions of respondents who knew how to obtain arms



The leading sources were cited as follows: the police (10%); army deserters (9%); a member of an underworld criminal gang (8%); and dealers (7%). Other responses, ranging between 2% and 3%, included: a foreign country, local blacksmith, government agent or a friend. An additional 1% or less cited a shop, a family member, the military, a farmer or a politician.

**Chart 14: Sources of small arms cited by the public**

This broadly reflects other key information on the nature of the supply of small arms, though the emphasis on the police was not indicated by other sources. While these perspectives are common across the whole of Sri Lanka there do appear to be some ethnic differences with regard to specifics: for example, Plantation Tamils emphasise underworld criminal gang members, local blacksmiths, friends and army deserters, while Sri Lankan Tamils and Muslims stress the importance of security force deserters and gang leaders. The Sinhalese respondents cited the police, security force deserters, gang members, dealers, as well as a foreign country, shops, local blacksmiths, friends, the military, politicians and local government officials.

In contrast to the remarkable public knowledge on small arms, the household survey indicates that there is only limited awareness as to where ammunition can be bought. In relation to ammunition, a greater proportion of people (79%) did not know how to obtain it or refused to answer than when asked about small arms. However, the main sources cited by those that did answer were security force deserters (6%), dealers (5%), gang leaders (5%) and police (5%). Other sources cited were: District Secretaries and Grama Niladhari (2%), foreign sources, blacksmiths, friends, farmers and the military (1% each) and family (0.3%). The knowledge of sources of supply of ammunition was higher among the Sinhalese than other groups. The range of prices of ammunition cited by these sources varied very widely.

#### **4.5.2 Prices of illicit small arms and ammunition**

Familiarity with the sources of supply is complemented by the evident awareness among household survey respondents of local prices. Aside from this, prices of illicit small arms and



ammunition are valuable indicators of availability and accessibility of illicit small arms, as comparatively low prices often reflect an abundance of supplies, while high prices reflect the opposite.

The prices provided to the survey team are outlined in the table below. It is interesting to note that prices cited by the public in the household survey and focus groups are of similar levels to expert opinion. They are also similar to the rewards offered for retrieving them.

**Table 8: Prices of illicit small arms**

<b>Weapon Type</b>	<b>Price Range (Rs.)</b>	<b>Information Source</b>
<b>T 56 / AK47</b>	40,000 – 50,000 (mean 47,500)	Household survey 4 respondents
	56,000	Pilot survey focus group – urban men
	75,000	Police officer: Police central armoury <sup>220</sup>
	36,000	Mount Lavinia: police officer
	60,000	Nawagamuwa: police officer
	40,000	Thalangama 40,000
	75,000	Borella: police (price from 2 years ago)
	25,000	Puttalam: government official
	25,000–35,000	Kalutura: businessman <sup>221</sup>
	50,000–75,000	Prisoner, Welikada prison
	35,000	Prisoner, Welikada prison
	US\$200	C. Smith, 2003 estimate.
<b>Pistol</b>	25,000–40,000 (mean 33,000)	Household survey 3 respondents
	50,000	Pilot survey focus group – rural men
	15,000	Kalutura: businessman. <sup>222</sup>
<b>9mm pistol</b>	100,000	Police Officer: Police central armoury <sup>223</sup>
	50,000–100,000.	Illicit weapons price estimated by NRA member
	60,000	Prisoner, Welikada prison
	15,000	Prisoner, Welikada prison
<b>Revolver</b>	35,000–40,000	Police officer: Police central armoury <sup>224</sup>
<b>Hunting Rifle</b>	5,000	Household survey 1 respondent
<b>Shotgun</b>	7,000–15,000 (mean 11,168)	Household survey 16 respondents
<b>Sawn off shotgun</b>	30,000	Household survey 1 respondent
<b>Galkatas</b>	250–25,000 (mean 9,625)	Household survey 10 respondents
	3,000	Pilot survey key informant, Tangalle
	1,500	Pilot Survey: suspected manufacturer
	3,500	Prisoner, Welikada prison
	2,000	Pilot Survey: youths, Middeniya
<b>Muzzle-loading gun</b>	2,000–6,000 (mean 3,214)	Household survey 7 respondents
<b>Trap guns</b>	40–5,000 (mean 1,740)	Household survey 12 respondents
	3,500	Key informant, Rotawella
<b>Hand grenades</b>	5,000	Household survey 1 respondent
	4,000–5,000	Mount Lavinia: police
	100	Galkissa: police
	500–1,000	Prisoner, Welikada prison
<b>Shotgun ammunition</b>	200	Prisoner, Tangalle.

<sup>220</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>221</sup> Group Interview, Kalutura Chamber of Commerce, 22 February 2007.

<sup>222</sup> Ibid.

<sup>223</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>224</sup> Ibid.

It is worth noting that illicit market prices typically differ depending on geographic area, demand and urgency of sale. There are also marked differences between black market prices and the price of legal weapons. A T-56 for instance, costs \$105 (approximately Rs 10,500) for CEFAP to import,<sup>225</sup> but can be purchased illegally for between 2.5 and 7.5 times that figure. The price both of shotguns and pistols may be lower or higher than the CEFAP price.<sup>226</sup>

### 4.5.3 Underworld and criminal suppliers

Many sources consulted by the survey team pinpointed the underworld and other criminals as major holders and suppliers of illicit small arms.<sup>227</sup>

It is difficult to gather information on the organisation of underworld gangs. The following discussion is based primarily on information provided by two key informants with connections to members of the underworld. The informants stated that all underworld gangs operate in a similar manner. Most underworld gangs are made up of around forty persons, and these are divided into three levels.<sup>228</sup> The top level has approximately ten members, including the leader. All of these are likely to be armed. It is through this small elite that each gang obtains for itself small arms and ammunition. The source of these weapons is thought to be the army (sometimes top ranking officers)<sup>229</sup> and a variety of other sources (including deserters from the security forces,<sup>230</sup> the LTTE<sup>231</sup> and politicians).<sup>232</sup>

The second level consists of 'key helpers'.<sup>233</sup> These are supplied with small arms and ammunition by their superiors, to enable them to defend themselves from rival gangs and the police.<sup>234</sup> The third level is comprised of unemployed youths, including teenagers, who are generally not provided with small arms. The key informants claim that it is through this lowest rank that an outsider can make contact with an underworld gang and organise the purchase of a small arm.<sup>235</sup> Access to this lowest rank is easier for those persons that are known to the underworld gang. One prisoner interviewed claimed that "initially it was difficult to get a

<sup>225</sup> Ibid.

<sup>226</sup> Interview with senior official, CEFAP, Colombo, 23 February 2007.

<sup>227</sup> Deputy Inspector General of Police and NCAPISA member SK Shankar has asserted that "crime syndicates... [are] reported to possess over ten thousand Chinese-made T-56 automatic rifles, ten thousand pistols (9mm) and an unspecified quantity of hand grenades. These weapons are being used for drug-related activities, contract killing, and other serious crimes". The basis for this estimate is not elaborated. See 'Background of the Proliferation of Arms in Sri Lanka and Disarmament', Police Consultation Meeting, September 2005.

<sup>228</sup> Interview with anonymous persons with links to underworld, 2 March 2007.

<sup>229</sup> Ibid.

<sup>230</sup> Interview with prisoner, Welikada Prison, 19 February 2007.

<sup>231</sup> Ibid, and Interview with senior police officer, Homagama Police Division, 15 February 2007.

<sup>232</sup> Focus group discussions with male homeguards (Anuradhapura) and youths (Colombo).

<sup>233</sup> Interview with anonymous persons with links to underworld, 2 March 2007.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

gun[...] When I asked some known people they [refused]... When I got connected it was easy. I bought my first .22 revolver for Rs 10,000”.<sup>236</sup>

Practical evidence of the success of this route of supply was provided to the survey team by several key informants. A senior police officer from Nawagamuwa police division, for example, testified that during a recent drugs raid, a grenade had been found in the pocket of one of the suspects. During the same raid another person was found with a T-56. Upon questioning, the first suspect admitted to also having a T-56 stored at his home. He claimed to have obtained these small arms from a gang leader who was currently on remand. The T-56s in question could not be traced, since the serial numbers had been erased.<sup>237</sup>

#### **4.5.4 Deserters and state forces: military, police, homeguards**

The T-56 is the most common automatic weapon used in crime and is also the most common weapon used by the armed forces, the police and homeguards. There is a widespread perception, supported by some specific cases, that both deserters and serving military and police are responsible for bringing these weapons into illicit circulation.<sup>238</sup>

According to Deputy Inspector General of Police Shankar:

“Faced with the deteriorating security situation in the late nineties the government increased the number of its military and police personnel. Some of the recruits deserted with their weapons and passed these weapons on to unauthorised civilians, very often criminals for profit.”<sup>239</sup>

For their part, Sri Lankan security forces recognise that there have been a large number of desertions. Army figures indicate that 69,000 service personnel have deserted from their ranks since 1996.<sup>240</sup> Nevertheless, the security forces are careful to point out that controls to prevent service personnel absconding with small arms from state stocks or battlefields are very stringent. This is supported by the assertion that there has been no significant leakage of small arms from security force stocks: since 1996, only 37 T-56s or similar small arms have been lost, 21 of which were subsequently recovered.<sup>241</sup> The army has also pointed out that not all deserters are implicated in small arms related misdemeanours.

<sup>236</sup> Interview with prisoner, Welikada Prison, 19 February 2007.

<sup>237</sup> Interview with senior police officer, Nawagamuwa police division, 15 February 2007.

<sup>238</sup> Numerous key informant interviews, household survey and focus group discussions with Tamil youth (Ampara), Tamil men (Ampara), Tamil women (Ampara) and male homeguards (Anuradhapura).

<sup>239</sup> DIG SK Shankar, 'Background of the Proliferation of Arms in Sri Lanka and Disarmament', Police Consultation Meeting, September 2005

<sup>240</sup> Interview with senior army officer, Army Headquarters, Colombo, 16 March 2007.

<sup>241</sup> Ibid.

It is also important to note that controls on security forces personnel are already stringent. In operational areas, before an application for leave is approved, personnel have to deposit all their weapons at the applicable armoury.<sup>242</sup> Transports from operational areas are likewise asserted to be rigorously checked. Procedures for the police and the Special Task Force (STF) are supposed to ensure similar oversight and control. During the course of the survey, the STF permitted the research team to observe an example of this procedure. While not permitted to witness the actual handover, the survey team witnessed STF staff enter the base with their small arms and leave without them.

Despite this, the evidence linking deserters and service personnel to the proliferation of illicit weapons is strong. While police records do not systematically record whether an offender caught in possession of, or trying to supply, a military-type small arm is a deserter from the security forces, there is strong evidence to suggest that a large number of cases do involve deserters. Limited police data from 2005 for example, show that of the nineteen persons prosecuted for offences under the Offensive Weapons Act, ten were deserters (eight from the army and two from the navy).<sup>243</sup> However, while the scale of illicit activity perpetrated by deserters is significant, this data indicates that they do not monopolise supply. The remaining nine persons prosecuted in 2005 were all serving personnel from the army, navy or police.

Serving personnel sometimes conceal a small arm on their person as they return home on leave. With regard to the latter, several reasons for this practice have been noted: for purposes of protection (both personal and for their family); for use in a planned crime; or for sale.<sup>244</sup> A prisoner from Welikada Prison noted that military personnel returning home on holiday were the main source of weaponry for his underworld gang.<sup>245</sup> Weapons available for purchase included 9 mm pistols (Rs 15,000) and T-56s (Rs 50,000–75,000).<sup>246</sup> In regard to military ammunition, a prisoner interviewed for this survey claimed that “T-56 ammunition is especially easy to obtain. Army training camps are the main supply sources for ammunition where a bulk could go missing. Friends who come on leave deliver us with ammunition.”<sup>247</sup>

In fact, it is often difficult to prove the exact origin of military-type small arms recovered by the police, as their unique markings (serial numbers) are often removed.<sup>248</sup> However, in instances

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<sup>242</sup> Ibid.

<sup>243</sup> Data from Chandra Fernando, ‘Administrative Report of the Inspector General of Police for the year 2005’, p 110.

<sup>244</sup> Interviews with religious figure, Matara, 6 December 2006; and senior police officer, Galle, 5 December 2007.

<sup>245</sup> Interview with prisoner, Welikada Prison, 19 February 2007.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

<sup>248</sup> Interview with senior police officer, Nawagamuwa police division, 15 February 2007.

where the markings have been left, some have been traced back to army stocks. To this effect, a weapon seized by the Middeniya police in 2005 was traced to an army camp in Vavuniya.<sup>249</sup> One police informant estimates that 90% of all small arms in the hands of underworld criminal gangs have come from the North or the East, and have been supplied by members of the armed forces.<sup>250</sup> In addition to small arms, deserters and service personnel are thought to be sources for the proliferation of ammunition and hand grenades. Many underworld criminal gangs are also thought to have received training in the use of these weapons from security force deserters.<sup>251</sup>

If recorded losses of 37 weapons do indeed represent the full extent of leakage from state stocks in the past decade, it will be important to discover what sources and smuggling methods are fuelling the perception of the general public and key informants that deserters are key suppliers and users of illicit military-type small arms in Sri Lanka. One important explanation may be the retention and smuggling of small arms taken from the battlefield. If even a small proportion of deserters have smuggled small arms in this way, it could account for the entry of a significant number of powerful military weapons into circulation.

The question of the origin of illicit military-type small arms in circulation in Sri Lanka allows for no straightforward conclusions. Identification of weaknesses in an already stringent system may prove to be as challenging a task as it will be a crucial one in the effort to curb armed crime. Nonetheless, the mechanism needs to be strengthened, so as to increase effectiveness and eliminate abuse.

To this end, methods of control have to take greater account of the possibility that illicit small arms are being recovered from the battlefield, before eventually being smuggled into the South.<sup>252</sup> Many informants said it was typical for ten to fifteen weapons to be taken in the aftermath of an attack.<sup>253</sup> In one specific case, in Kuruwita in 2004, a serving army sergeant was caught in possession of a small arm. When the weapon was traced, it was revealed that it had not come from the central armoury, and was not a weapon that had been previously imported by the Sri Lankan Army. The small arm (of German manufacture) had been captured from the LTTE during an army raid.<sup>254</sup> This practice may help to explain why there is only limited evidence to suggest large scale leakage from state stockpiles.

<sup>249</sup> Interview with senior representative, Middeniya Police Station, 17 May 2006.

<sup>250</sup> Interview with senior police officer, Mt Lavinia, 15 February 2007.

<sup>251</sup> Ibid.

<sup>252</sup> Interview with senior police officer, Colombo, 5 December 2006.

<sup>253</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>254</sup> Interview with senior police officer, Borella, 15 February 2007.

One senior police officer has additionally recommended the need for more stringent checks on higher ranking officers (such as captains and majors) to preclude the possibility that thefts are associated with the ability of more senior officers to evade the system.<sup>255</sup>

While the army and deserters from the security forces are often mentioned by key informants, some concerns were also raised in relation to the possible sale of weapons by police<sup>256</sup> and homeguards.<sup>257</sup>

#### **4.5.5 LTTE and non-state armed groups**

Some key informants emphasised the LTTE over and above other sources of supply. One police officer, for instance, claimed that most illicit small arms could be traced back to the LTTE.<sup>258</sup> However, this is often difficult to prove because, as noted above, alterations to the markings of a small arm make it very difficult to ascertain the origin of the weapon.<sup>259</sup>

In spite of this, some sources offered evidence of LTTE-related supply. One of the prisoners interviewed during the survey indicated that his underworld gang had both direct and indirect (through connected businesses) links to the LTTE.<sup>260</sup> Furthermore, in mid-2006 a person with LTTE contacts was reported to have been arrested with eight or nine T-56s intended for sale to organised criminals.<sup>261</sup> Aside from anecdotal evidence, there is little specific data to confirm the significance of this avenue of supply.

#### **4.5.6 Smuggling into Sri Lanka**

Some key informants indicate that smuggling of small arms from abroad does take place, but that it is only of a limited scale.<sup>262</sup> According to Smith, “one possible entry point for illegal weapons from abroad other than those intended for the LTTE, is the West coast, above Colombo”. Key informant interviews carried out by the survey team in these areas could neither confirm nor deny this. Nevertheless, due to a lack of patrols along the coast, such trafficking may be going on undetected. Similarly, on the South coast, a representative of the Sri Lanka Navy stated that there had been no known incidents of trafficking off Hambantota

<sup>255</sup> Interview with senior police officer, Colombo, 5 December 2006.

<sup>256</sup> Interview with senior police officer, Tangalle Division, 16 May 2006; and focus group discussion with farmers (Moneragala).

<sup>257</sup> Interviews with freelance small arms researcher, 13 May 2006; donor consultant, 10 May 2006; and senior police officer, Tangalle Division, 16 and 19 May 2006.

<sup>258</sup> Interview with senior police officer, Homagama Police Division, 15 February 2007.

<sup>259</sup> Ibid.

<sup>260</sup> Interview with Prisoner, Welikada Prison, 19 February 2007.

<sup>261</sup> Interview with police officer, Katunayake, 5 December 2006.

<sup>262</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

District during the past five years, but again the capacity of the Navy to police this coastline is very limited, and therefore the lack of evidence may not reflect reality.

While there appears to be no evidence, key informants indicate that there are three major locations where smuggling of small arms into Sri Lanka *might be* occurring. These are:

- The unprotected coastal belt around Puttalam;
- Kalmunai area in Ampara (considered to be a route by which minor cadres of the LTTE have conducted procurement through Muslim traders); and
- Ikirigollewa in Medawachchiya (where it was suggested that due to their contacts with Mannar and Vavuniya, local people smuggle firearms in with their main trade in dried fish).<sup>263</sup>

#### 4.5.7 Illicit manufacturing

*Galkatas*, *T-katas*, muzzle-loading guns and trap guns are all manufactured and sold illegally within Sri Lanka. Trap guns are made using both simple and widely available materials, such as galvanised piping. They are equally simple to arm, using matches, ball bearings and the powder from firecrackers.<sup>264</sup> *Galkatas* and *T-katas* are made by blacksmiths and their quality and firepower varies. Often one of the more difficult aspects is the crafting of reliable gun barrels. For this purpose, many blacksmiths make use of parts from other guns (in some cases by shortening the barrel of other small arms), commonly available water pipes or the steering wheel shafts of old Morris Minor vehicles.

A number of sources, from Hambantota, pointed out that *galkata* users often utilise refilled cases from empty shotgun cartridges for ammunition.<sup>265</sup> Homemade projectiles of different types are also a common source of ammunition. Bullets are thus constructed using a variety of commonly available materials from lead balls to pieces of metal from water bucket handles. The charges consist of just as diverse a range of materials (firecrackers to industrial explosives).

Trends in *galkata* production and use are very concerning, particularly in terms of the evolution of *T-katas* modified to fire T-56 assault rifle cartridges (7.62mm x 39mm).<sup>266</sup> This evolution in production appears to take its root in the increase in the proliferation and

<sup>263</sup> Interviews with senior police officer, Colombo, 5 December 2006; and local government member, Rotawewa, 7 December 2006.

<sup>264</sup> Interview with senior police officer, Medawachchiya, 7 December 2006.

<sup>265</sup> Interview with a former Firearms Licensing Officer, Hambantota District.

<sup>266</sup> Interview with senior representative of police, Tangalle Division, 26 May 2006.



availability of T-56 ammunition.<sup>267</sup> *T-katas* are reported to have powerful recoil, thin chambers and short barrels.<sup>268</sup>

Both *galkatas* and *T-katas* entail a high risk of injury, for the user as well as the victim.<sup>269</sup> *Galkatas* are often not very reliable: one JMO in Galle reported a case of attempted suicide using a homemade revolver. Two shots were fired to the head, but the suicide failed due to the low power of the weapon.<sup>270</sup>

An explosive called *batto* is also manufactured in some areas.<sup>271</sup> This reportedly costs very little (one farmer quoted a cost of just Rs 65).<sup>272</sup> It is used to protect sugar cane plantations from wild boars. To make *batto*, gun powder is collected from 20–25 firecrackers, is mixed with dried Bombali fish, Manoseela, patas powder, a wick and three pieces of quartz. It explodes when it is bitten by a wild boar or trodden on.<sup>273</sup> There is also evidence of local manufacture of grenades (for an example see Box 6 below).

While it appears that there is a capacity for blacksmiths to repair muzzle-loading small arms across the country “in more or less every village”,<sup>274</sup> a number of places have been highlighted as centres of production. According to one prisoner convicted of small arms related crimes, “Pelmadulla, Madampe area, produces some excellent local shot pistols”.<sup>275</sup> Farmers from Moneragala and Anuradhapura reported that trap guns and explosives were made locally, and focus group participants from Ampara indicate that *galkatas* are available in Komari and Pottuvil.<sup>276</sup> Police in Badulla highlighted illicit manufacturing in remote areas also known for *chena* cultivation, including Kandaketiya and Mahiyanganaya.<sup>277</sup> Illicit explosives producers were found to be operating in Tangalle,<sup>278</sup> Walasmulla and Kataragama.<sup>279</sup>

<sup>267</sup> Trends towards T-56 ammunition use and compatibility with T-56 ammunition are widely stated, such as in focus group discussion with rural men in Hambantota and numerous key informant interviews in other districts; interview with senior police officer, Mt Lavinia, 15 February 2007.

<sup>268</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>269</sup> MAJ Mendis, ‘Sri Lankan Shot Pistols and Ballistics’, *Science and Justice*, Volume 37, Number 4, 1997, pp 259–263.

<sup>270</sup> Interview with JMO, Galle, 5 December 2007.

<sup>271</sup> Focus group discussion with farmers (Moneragala).

<sup>272</sup> Ibid.

<sup>273</sup> Ibid.

<sup>274</sup> Interview with prisoner, Tangalle Prison, 16 May 2006. Blacksmith production of *galkatas* was also noted in focus group discussions for NCAPISA (2007).

<sup>275</sup> Interview with prisoner, Welikada Prison, 19 February 2007.

<sup>276</sup> Focus group discussions with farmers (Moneragala), farmers (Anuradhapura), Muslim women (Ampara) and Tamil men (Ampara).

<sup>277</sup> Interview with police officer, Badulla, 8 December 2006.

<sup>278</sup> Interview with senior police officer, Galle, 5 December 2007.

<sup>279</sup> Interview with senior official, MoDPSLO, 30 May 2006.

#### **4.5.8 Illicit hiring of small arms**

In circumstances where people do not want to purchase a small arm, or are unable to do so, it appears that firearms can also be hired for illicit use. Criminals are known to hire small arms to one another. Payment can be taken either in the form of money or, if the small arm is being used in a robbery, in a certain percentage of goods stolen.<sup>280</sup> Some interviewees also indicated that personnel from the armed forces and police rented out state weapons.

According to some focus group participants, hiring a weapon is easy: “It is quite simple, if you have the correct contact. The person in a barrier will hire his weapon for half an hour.”<sup>281</sup>

These allegations of misuse could not be confirmed, but given their seriousness warrant further investigation and action.

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<sup>280</sup> Interview with senior police officers, Thalangama Police division; and interview with prisoner, Welikada prison, 19 February 2007.

<sup>281</sup> Focus Group Discussion with Business Community (Colombo).

## 5 Illicit small arms use and its impacts

This chapter examines the nature and impact of the misuse of small arms in crime, social violence, illicit economic activities and political violence.

In particular, the survey team was provided with detailed police data on the criminal misuse of small arms. Much of this data, however, covers only a relatively short period of time – from 1999 to 2005. While this data is highly valuable, it is insufficient to allow an analysis of long-term trends. Nor does it necessarily give a comprehensive picture of the extent of the problem. This is both because an estimated 60% of crimes in Sri Lanka are never reported to the police and because the mechanisms for gathering and compiling statistics on crime in the police produce statistics that may contain inaccuracies.

Nevertheless, according to police statistics, in the years 1999 to 2005 small arms were used to commit 2,659 homicides, 298 suicides and 1,596 attempted homicides. In the same period, 805 abductions, 518 cases of grievous hurt, 392 rapes and 10,774 robberies were carried out using small arms.

On average, in the years 1999–2005, small arms were used in 4.5% of total grave crimes. Overall, the most common small arms used in violent crime are pistols, followed by small arms loosely defined in police statistics as ‘automatic weapons’, notably including the T-56, along with other of the more powerful/sophisticated weapons available. Shotguns are the next most commonly used category of small arms, despite the public perception that they are not commonly used.

Small arms continue to have a serious negative impact on the democratic process and on democratic governance in Sri Lanka. Elections in Sri Lanka have featured high levels of small arms related violence. The decline in levels of violence over the past three elections is encouraging. However, this trend will need to be reinforced if it is to be sustained.

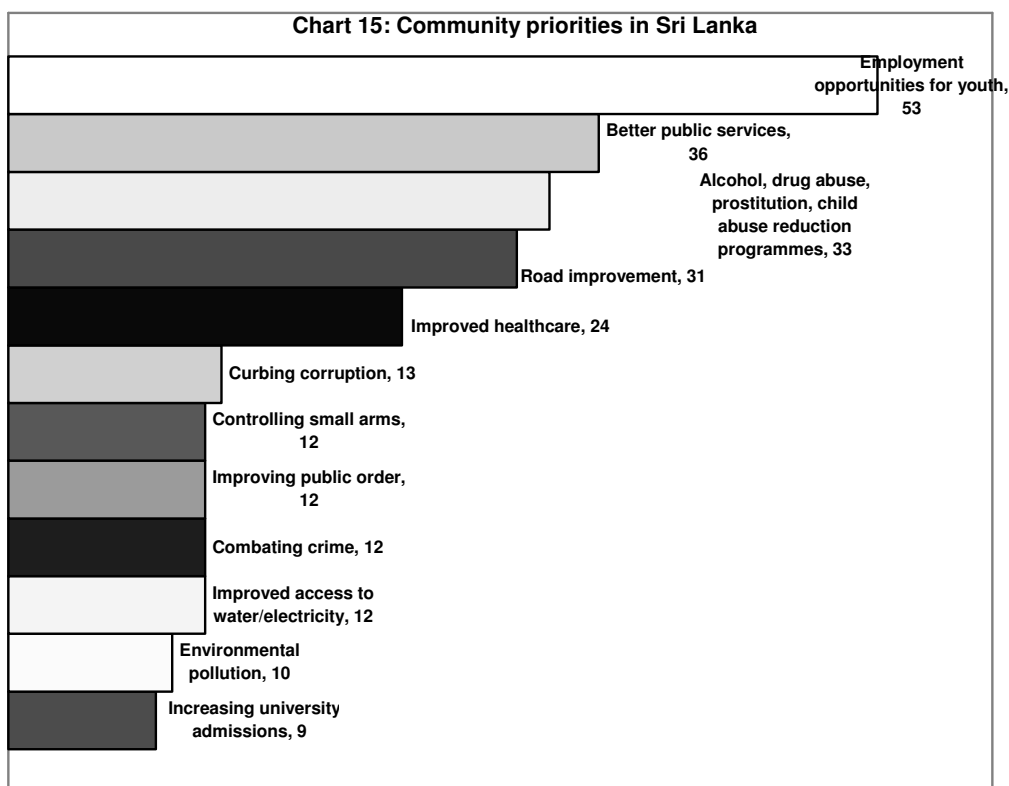
This chapter also documents the gravity of the impact of homemade weapons, including trap guns, *galkatas* and *T-katas*. In some parts of the country, injuries from trap guns are having a significant impact both on human health and the health system. In Anuradhapura District Hospital, for example, there are up to 500 trap gun injuries a year, of which around half

require surgery. The impact on victims of trap gun incidents and their dependents are high and long lasting.

Small arms are a significant concern for the public in Sri Lanka. Over half (54%) of Sri Lankans surveyed believe that the country had an illegal small arms problem. Comparatively, only 18% believed that there was no problem.<sup>282</sup>

### 5.1 Public concern over small arms misuse

When asked preliminary questions in the household survey on what general issues are of concern to people, a significant minority (12%) of people initially highlighted small arms as a priority issue for their area. In these preliminary questions, the major concerns voiced were largely related to economic and social issues that affected people's daily lives (see Chart 15 below). The Marga Institute commented that the fact "that the subject of small arms emerged at all in this query on general issues appears to reflect the extent to which this issue is entering the consciousness of the public as an emerging concern".



<sup>282</sup> 22% were not able to express an opinion and only 4% refused to respond.

Younger people expressed greater concern over governance, crime, and combating small arms. Gender differences in response to these general questions were marginal. However, significant differences were seen among ethnic groups on the two issues of controlling small arms and combating crime. Sri Lankan Tamils and Muslims had higher proportions of respondents citing concern over control of small arms than Sinhalese and Plantation Tamils. Sinhalese and Sri Lankan Tamil respondents expressed more concern over combating crime than Muslims and Plantation Tamils.

In addition, election related violence and political interference were noted as being a cause of insecurity in focus group discussions with university students, Muslim men and women in Ampara and farmers in Kurunegala. Localised conflicts between neighbours were also highlighted by Muslim men, women and youths and Tamil youths. Tamil youths noted that conflicts between neighbouring communities were impeding their potential to attend school.<sup>283</sup>

Opinion was divided on the extent to which insecurity is linked with poverty. Half the respondents believed that it was, while others, especially youth, males and Hindus, attributed insecurity to non-economic factors, particularly crime.

When household survey respondents were asked what they felt were the biggest causes of insecurity, the large majority of people in all districts prioritised socio-economic problems such as unemployment, alcohol and drug abuse. Only 3% highlighted small arms. Geographically, there was greater concern in Ampara (10%) and Puttalam (6%) than in Hambantota, Kurunegala and Moneragala (2%); Galle, Kalutara and Matara (1%); and Colombo (0.5%). From this it is difficult to draw reliable conclusions on the geographic distribution of small arms concerns, as responses do not appear to follow a consistent pattern: some areas near to conflict areas or urban centres highlighted a concern; while other, similar types of areas did not.

When subsequently questioned specifically on the issue of small arms, 32% considered the illegal possession and availability of small arms in their neighbourhood to be a 'major' or 'serious' problem. However, a similar proportion (34% of respondents) felt the proliferation of small arms had not emerged as a problem and 35% had no opinion or chose not to respond.

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<sup>283</sup> Focus group discussion with Tamil youth (Vavuniya).

Interestingly, there are some differences between groups in relation to their perceptions of the leading causes of insecurity. While ‘the conflict situation’ was a greater concern for the Sinhalese and particularly Sri Lankan Tamils – with approximately 4% of both groups also expressing concern about ‘terrorism’ – a greater proportion of Sri Lankan Tamils than other groups highlighted the proliferation of small arms as a key concern. Organised crime was also highlighted by between 1% and 2% of these ethnic groups as the biggest cause of insecurity.

In contrast to perceptions of insecurity in their areas, a majority of people (54%) categorically affirmed that small arms are a national problem. Only 18% claimed that there was no such problem. This perception was confirmed by focus group discussions with Tamil men from Ampara and farmers in Anuradhapura, who identified a decline in security due to small arms proliferation. Thus, while local perceptions vary, the conviction that small arms are a significant national problem is strong.

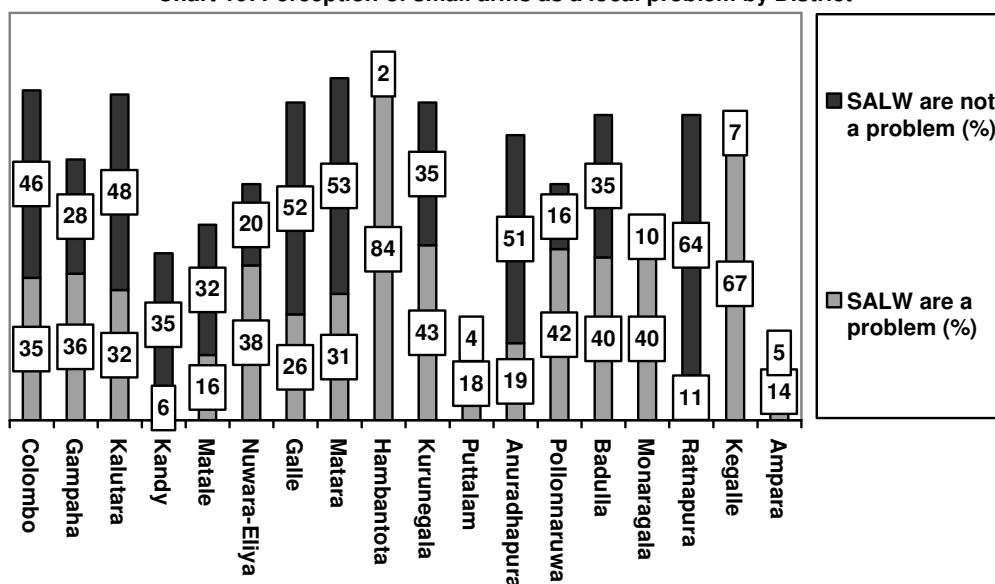
While a significant proportion of people expressed considerable concern about small arms in the survey, small arms issues seldom feature in community discussions. 10% of people claimed the subject of small arms had been a part of their community discussions. More adults (12%) than youth (7%) were aware of such discussions.

Moreover, the use of small arms was perceived to be fairly uncommon. The use of small arms in community-level conflicts was reported as extremely common by only 6% of respondents, while 13% stated that it ‘happens sometimes’. The majority (63%) stated that such occurrences took place either rarely (23%) or never (40%). Significantly, more youth than adults affirmed that small arms are used in their area. The apparent experience of the misuse of small arms in local conflicts also varied significantly by ethnicity, with more Muslims and Sri Lankan Tamils stating that small arms are commonly used in their local area than Plantation Tamils and Sinhalese.

Fear of personal injury from small arms violence is low but significant. Only 3% responded that they feared it all the time, but a notable minority (23%) claimed that they sometimes felt such fears. Over half (55%), however, had never entertained such fears.

Perceptions of whether or not small arms are a problem in respondents’ locations varied significantly between districts. While breaking down the responses to this level reduces their reliability, the following chart is indicative of the differences between districts.

Chart 16: Perception of small arms as a local problem by District



## 5.2 Small arms death and injury

Small arms injuries are not the leading cause of death in much of the country. Interviews with JMOs consistently indicated that road traffic accidents and killings with other weapons such as knives and blunt instruments were more pervasive than shootings as unnatural causes of death. However, of violent deaths and injuries, small arms are used in a surprisingly high proportion of cases, even far outside of the conflict zone.

The types of small arms used to kill and injure people vary considerably throughout the country. While there is no central systematic data that would allow a detailed mapping of this, there are clear differences between urban and rural areas.

In rural areas trap guns cause thousands of injuries and many deaths every year. Even in areas neighbouring the conflict, trap guns are the leading cause of non-conflict related small arms injuries. In Anuradhapura and Polonnaruwa, for instance, trap gun injuries are the most common type of small arms injuries after those related to the conflict with the LTTE.<sup>284</sup>

In some urban areas, hand gun and assault rifle use is significant. In Matara, the survey team was told that the main type of small arms injuries are rifle shootings, with an increasing number of hand gun shootings being seen.<sup>285</sup> Similarly, in North Colombo there are roughly

<sup>284</sup> Interviews with JMOs in Kantale, Anuradhapura and Polonnaruwa, 7 December 2006.

<sup>285</sup> Interview with JMO, Matara, 6 December 2006.

20 small arms related cases at the hospital per year, most caused by rifled small arms (primarily T-56s), whereas wounds from hand guns and shotguns and homemade small arms are rare.<sup>286</sup> In Colombo, an estimated 95% of small arms killings are related to the criminal underworld. In the past three years, the number of small arms related deaths of underworld members is said to have increased. Victims are usually male.<sup>287</sup>

### 5.3 Crime

While only limited statistical information is available on the number of crimes committed in Sri Lanka, police statistics indicate that there are on average some 53,675 'grave crimes' committed per year – approximately 273 per 100,000 population (see Table 10).<sup>288</sup>

Police statistics do not contain detailed information on victims of crime. The household survey, however, was able to elicit some data illustrating key aspects of the victimisation of crime. Many types of crime, including serious, violent and organised forms of crime, appear to affect minority populations more than majority groups.

It seems that a small but significant proportion of households are affected by crime each year. The numbers of respondents who had been victims of crime were low (1.1%), but a further 11% (193 respondents) had family members that had recently been victims of crime. The following crimes were reported:

**Table 9: Crimes affecting crime-affected households**

Crime resulting from drunken disorder	58%
Petty theft and unarmed robbery	46%
Drug distribution and sales related	31%
Domestic violence	21%
Political vendettas	16%
Assault & beatings	11%
Threats and blackmail	9%
Armed robbery	9%
Ethnic related	5%
Human trafficking	4%

<sup>286</sup> Interview with senior forensic medical doctor, 5 December 2006.

<sup>287</sup> Interview with JMO, Colombo, 1 March 2007.

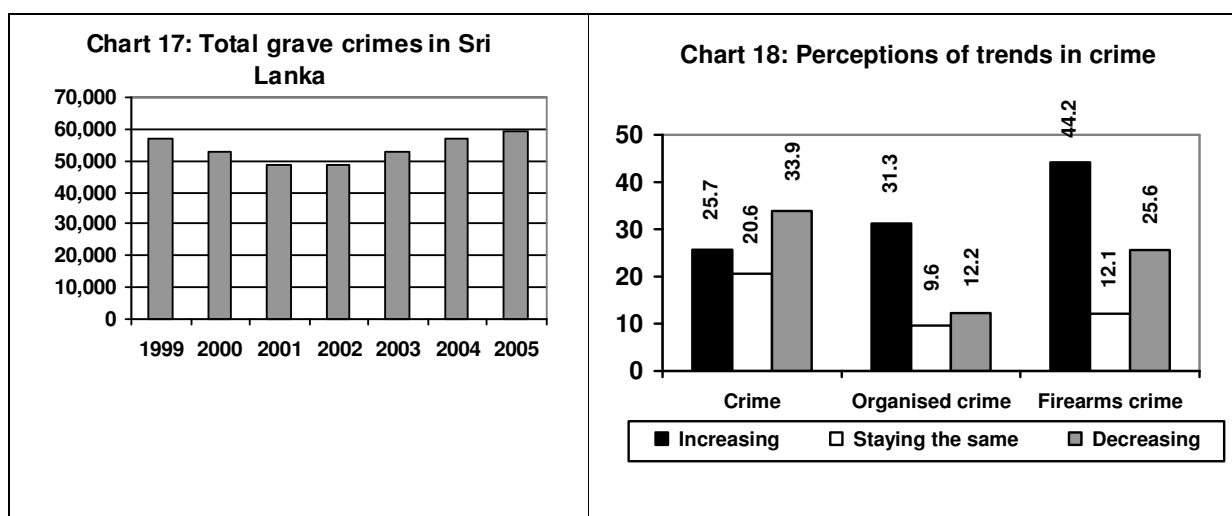
<sup>288</sup> 'Grave crimes' is a term used in Sri Lanka as opposed to petty crime such as mugging, stealing, etc. Grave crimes involve serious, life threatening dangerous acts that will cause severe damage/suffering to person or property. Examples include abduction, kidnapping, arson, house breaking and theft, homicide, 'grievous hurt', robbery, offences against the state, rape/incest etc. Unlicensed possession of automatic or repeater shot guns is a grave crime in Sri Lanka.



Those household survey respondents who reported that they or a member of their families had recently been victims of violent crime were asked about the type of weapon used. Of those cases that involved a weapon, 23% concerned knives and 10% small arms.

Aside from respondents whose families had experienced direct exposure to crime, a larger proportion of respondents stated that they knew of victims of crime in their locality. With regard to the past year: 50% stated they knew of such victims (of which 20% said there were many and 30% said there were a few) while only 31% said there were none. The perception that there had been many victims in their locality was higher among Sri Lankan Tamils, Muslims and Christians. Refusal to answer this question was high at 18% overall, with a greater proportion of Plantation Tamils, Hindus and Buddhists refusing to answer than other groups. The Marga Institute, which conducted the household survey, analysed this in the following terms: “A pervasive sense of fear of voicing opinions and even knowledge related to sensitive issues was indicated by the relatively high proportions that declined to respond.”

According to household survey respondents, petty theft, armed robbery and drunken disorder are among the most common crimes. In line with police statistics on crime rates, public perceptions do not indicate a strong increase or decrease in the overall incidence of grave crime. In the household survey, the majority of people were of the view that crime rates were decreasing or staying the same. However, a considerable minority (26%) felt that crime was increasing – probably reflecting specific local crime rates (see Chart 18).<sup>289</sup>



<sup>289</sup> Figures are percentages of household survey population. The table does not include don't know, no answer, or 'no crime' responses.

### **5.3.1 Organised crime**

Police statistics are not broken down into organised ‘underworld’ cases and other cases. Significantly, however, the household survey suggested that public concern about organised (gang-led) crime was notably greater than the level of concern about other types of crime. 31% felt organised crime had increased in the past year, compared to the 26% who said that overall crime rates had increased. This difference is further reinforced by only 12% perceiving a decrease in organised crime as compared with the 34% that believe overall crime rates to be decreasing. While all communities were concerned about organised crime, some strong differences in perceptions were evident in different groups: youth and males had a greater consciousness of an increase in organised crime than adults and females; nearly 70% of persons in high income households perceived an increase in organised crime; an increase in organised criminal activity was perceived by a much larger proportion of Sri Lankan Tamils than other groups; and among religious groups high numbers of Christians and Hindus perceived an increase.

In contrast to the perceived trends in crime, it is perceived that the government is making greater effort to tackle organised crime than to control the proliferation of small arms.

### **5.3.2 Small arms use in crime**

On average, in the years 1999–2005, small arms were used in 4.5% of total grave crimes (see Table 10 and Charts 19 and 20). However, small arms feature in far higher proportions of the most violent crimes, including over 30% of homicides, and almost half of attempted homicides in 2005. This national average varies between areas. In Negombo, for example, the survey team was told that less than 5% of crimes involved small arms<sup>290</sup> while in Matale District only 0.5% of crimes involved small arms.<sup>291</sup>

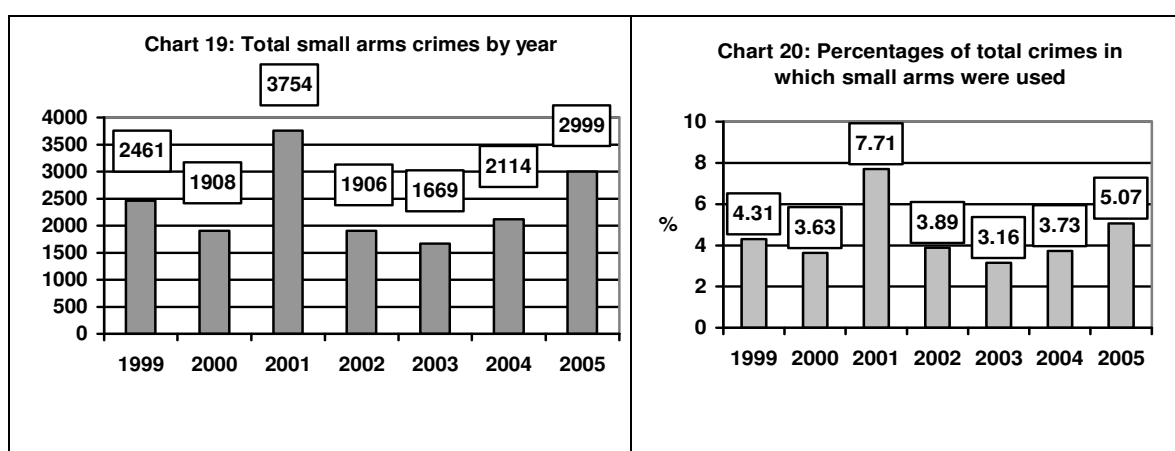
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<sup>290</sup> Interview with police officer, Negombo, 5 December 2006.

<sup>291</sup> Interview with police officer, Matale, 11 December 2006.

**Table 10: Annual small arms use in grave crimes<sup>292</sup>**

	1999	2000	2001	2002	2003	2004	2005
<b>Total grave crimes</b>	57,095	52,565	48,697	48,903	52,727	56,662	59,075
<b>Total involving small arms</b>	2,461	1,908	3,754	1,906	1,669	2,114	2,999
<b>Percentage</b>	4.31%	3.63%	7.71%	3.89%	3.16%	3.73%	5.07%
<b>Shotguns</b>	401	321	957	412	324	476	210
<b>Rifles</b>	38	145	576	86	32	26	18
<b>Pistols</b>	988	632	927	867	891	1,146	2,139
<b>Trap Guns</b>		41	139		24	26	41
<b>Automatic weapons</b>	1,013	769	1,155	520	398	439	591



Of the grave crimes that involve small arms, the most numerous are (in order of average prevalence) armed robberies, homicides and attempted homicides. These are followed by abductions, 'grievous hurt', rape and 'unnatural offences' (see Table 11).

The following analysis shows that the types of small arms used in such crimes vary from year to year and by category of crime.

<sup>292</sup> Based on data from Administration Reports of the Inspector General of Police, 1999–2005. It is suspected that the grave crimes resulting from trap gun use are not the result of intent to kill.

**Table 11: Small arms use in particular types of grave crimes**

		1999	2000	2001	2002	2003	2004	2005
<b>Abduction</b>	Shotgun	3	1	49	43	2	6	
	Rifle	1	1	44	42	5		
	Pistol	81	13	158	95	10	16	75
	Trap gun					1		
	Automatic weapon	18	23	60	21	5	15	17
	<b>Total involving small arms</b>	<b>103</b>	<b>38</b>	<b>311</b>	<b>201</b>	<b>23</b>	<b>37</b>	<b>92</b>
	Total	825	783	743	723	805	830	926
	<b>% involving small arms</b>	12.5	4.8	41.9	27.8	2.9	4.5	9.9
<b>Grievous hurt</b>	Shotgun	5	11	138	5	23	3	6
	Rifle		2	30	2	2		
	Pistol	4	3	86	12	4	4	5
	Trap gun	9	8		5	1	3	1
	Automatic weapon	10	11	97	25			3
	<b>Total</b>	<b>28</b>	<b>35</b>	<b>351</b>	<b>49</b>	<b>30</b>	<b>10</b>	<b>15</b>
	Total	2,080	1,965	1,813	1,847	1,854	1,921	1,749
	<b>% involving small arms</b>	1.3	1.8	19.4	2.6	1.6	0.5	0.9
<b>Homicide</b>	Shotgun	71	69	87	73	56	113	42
	Rifle	21	8	112	16	8	7	9
	Pistol	82	78	93	58	85	128	164
	Trap gun	6	10	87		10	13	18
	Automatic weapon	265	307	114	76	84	128	161
	<b>Total</b>	<b>445</b>	<b>472</b>	<b>493</b>	<b>223</b>	<b>243</b>	<b>389</b>	<b>394</b>
	Total	1,797	1,707	1,572	1,346	1,307	1,375	1,219
	<b>% involving small arms</b>	24.8	27.6	31.4	16.6	18.6	28.3	32.3

**Table 11: Small arms use in particular types of grave crimes** *continued*

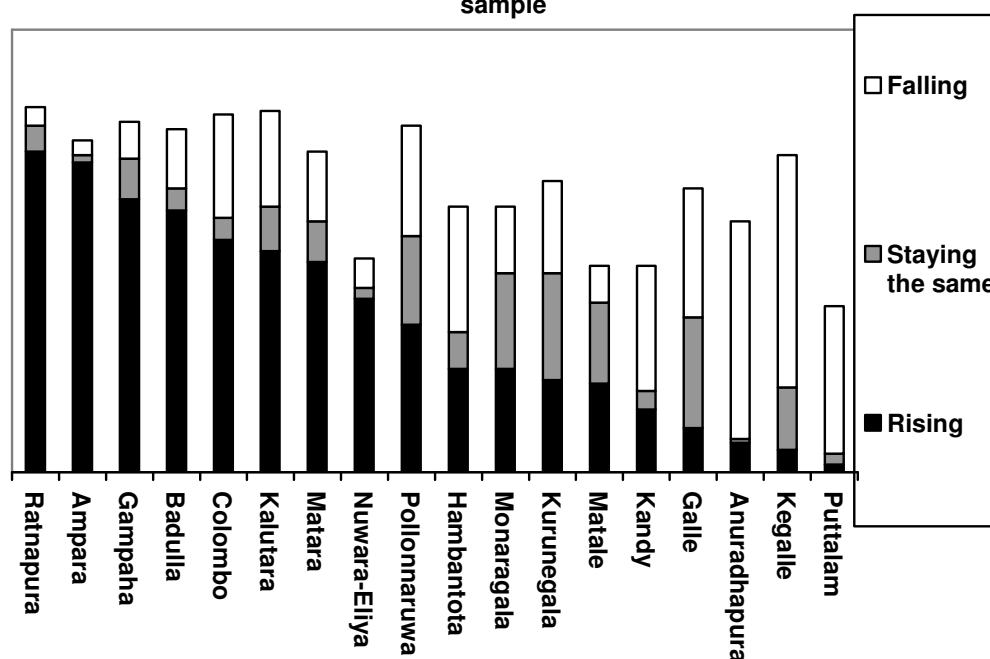
<b>Attempted homicide</b>	Shotgun	97	75	55	86	83	116	53
	Rifle	7	10	44	2	5	8	2
	Pistol	54	43	54	30	44	37	67
	Trap gun	6	23	52	16	12	10	22
	Automatic weapon	101	120	53	37	41	48	83
	<b>Total</b>	<b>265</b>	<b>271</b>	<b>258</b>	<b>171</b>	<b>185</b>	<b>219</b>	<b>227</b>
	Total	626	639	653	502	484	500	466
	<b>% involving small arms</b>	42.3	42.4	39.5	34.1	38.2	43.8	48.7
<b>Rape</b>	Shotgun	12	1	81	14	4	4	1
	Rifle						1	
	Pistol	16	5	77	62	5	6	3
	Trap gun							
	Automatic weapon	14	1	79		4		2
	<b>Total</b>	<b>42</b>	<b>7</b>	<b>237</b>	<b>76</b>	<b>13</b>	<b>11</b>	<b>6</b>
	Total	1,303	1,196	1,279	1,243	1,364	1,424	1,531
	<b>% involving small arms</b>	3.2	0.6	18.5	6.1	0.9	0.8	0.4
<b>Robbery</b>	Shotgun	213	164	547	186	156	234	108
	Rifle	9	124	346	24	12	9	7
	Pistol	751	490	435	610	710	955	1844
	Trap gun	5						
	Automatic weapon	605	307	725	361	264	248	325
	<b>Total</b>	<b>1,583</b>	<b>1,085</b>	<b>2,053</b>	<b>1,181</b>	<b>1,142</b>	<b>1,446</b>	<b>2,284</b>
	Total	4,900	4,582	5,215	5,618	6,482	7,860	7,759
	<b>% involving small arms</b>	32.3	23.7	39.4	21	17.6	18.4	29.4
<b>Unnatural offences</b>	Shotgun				5			
	Rifle						1	
	Pistol			24		33	1	11
	Trap gun							
	Automatic weapon			27				
	<b>Total</b>	<b>0</b>		<b>51</b>	<b>5</b>	<b>33</b>	<b>2</b>	<b>11</b>
	Total	170	182	388	302	249	418	426
	<b>% involving small arms</b>	0	0	13.1	1.6	13.2	0.5	2.6

### Perception of small arms use in crime

Despite only a small proportion of all crimes involving the use of small arms, there is a strong perception in the country that small arms related crime is growing faster than other crime. Thus, in contrast to perceptions of overall crime (see Chart 18 above), a large proportion of people (44%) feel that small arms related crime is increasing. This view was particularly strong among minority groups.<sup>293</sup> Similarly, some focus group participants expressed a view that the proliferation of small arms in society had increased crime.<sup>294</sup>

Perceptions of trends in small arms related crime varied strongly in different geographical areas (see Chart 21). These do not clearly correlate with predominantly urban areas, or reflect clear distinctions between areas neighbouring conflict and those in the rest of the country. The strongest perceptions of an increase were found in Ratnapura (87% ), Ampara (84%), Gampaha (74%), Badulla (71% ), Colombo (63%), and Kalutara (60%). Conversely, perceptions that small arms crime was falling were held in Galle, Kandy, Hambantota, Puttalam, Anuradhapura and Kegalle. These differences are important but should not be given undue emphasis, given the limited size of the sample in each district (between 50 and 200 respondents).

**Chart 21: Perceptions of trends in small arms crime by % of district sample**



<sup>293</sup> Focus group discussions with university students (Kelaniya); farmers (Anuradhapura); and urban slum dwellers (Colombo).

<sup>294</sup> While the proportions of homicide and attempted homicide attributed to particular types of small arms vary substantially in each year, this consistent difference does not seem to reflect differences between types of small arms used.

### **Homicide and attempted homicide**

A surprisingly high proportion of homicides and attempted homicides are committed with small arms. According to official police data this ranges from 16% to 30% for homicides and from 34 to 48% for attempted homicides. Interestingly, the proportion of attempted homicides (up to half) that involve small arms is consistently higher than the proportion of successful homicides that involve small arms.<sup>295</sup>

This contrasts with the perceptions of many JMOs interviewed by the survey team, many of whom claimed that small arms were not commonly used in homicides, and pointed to the use of bladed weapons and blunt instruments in homicides.<sup>296</sup>

Other weapons, such as pointed knives and cutting weapons, and sometimes blunt instruments, tend to be used more often than individual types of small arms. However, cumulatively, the use of all types of small arms in homicide is as frequent as, or more frequent than, the use of other types of weapons. In 2005, for instance, small arms were used as often as bladed weapons in homicides.<sup>297</sup>

The primary types of small arms used in homicides are recorded as ‘automatic weapons’ (typically T-56s). While there are general perceptions that shotgun use in crime has been declining, their use in homicides remains almost as significant as the use of pistols, while in some years they remain the predominant weapons used in attempted homicides.

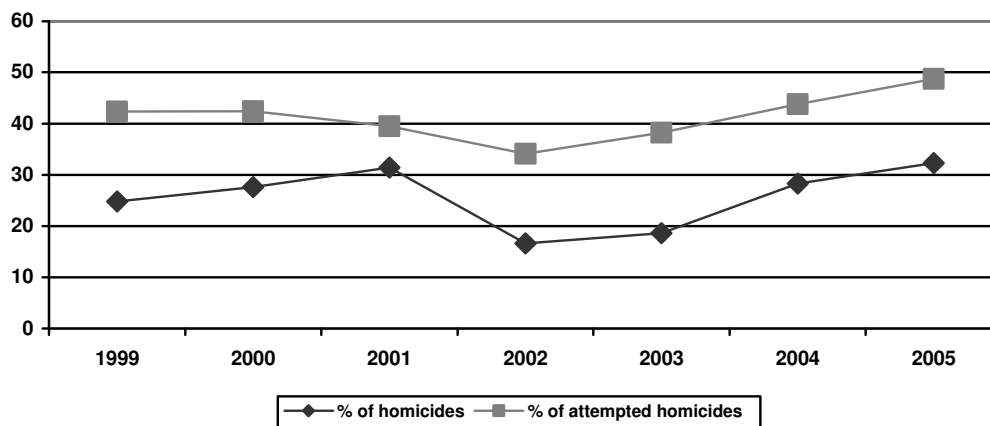
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<sup>295</sup> While the proportions of homicide and attempted homicide attributed to particular types of small arms vary substantially in each year, this consistent difference does not seem to reflect differences between types of small arms used.

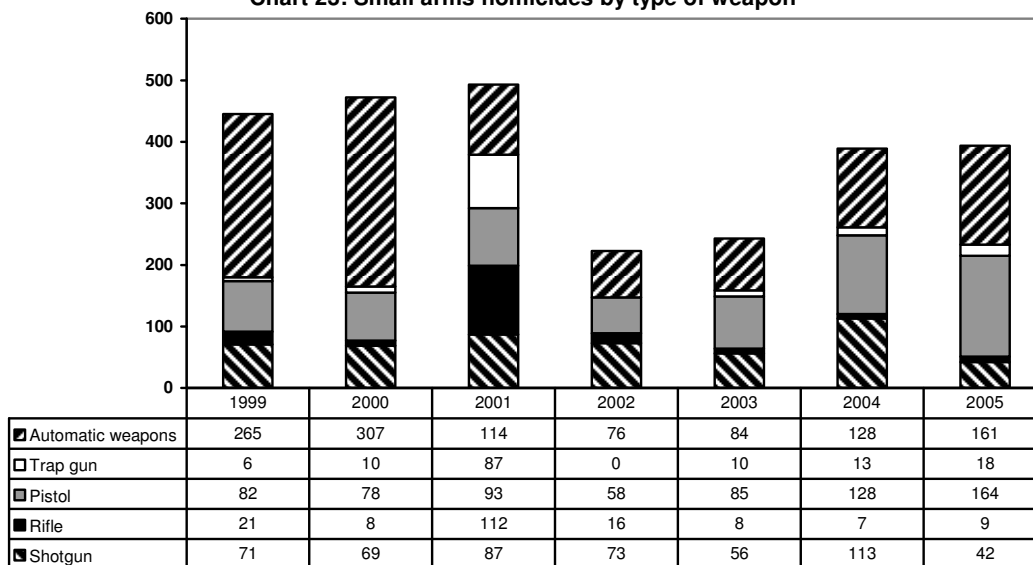
<sup>296</sup> Interviews with JMOs, Kurunegala, 12 December 2006; Galle, 5 December 2006; and Nuwara Eliya, 8 December 2006. The apparent discrepancy between JMO perceptions and official statistics probably reflects discrepancies caused by fragmenting categories of small arms in records: in police data categories of small arms are broken down while categories of bladed weapons are not – creating a false impression that small arms are rarely used. When added together the true picture of small arms use in murder becomes clear.

<sup>297</sup> The weapons used in murders were: pointed knives (193); other cutting weapons (199); small arms of all types (394); and clubs and other blunt instruments (229). Chandra Fernando, (2005), p 106.

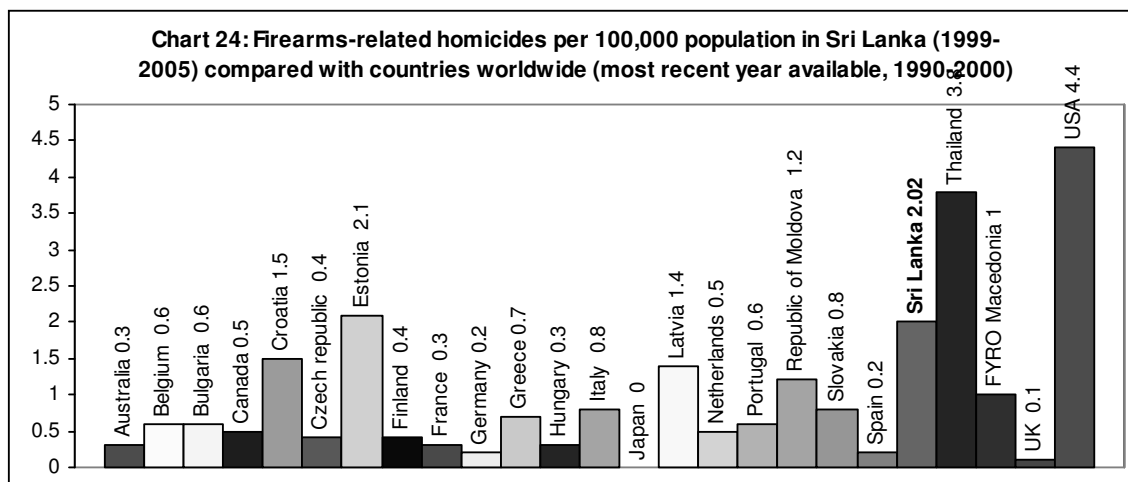
**Chart 22: Percentages of homicides and attempted homicides in which small arms were used**



**Chart 23: Small arms homicides by type of weapon**







### Contract killings

Contract killings are a specific type of homicide linked to organised crime. According to a source in the Attorney General's Department, contract killings in Sri Lanka almost always involve the use of small arms.<sup>298</sup>

### Suicide

Sri Lanka is well known for having a high suicide rate.<sup>299</sup> The suicide figures in Table 12 indicate a 2005 suicide rate of over 24 per 100,000 population.<sup>300</sup> However, the use of small arms in suicide is rare – averaging approximately 1%. Compared with the high use of small arms in homicide, and other violent crime, the very low number of suicides that involve small arms is surprising. Indeed, even though there is substantially higher use of small arms in suicide by men, this does not exceed 2% of total male suicides in any year. The use of small arms in suicide by women is negligible.

<sup>298</sup> Interview with senior official, Attorney General's Department, Colombo, 21 June 2007.

<sup>299</sup> Etienne G Krug et al, 'World Report on Violence and Health' (Geneva, World Health Organisation, 2002), p 186.

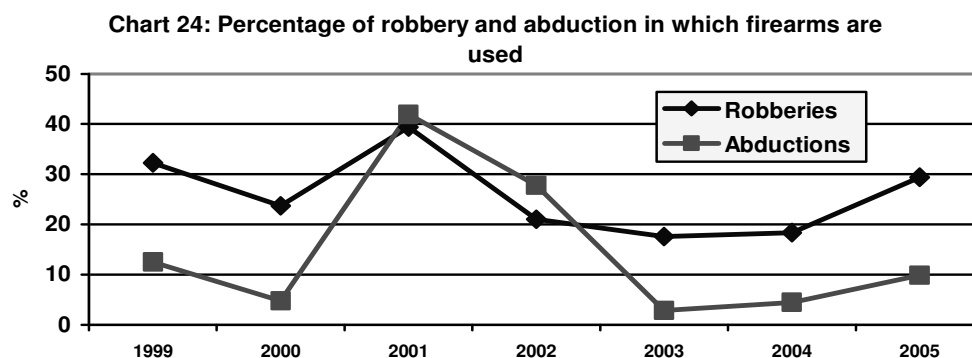
<sup>300</sup> Calculated on the basis of population of 19,668,000 found in 2006 Statistical Abstract, Sri Lankan Department of Statistics.

**Table 12: Suicide with small arms 1999–2005<sup>301</sup>**

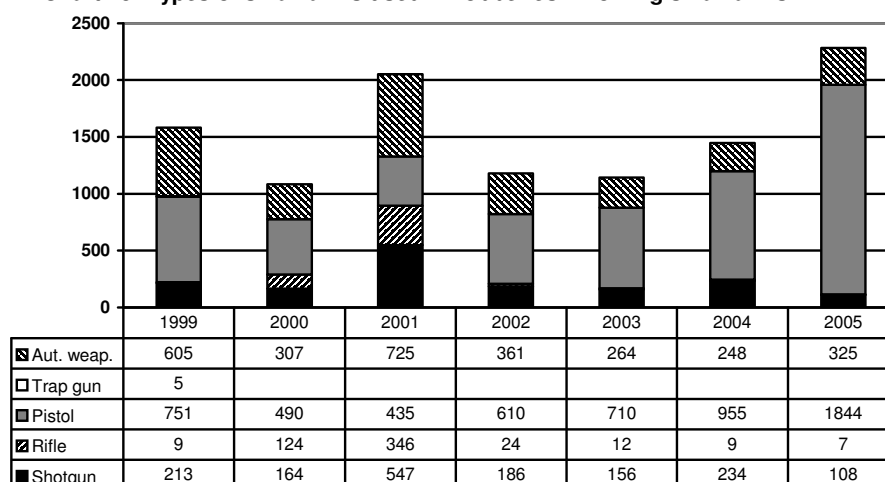
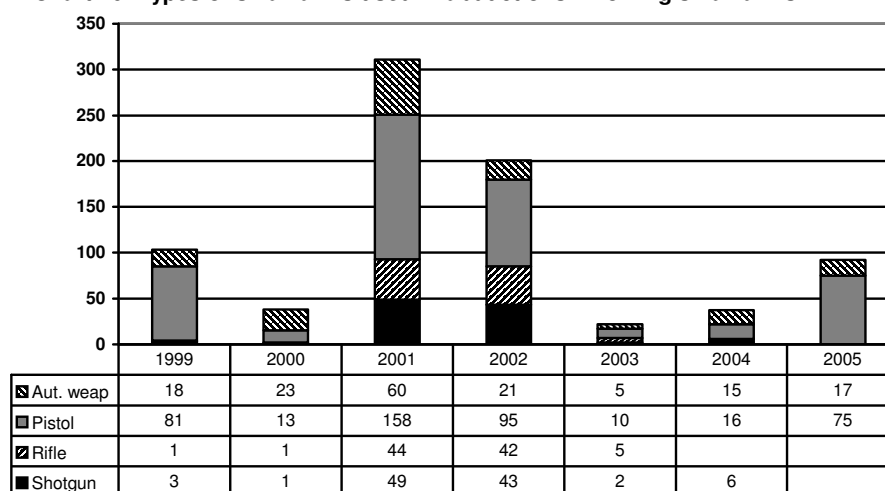
	1999	2000	2001	2002	2003	2004	2005
<b>Male suicide</b>	4,536	4,034	3,778	3,667	3,626	3,803	3,708
<b>Male suicide by small arms</b>	43	37	53	63	36	33	33
<b>Percentage</b>	0.9	0.9	1.4	1.7	0.9	0.8	0.8
<b>Female suicide</b>	1,371	1,378	1,177	1,025	981	1,073	1,034
<b>Female suicide by small arms</b>	3	6	2	0	3	6	9
<b>Percentage</b>	0.2	0.4	0.1	0	0.3	0.6	0.9
<b>Total suicide</b>	5,907	5,412	4,955	4,692	5,607	4,876	4,742
<b>Total suicide by small arms</b>	46	43	55	63	39	39	42
<b>Percentage</b>	0.7	0.8	1.1	1.3	0.7	0.8	0.9

### Robbery and abduction

Robberies and abductions (often for money) frequently involve the threat or use of force with small arms. In Sri Lanka, small arms are used in between 17% and almost 40% of robberies. Similarly, a widely varying proportion of abductions (between 3% and 42% of annual cases) involve the use of small arms – especially pistols, automatic weapons and shotguns.



<sup>301</sup> Based on data in Police Administrative Reports.

**Chart 25: Types of small arms used in robberies involving small arms**

**Chart 26: Types of small arms used in abductions involving small arms**


The most commonly used small arms in robberies are pistols and ‘automatic weapons.’ The relative importance of each has shifted in the period for which data is available, with a gradual decline seen in automatic weapons use and a substantial increase in the proportion of such crimes using pistols. However, this is only short-term data and there is little evidence of a major shift away from automatic weapons. Shotguns are also used in many cases. Trap guns are not suited to this type of crime and are used very rarely (in only five cases, all in 1999). Some robberies are also reported to involve hand grenades.

Among the numerous cases of armed robbery to occur in 2006, the media survey highlights the following:

- An armed gang robbed jewellery worth an estimated Rs 10 million from a shop in Ambalangoda;<sup>302</sup>
- Robbers entered a businessman's house in Mirissa through the window and used a pistol to threaten the residents;<sup>303</sup>
- A vehicle was robbed at gun point and then burnt in Ahungalla;<sup>304</sup>
- A fuel station at Karapitiya, Galle was robbed and nearly Rs 75,000 was stolen;<sup>305</sup>
- A homeguard was killed and his small arm was stolen at Padaviya;<sup>306</sup> and
- Nearly Rs 100,000 was robbed from a cigarette van in Akmeemana using a pistol.<sup>307</sup>

Similarly, in cases of abduction involving small arms use, pistols and automatic weapons are the primary weapons used. There is only one recorded incident of trap gun use in abduction (in 2003). One key informant in Colombo claimed to know of a large number of abductions, many using small arms:

"I can clearly say it's almost the same in each incident of nearly 100 abductions... [In Colombo] the abductors use *small weapons* [hand guns]. Outside Colombo, Puttalam is one of the places in which abductions happen. Being outside of Colombo the abductors use assault rifles to intimidate people[...] A lot of the business community live in fear. They are abducted for ransom. One businessman had to pay Rs 50 million to get free. Recently, a trustee of a Hindu Temple in Colombo South was abducted for the same reasons, and two wealthy businessmen (Jewellery Shop owners) were abducted for ransom."<sup>308</sup>

### **Other serious violent offences**

Other serious violent offences have lower levels of small arms use. Cases of 'grievous hurt', rape and incest, and 'unnatural offences' (a category that includes such crimes as sodomy and sexual abuse of children) all register small percentages of small arms use. With regard to the ten-fold increase in the use of small arms in rapes, grievous assaults and 'unnatural offences' in 2001, given that these crime levels have not been sustained in later years they may represent differences in the recording of data for that year rather than a dramatic change in the actual use of small arms in crime.

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<sup>302</sup> *Island*, 23 October 2006, p 4.

<sup>303</sup> *Lankadeepa*, 1 May 2006.

<sup>304</sup> *Lankadeepa*, 2 May 2006.

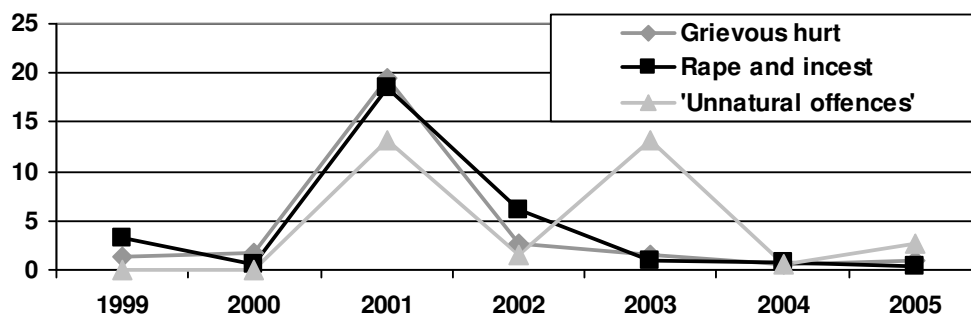
<sup>305</sup> *Lankadeepa*, 9 May 2006.

<sup>306</sup> *Lankadeepa*, 12 May 2006.

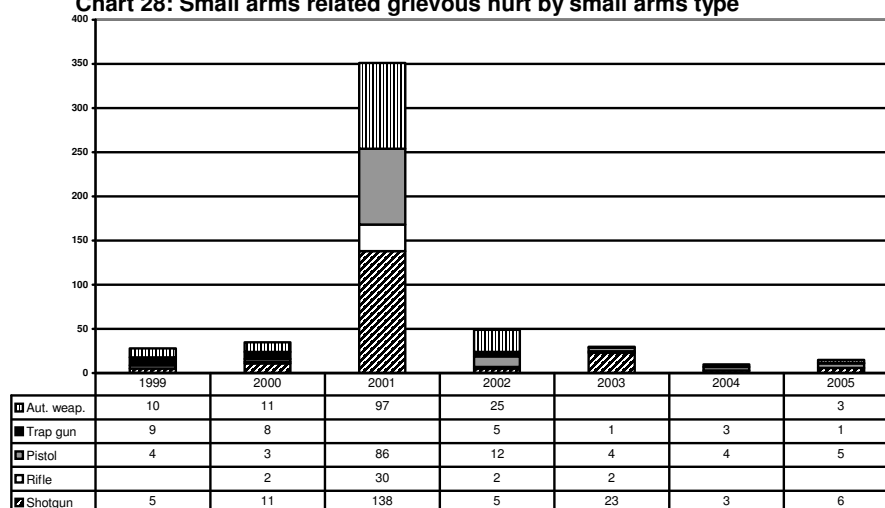
<sup>307</sup> *Lankadeepa*, 13 May 2006.

<sup>308</sup> Interview with politician, Colombo, 19 February 2007.

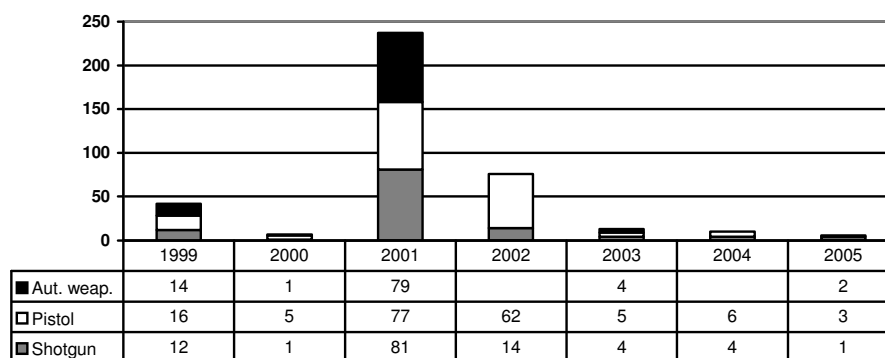
**Chart 27: Percentages of other serious violent crimes that involve the use of small arms**



**Chart 28: Small arms related grievous hurt by small arms type**



**Chart 29: Small arms related rape and incest by small arms type**



The types of small arms used in 'grievous hurt' cases and rape and incest cases vary each year. Shotguns, automatic weapons, and pistols are the most commonly used small arms, while the use of trap guns and rifles is relatively rare.

## 5.4 Electoral violence and political impacts of small arms

The misuse of small arms during political elections has been a significant issue in Sri Lanka in recent years. However, there has been a marked reduction in the number of incidents reported in the past five years. During the general election held in 2001, 4,861 incidents were documented by monitors, of which 1,051, or 21.6%, involved small arms.<sup>309</sup> Politicians interviewed by the survey team were reluctant to talk in depth about their use of small arms. One politician, however, did claim to have used small arms to escape when surrounded by thugs from a rival political party.<sup>310</sup>

A year later, local government elections were similarly violent with small arms being used across the country.<sup>311</sup> In contrast, the general election of 2004 showed a dramatic fall in the number of incidents of violence both before and during the election. Monitors noted on Election Day that the process “had been ‘considerably and qualitatively less violent’ than that of December 2001”.<sup>312</sup> Out of the total (1,747) major and minor incidents recorded, 143 involved the use of small arms.<sup>313</sup> However, despite the overall decline in the scale of the violence seen in the 2004 elections, for example, pre-election offences are recorded as including amongst others: five homicides; 13 attempted homicides; 178 cases of ‘hurt’; nine cases of ‘grievous hurt’; 299 assaults; and 86 cases of threat and intimidation.<sup>314</sup>

This positive change continued in the 2005 elections, in which only 29 examples of small arms misuse were documented during the process.<sup>315</sup> Nonetheless, the incidents involved five politically motivated homicides,<sup>316</sup> seven attempted homicides<sup>317</sup> and thirty-four incidents of threat and intimidation.<sup>318</sup> The EU Observation Mission also noted that a decrease in election related violence occurred in 2005.<sup>319</sup>

<sup>309</sup> CMEV, *Final Report on Election-related violence: General Election 2001*, (2001), [http://www.cpalanka.org/research\\_papers/CMEV\\_General\\_Election\\_2001.pdf](http://www.cpalanka.org/research_papers/CMEV_General_Election_2001.pdf).

<sup>310</sup> Interview with member of Colombo Municipal Council, Colombo, 27 February 2007.

<sup>311</sup> CMEV, *Final Report on Election Related Violence: Local Government Elections 2002*, (2002), [http://www.cpalanka.org/research\\_papers/CMEV\\_Local\\_Government\\_Elections\\_2002.pdf](http://www.cpalanka.org/research_papers/CMEV_Local_Government_Elections_2002.pdf).

<sup>312</sup> CMEV, *Final Report on Election Related Violence: General Election-April 2004*, (2004) [http://www.cpalanka.org/research\\_papers/CMEV\\_GE\\_2004\\_English.pdf](http://www.cpalanka.org/research_papers/CMEV_GE_2004_English.pdf), p 5

<sup>313</sup> Ibid, p 19

<sup>314</sup> Ibid.

<sup>315</sup> <http://www.slelections.info/offences.php>

<sup>316</sup> Pre-election murders were reported in Digamadulla, Trincomalee and Colombo. On Election Day two further murders were reported in Digamadulla.

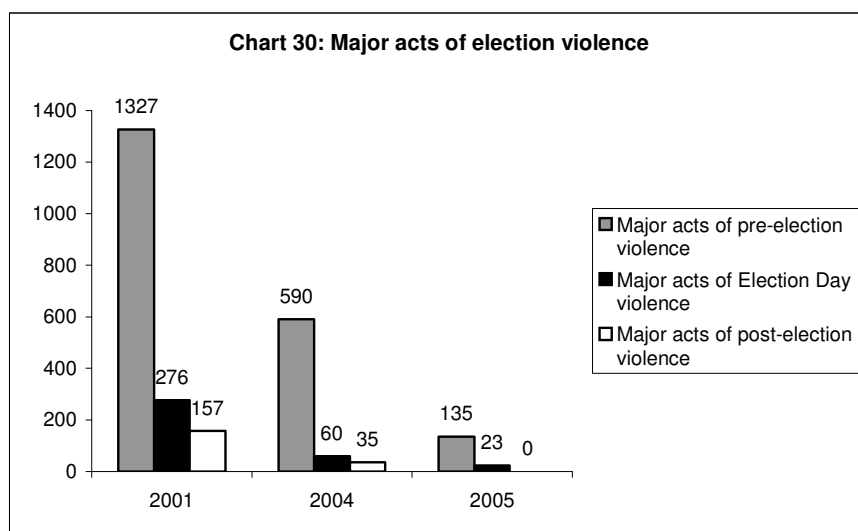
<sup>317</sup> Pre-election attempted murders were reported in Jaffna, Batticaloa Kandy, Puttalam and Polonnaruwa. On Election Day two further attempted murders were reported in Digamadulla.

<sup>318</sup> <http://www.slelections.info/>

<sup>319</sup> EU, ‘Preliminary statement: Sri Lanka Presidential Election 2005’, Election Observation Mission to Sri Lanka, (2005), <http://www.eueomsrilanka.org/>

This general decline is attributed to a combination of measures, including the implementation of the provisions of the 17<sup>th</sup> Amendment to the Constitution,<sup>320</sup> increased police vigilance and the active engagement of civil society through sustained public pressure, such as through the awareness-raising campaign ‘Ballot without the Bullet’.<sup>321</sup> This campaign was introduced at the instruction of NCAPISA (supported by UNODA) and implemented by civil society.<sup>322</sup> It is not clear whether this is a trend that will be sustained.

In spite of an overall decline in election-related violence, the impact of small arms misuse during electoral campaigns remains a problem in Sri Lanka. In 2004 monitors reported that acts of violence were particularly prevalent in the North and the East, with several acts of homicide recorded. It was also alleged that the Tamil National Alliance, along with the LTTE, had undertaken a campaign of violence and intimidation against the rival Tamil United Liberation Front and Eelam People’s Democratic Party.<sup>323</sup> The resulting fear and insecurity in the affected districts reduced the capacity of other candidates to campaign in an effective manner, and for the electorate to exercise their democratic rights in a free and fair manner.

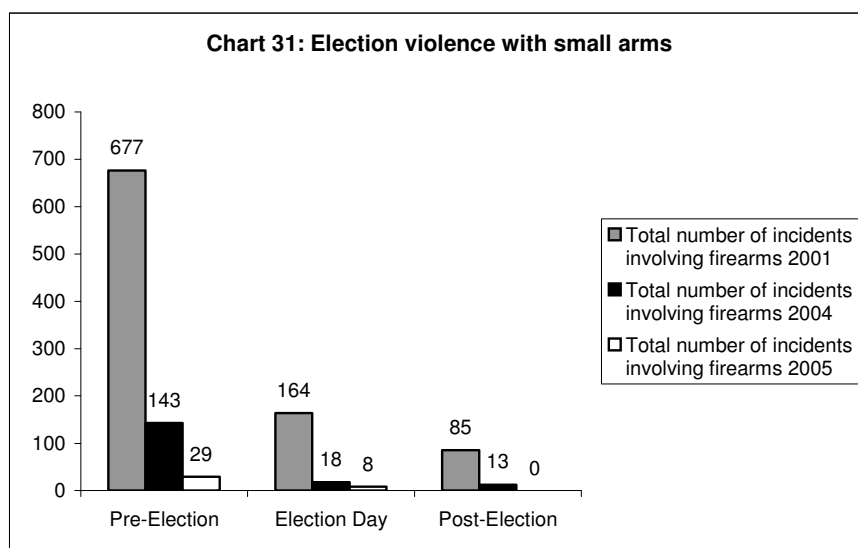


<sup>320</sup> Seventeenth Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka, <http://www.priu.gov.lk/Cons/1978Constitution/SeventeenthAmendment.html>.

<sup>321</sup> Interview with politician from the Colombo Municipal Council, Colombo, 27 February 2007.

<sup>322</sup> The Ballot without the Bullet campaign was supported by People’s Action for Free and Fair Elections (PAFFREL) and Saferworld.

<sup>323</sup> CMEV, (2004), p 15.



While positive progress can be evidenced, violence during elections continues to be perceived as a source of insecurity. Focus group participants and household survey respondents both reported politically-motivated vendettas and violent criminal activity as causes of insecurity. Focus group participants claimed that at polling stations, thugs normally scared opponents away by threatening them with bombs and small arms.<sup>324</sup>

Moreover, the potential for violence linked to politics will continue to be significant, given that small arms issued to politicians are not effectively controlled and there is no appropriate record-keeping system for these stocks. Some former MPs are still in possession of the small arms issued to them in spite of being voted out of office.<sup>325</sup> A politician interviewed by the survey team also claimed that the bodyguards of MPs misuse firearms, and that there is no pressure on MPs to ensure that their bodyguards do not do so.<sup>326</sup> Another politician claimed that he had witnessed their use in intimidation at a recent community meeting.<sup>327</sup> These failings in small arms control have resulted in politicians becoming a source of illicit small arms.<sup>328</sup>

Political violence is not limited to times of electoral campaigning. For example, on 1 April 2006, an active supporter of the United People's Freedom Alliance was shot and killed in Beliatta.<sup>329</sup> Commenting on the frequency of political homicides (including assassinations by

<sup>324</sup> Focus group discussion with university students (Kelaniya).

<sup>325</sup> Ibid.

<sup>326</sup> Interview with politician, Colombo, 27 February 2007.

<sup>327</sup> Interview with politician, Colombo, 19 February 2007.

<sup>328</sup> Interview with former Government Analyst, 21 February 2007.

<sup>329</sup> *Island*, 1 April 2006, p 2



the LTTE) in Sri Lanka, one key informant asserted that the assassination of politicians is embedded in the culture of Sri Lanka.<sup>330</sup>

The alleged involvement of politicians with underworld criminal gangs and illicit economic activities is damaging to democratic governance, in that it damages public perceptions of politicians and political processes, reinforces the impunity of criminals and prevents the democratic will of the people from being expressed at elections.

## 5.5 Accidental death and injury

Accidental deaths and injuries from small arms appear to be high in Sri Lanka. Despite there being no recorded statistical data, there is strong evidence of many thousands of injuries being caused as a result of the widespread use of trap guns.<sup>331</sup> According to a JMO in Anuradhapura, up to 500 cases of trap gun injury are seen in the district every year, 10–15 of which result in fatalities.<sup>332</sup> In Kantale, where the use of trap guns in hunting is common, one or two are seen each month.<sup>333</sup>

However, the media survey conducted for this research indicates that trap gun fatalities rarely receive media attention. In one of the few reported cases identified, a woman in Kiriella died of injuries received from a trap gun.<sup>334</sup> While of far lower destructive capacity, trap guns are not unlike landmines in that they are indiscriminate and hidden weapons that have diverse and often very debilitating impacts. Trap guns are discussed in detail in the section 'Misuse of small arms by type' below.

## 5.6 Misuse of small arms by type

It is difficult to accurately document the scale of small arms misuse by type, as available records are limited. Centralised police statistics on types of small arms used in grave crimes (see Chart 32 below) provide some insights, however, they cannot be considered wholly reliable as they utilise a limited range of categories. Therefore, they cannot fully be relied upon to disaggregate the types of small arms misused. For example, *galkatas* are not distinguished from pistols. This omission is significant as many key informants highlight the use of this type of small arm in crime. Moreover, the figures represent only a limited number of instances of small arms misuse and may therefore provide an abstraction of the true scale

<sup>330</sup> Interviews with representative, politician, Colombo, 19 February 2007; and member of Colombo Municipal Council, 27 February 2007.

<sup>331</sup> Trap guns, as illegally manufactured small arms, are illegal.

<sup>332</sup> Interview with JMO, Anuradhapura, 8 December 2006.

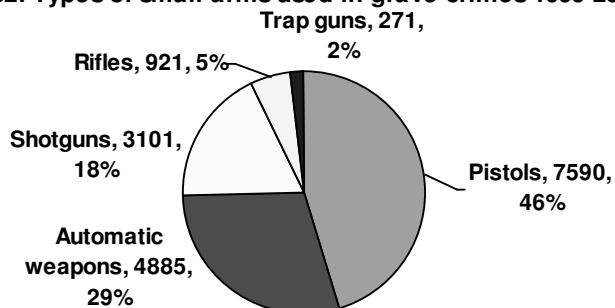
<sup>333</sup> Interview with JMO, Kantale, 7 December 2006.

<sup>334</sup> *Sunday Island*, 22 October 2006.

of small arms misuse by type. Trap guns, for example, while comprising only a minority of grave crimes, are in many areas the biggest source of small arms injuries. Even in places neighbouring conflict areas, trap guns are the second-biggest source of small arms injuries (after the conflict).

Overall, as is the case in many countries, the small arms most commonly used in grave crimes in the period 1999-2005 were pistols, presumably because of the ease with which they can be concealed.<sup>335</sup> Pistols were particularly commonly used in armed robbery, abduction and homicide. This suggests the need for particular stringency with regard to control of the circulation of pistols.

**Chart 32: Types of small arms used in grave crimes 1999-2005**



Use of 'automatic weapons' (a category in central police data covering military-type weapons such as T-56s, M16s, and different types of machine guns, pistols, and shotguns in varying proportions) accounts for the next largest share of grave crimes (29%). Shotguns also feature in a large proportion (18%), while rifles and trap guns are less commonly used. In spite of perceptions that shotguns are no longer used very frequently in crime,<sup>336</sup> police data indicate that this is not the case, and that their use remains only slightly less common than military-type weapons and hand guns in most grave crimes, with the exception of robberies (see Table 11).

With regard to types of illicit weapons used in crime it can also be pointed out that a combination of different types of small arms is sometimes used in one crime. Police in Thalangama – where a high proportion of robberies involve the use of small arms – claimed

<sup>335</sup> The figures are drawn from Chandra Fernando, *Administration report of the Inspector General of Police*, (years 1999-2005). The categories do not include important categories of weapons such as *galkatas*.

<sup>336</sup> Interview with Senior Police Officer, Central Armoury, Colombo, 1 December 2006.

that for every armed robbery at least one *galkata* is used in conjunction with T-56s, revolvers, pistols and hand grenades.<sup>337</sup>

Additionally, one key informant expressed a belief that criminals are increasingly using replica guns.<sup>338</sup> In particular, one senior police officer said he believed that armed gangs would carry one real small arm and several replicas.<sup>339</sup> The focus group with Tamil women noted: “Boys along the Kalmanai Road are known to have used replica guns to take gold ornaments from travellers.”<sup>340</sup>

### 5.6.1 *Galkatas* and muzzle-loading guns

Possibly owing to limited categories used in police records, there is limited information on use of *galkatas* and muzzle-loading guns in crime. Some sources indicate that *galkatas* are used very often, while others indicate a significant decline in their use. Interviews in Ratnapura police station, for instance, showed a perception that the use of T-56 type *galkatas* in crime has been increasing during the past couple of years. However, perceptions from other key informants are that *galkatas* are seldom used.<sup>341</sup>

### 5.6.2 Assault rifles and military-type small arms

The use of military-type weapons in crimes throughout the country is recorded – in those cases where types of small arms have been recorded – under the category of ‘automatic weapons’ but it is likely that most of these cases relate to T-56s, as they are the predominant automatic weapon in the country. While short-term statistical data show a recent decline in the use of these weapons, country-wide statistics do show significant levels of automatic weapons use in crime (see Table 11). From official police statistics for the years 2003 through to 2005, military-type small arms were used in 1,428 grave crimes, the majority of which were homicides, attempted homicides and robberies. Moreover, information provided in interviews indicates a longer-term increase. Key informants reported to the survey team that T-56s were used in crimes in Avissawella, Badulla, Colombo, Galkissa, Galle, Hambantota, Matara, Ragama and Ratnapura. One senior police officer claimed that T-56s were used for bank robberies, and that several police officers were killed during subsequent shoot outs.<sup>342</sup>

<sup>337</sup> In 2005, for instance, there were 107 robberies and 50 of them were armed robberies. Interview with senior police officers, Thalagama Police division, 26 February 2007.

<sup>338</sup> Interview with senior police officer, Homagama Police Division, 15 February 2007.

<sup>339</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>340</sup> Focus group discussion with Tamil women (Vavuniya).

<sup>341</sup> Interview with senior police officer, Nawagamuwa police division, 15 February 2007.

<sup>342</sup> Interview with senior police officers, Thalagama Police division, 26 February 2007.

The increasing use of T-56s in crime is of particular concern given their greater lethality in comparison with shotguns. Their use therefore poses a greater risk of death or serious injury to criminals, police and the general public. The JMO in Galle examines a small number of T-56 cases per month (more frequently than shotgun cases) and states that most victims die of their wounds.<sup>343</sup> Similarly, the majority of small arms related deaths encountered by the JMO at Matara Hospital involved high-velocity small arms, mainly T-56s (usually occurring in Beliatta, Wiraketiya, Walasmulla or Tangalle). Here very few cases involved *galkatas* or hand guns, and there had been a notable shift from *galkatas* to T-56 killings since he began handling cases at Matara in 2001.<sup>344</sup>

### 5.6.3 Trap guns

Generally trap guns are intended for poaching and protecting crops from wildlife. They are usually set up on a wildlife path. The height and angle of set-up will be decided by the target animal. The setting of a trap gun is a specialised task.



Photo 1: Trap gun and striker



Photo 2: Trap gun demonstration

A trap gun usually comprises a galvanised pipe 0.5 inches in diameter, 15–20 grams of explosives (usually taken from firecrackers) and 50 grams of slugs (ball bearings, metal pieces). This is fired by a trip mechanism (often a lever arm striking match-heads) which triggers the gun.

Police homicide statistics state that trap guns were involved in 144 homicides in the period 1999–2005. Farmers, police officers, homeguards, wildlife officers, forestry officers and children have all been killed or maimed by trap guns in Sri Lanka in recent years. The

<sup>343</sup> Interview with JMO, Galle, 7 December 2006.

<sup>344</sup> NCAPISA, (2007).

number of homicides that involve trap guns indicates that their availability and misuse needs to be taken much more seriously than is currently the case.

As trap guns are common in remote areas, the distance that victims have to travel can aggravate the severity of the injury, increasing the probability of amputation and death.<sup>345</sup>

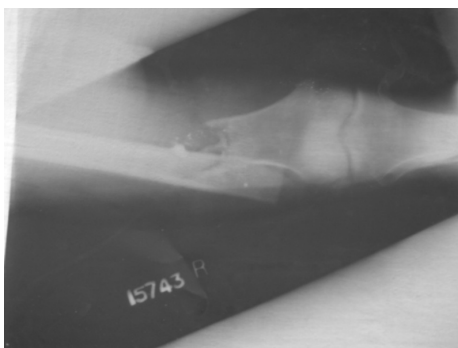


Photo 3: X-ray from a trap gun injury victim showing the bone fracture

Trap guns not only inflict injuries and fatalities, but they also have significant economic impacts, often affecting the ability of the main breadwinner in a household to earn an income. Likewise, the cost to the health care system of providing short- and long-term treatment for trap gun victims is significant.

In addition to these often devastating human and micro-economic impacts, trap guns also have broader economic and environmental impacts. For instance, trap guns are a major threat to forestry officers, restricting their capacity to prevent illicit logging and ensure effective forestry management. Forestry officers have reportedly been killed and lost limbs due to trap gun injuries.<sup>346</sup> In 1999 an officer was injured by a trap gun eight kilometres into the forest. He was hospitalised for two months and finally died as a result of severe haemorrhaging and septicaemia from the contaminated wounds.<sup>347</sup>

Nevertheless, NCAPISA is sensitive to the links between the use of trap guns and the need to protect crops from damage. It is therefore essential that additional research be undertaken to investigate less destructive means of preserving livelihoods and food security.

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<sup>345</sup> Interview with JMO, Galle, 7 December 2006.

<sup>346</sup> Interview with forestry officers, Matale, 11 December 2006.

<sup>347</sup> Interview with forestry officers, Matale, 11 December 2006.

**Box 5: Trap Guns in Anuradhapura District**

In Anuradhapura, a high proportion of the estimated 500 trap gun incidents that require hospital treatment each year are serious injuries that require surgery. In Anuradhapura Teaching Hospital, trap gun injuries requiring surgery totalled 249 in 2001 and 234 in 2002. 70–75% of the victims were male, while 60% were aged between 21 and 40.<sup>348</sup> In just three divisional secretary divisions (Medawachchiya, Galen-Bindunuwewa and Rambewa), trap guns were responsible for 108 injuries and 14 fatalities in a five-year period.

**Table 13: Trap gun injuries and fatalities in District Secretary Divisions of North Central Province**

	2001	2002	2003	2004	2005	Total
Medawachchiya						
Injuries	12	13	13	6	5	49
Fatalities	3	1	2	1	1	8
Galenbindunuwewa						
Injuries	11	7	4	5	6	33
Fatalities	1				3	4
Rambewa						
Injuries	8	3	7	6	2	26
Fatalities	1			1		2

According to a Wildlife Officer that has served in Anuradhapura and Moneragala districts for ten years, trap guns also have a significant impact on wildlife conservation. Wildlife crimes often involve the use of shotguns or trap guns.

**Trap guns, health and livelihoods**

The survey team interviewed three trap gun victims in Ward 27 of Anuradhapura Hospital. Their testimonies highlight the impact of trap gun accidents on health and livelihoods.

A 47-year-old father of three children from Weerakulam (Vavuniya) stated that:

“On the 16<sup>th</sup> of November 2006 I was running cattle. Three of us went to collect the cattle in the evening. I have put gate bamboos to protect the home garden. It was dusk around 6.30 p.m. The place is shrub jungle. The blast went off. We experience two to three trap gun blast victims a year. The usual time is early in the morning or in

<sup>348</sup> Interview with consultant JMO, Anuradhapura, 26 April 2007.

the evening. There is an annual pattern of dry season (July to August) and wet season (October to January) which have higher incidences of trap gun injuries. There are a lot of lands abandoned due to the conflict, wildlife have encroached on to former agricultural lands. *I have lost my livelihood being in the hospital for last few weeks and might lose this whole year.*”

A 44-year-old cattle-owner and father of two children from Medawachchiya stated that:

“There is a chena about 1km away from my home. I went after a calf. The trap gun went off. It was at 7.30 in the morning. I was unconscious for about two hours. Then it rained. I regained consciousness. My sons found me and from Medawachchiya Hospital they sent me here. I have wounded both of my legs (calves) which means the trap gun was meant to be for wild boar. I have seen that navy soldiers who came for jungle training (from Punewa camp) have wounded themselves due to trap guns. The navy has put up a sign board to stop trap guns but it does not work. My home is one kilometre away from Medawachchiya police checkpoint. It will take nearly a year for me to get cured.”

As noted above, the impact of trap gun injuries on the livelihood of families is significant, affecting not only the trap gun victims but also their spouses and dependants.

### Trap guns and wildlife

120 elephants are killed by small arms each year throughout Sri Lanka. This is reportedly due mainly to trap gun and shotgun injuries.<sup>349</sup> In Anuradhapura alone, 60% of elephant deaths are caused by trap guns. The wildlife officer in Anuradhapura claimed that “I have personally witnessed many occasions in my career that many elephants have been killed due to trap gun injuries[...] The damage to the front leg makes [an] elephant immobile and it often dies of hunger, thirst and infected wounds.”

**Table 14: Wild Elephant Deaths in Anuradhapura District**

	2004	2005	2006	TOTAL
Wild elephant deaths	24	22	40	86
Wild elephant deaths due to gun injuries	13	12	25	50
% of wild elephant deaths due to gun injuries	54.1	54.5	62.9	58.1

<sup>349</sup> ‘Wild Discovery’, *Discovery Asia*, 11 February 2007.

#### 5.6.4 Hand grenades

Many key informants expressed particular concern about the use and availability of hand grenades. It is claimed that it is easy to terrorise people with grenades and that they can cause more harm than a small arm.<sup>350</sup> Even far away from conflict areas, grenade use seems to be increasing.

Hand grenade use in crimes is occurring throughout various districts, not just those close to conflict areas. In Matara, for instance, there were two cases of grenade use in 2006: a grenade was thrown at a university lecturer's van in Walpola and the vehicle was damaged; and a police constable from Deniyaya police station was arrested for possessing a grenade (reportedly with the intention of using it for revenge).<sup>351</sup> Similarly, in Galkissa, police told the survey team that "generally, within a period of three or four months, approximately three hand grenades are discovered during operations".<sup>352</sup>

Crimes committed with hand grenades include homicides and armed robberies. In Avissawella for instance, a soldier killed two women with a hand grenade in September 2006. The victims were a female private in the army and her sister. The killing was motivated by an affair between the female private and the soldier.<sup>353</sup> Hand grenades are also being used in armed robberies.

In October 2006, a grenade was used to threaten people at the robbery of a jewellery shop in Kandy. Two suspects (a man and a woman) were arrested for stealing Rs.155,000.<sup>354</sup> Likewise, in Tangalle in January 2006, two members of a criminal group robbed a forest officer in his home in Katuwana. They used hand grenades and *galkatas* to threaten the residents of the house and stole cash and jewellery.<sup>355</sup>

#### 5.7 Economic impacts of small arms misuse

Economic aspects of SALW and their misuse relate to, among other things:

- Direct costs of crime;
- Indirect costs of crime;
- Law enforcement costs;
- Health system costs;

<sup>350</sup> Interview with senior police officer, Nawagamuwa police division, 15 February 2007.

<sup>351</sup> Interview with police officer, Matara, 6 December 2006.

<sup>352</sup> Interview with police officer, Galkissa, 16 February 2007.

<sup>353</sup> Interview with senior police officer, Avissawella, 7 December 2006.

<sup>354</sup> Interview with police officer, Kandy, 11 December 2006.

<sup>355</sup> *Lankadeepa*, 19 January 2006, p 6.



- Impacts on livelihoods;
- Impacts in supporting illicit economic activities;
- Economic impacts of perceptions of insecurity.

### 5.7.1 Costs of crime

The costs of crime include the substantial sums of money and/or goods lost by victims of small arms related robbery (of which police record 10,774 cases in the period 1999-2005) and abduction for ransom. The survey team was told of numerous cases of abduction and armed robbery where the sums of money or goods lost ran into millions of rupees. Such losses of money and goods may have substantial impacts on the livelihoods of victims.

In addition to the direct economic costs of crime, the loss of the ‘breadwinner’ of a family may be substantial.

Feelings of insecurity as a result of crime can also affect livelihoods by dissuading investment and limiting people’s ability to move around safely.

The survey team conducted a number of interviews with representatives of different businesses and chambers of commerce, who expressed mixed views on the degree to which armed crime was affecting the business environment. A representative of the chamber of commerce for Hambantota District, which has approximately 200 members, claimed that small arms violence is one of the key problems for businesses in the area, and stated that the subject is regularly raised at the chamber’s meetings.<sup>356</sup> Further, a focus group in Suriyawewa (Hambantota) claimed that gang violence reached such high levels in that area at one point that they had to close their shops, and local people did not enter the town after seven o’clock in the evening.<sup>357</sup> Furthermore, in Kalutara, the chamber of commerce reported that there were some economic costs involved for local business communities – as some decided to hire private security companies.<sup>358</sup> Where such companies are necessary to protect against armed crime, this represents a significant cost to Sri Lankan businesses. Crime in Kalutara has also changed the ways in which some companies operate: the threat of armed robbery of cash transports has caused some businesses to change the way they pay salaries to payment by credit.<sup>359</sup>

<sup>356</sup> Interview with representative, Hambantota Chamber of Commerce, 23 May 2006.

<sup>357</sup> Focus group discussion with the business community (Colombo).

<sup>358</sup> Group interview, Chamber of Commerce, Kalutara, 22 February 2007.

<sup>359</sup> Ibid.

### 5.7.2 Investment and business confidence

The effects of armed violence on perceptions of insecurity can affect the viability of businesses. The vulnerability of markets to declining investment is illustrated by interview testimony from small businesses in the South.

While tourism has been the focus of much investment in Southern Sri Lanka, armed violence and crime has had a detrimental impact on this sector, which has resulted in a decline in the market. A representative of a company in Galle that finances business development stated that the company's clients were now struggling to repay their debts. The company therefore recently decided not to extend further credit to businesses in the tourism sector.<sup>360</sup>

Insecurity can also drive demand for small arms for protection against criminals. A fuel station owner in Balangoda admitted to purchasing an air pistol replica of a 9 mm hand gun (costing Rs 41,000). He claimed that he would have purchased a small arm, however, if he had been able to get a licence.<sup>361</sup> The testimony of a victim of organised crime in Puttalam illustrates how the various impacts of crime may combine (see Box 6).

#### **Box 6: Testimony: A victim of organised crime in Puttalam**

"Twenty years ago there was no firearms problem, but with the civil war there are now lots of firearms and hand grenades available. There are 7 people living in my house. I am the breadwinner for the household. Civil war has affected lives of people in many parts of the country. Being in the middle of conflict zone and the rest of country on coastal line Puttalam has become vulnerable to organised crime, thugs and violence either with pistols or grenades. I received a phone call asking for a ransom of Rs 500,000 or to face the consequences. I refused to pay. Some shop owners have agreed to pay. After 10 days, the same people phoned again and I refused to make the payment. On the night of 9<sup>th</sup> October 2006 a grenade was thrown at our home. Both police and army have come for investigations and to provide security. As I am advised I don't go out after 6 pm these days. Later the grenade was identified as a locally-produced one. On other occasions two shops were robbed by thugs. Jewellery shops do not receive special security or there is no provision for jewellers to get firearms to protect their wealth or business."

<sup>360</sup> Interview with businessman, Galle, 5 December 2007.

<sup>361</sup> Interview with fuel station owner, Balangoda, 12 December 2006.

### **5.7.3 Health system costs**

Although health statistics are insufficiently detailed to produce an estimate of the costs of treating victims of small arms, at a minimum the cost of small arms to the Sri Lankan healthcare budget includes the costs of the necessary emergency and long term healthcare, and forensic examination of the victims of the cases of firearms misuse documented by the Sri Lankan police. In the period 1999–2005, these were as noted above: 2,659 homicides, 298 suicides, 1,596 attempted homicides, 518 cases of grievous hurt and 392 rapes. Victims of trap gun accidents suffer vascular, bone or muscular injuries. Sometimes these cases lead to amputation. While superficial injuries are discharged from hospital in a few days, other victims are hospitalised for as long as three or four months.<sup>362</sup> Many victims require a year or more of out-patient care. The fact that these injuries are preventable means that a substantial unnecessary burden is being placed on limited health system resources.

### **5.7.4 Law enforcement costs**

Small arms related crimes likewise absorb a significant amount of government expenditure in order to finance the response they necessitate from the police, the Government Analyst, the Attorney General's Department and the courts. As small arms were used in 4.5% of grave crimes per year from 1999–2005, their misuse can be presumed to absorb at least this proportion of the budget of law and justice agencies and more if one considers their use in 16–30% of homicides and in 34–48% of attempted homicides.

### **5.7.5 Enabling illicit economic activities**

Small arms have an impact in enabling and sustaining illicit economic activity. They are used for protection and in disputes, including against government officials such as police, forestry and wildlife officers. The types of illicit economic activities sustained by small arms misuse include those conducted by organised criminal groups, and those conducted by poor farmers in rural areas to support their livelihoods. Many of these activities exploit natural resources that could otherwise be used in the legal economy, produce revenues that are not likely to be taxed and/or have negative impacts on society. They often also damage environmental and wildlife resources that are protected under Sri Lankan law.

The main illicit economic activities identified by the survey team in which small arms are used, in addition to financially-motivated grave crimes, are: illicit logging; illicit gem mining; poaching; *chena* (slash and burn) cultivation; and cannabis cultivation.

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<sup>362</sup> Interview with Assistant JMO, Badulla, 8 December 2006.

Many of these illicit economic activities appear to be extensive. In 2005, in relation to illicit logging, there were 819 prosecutions for offences committed under the Forest Ordinance Act (No.13 of 1966), and 1,153 prosecutions for illegal transport of timber. Also in 2005, there were 3,336 prosecutions for illicit gem mining, 44 prosecutions for illegal hunting and 596 cases of illegal cannabis cultivation.<sup>363</sup>

While the misuse of illicit small arms for economic gain needs to be combated, NCAPISA is aware of the potential negative impact this may have on alleviating the poverty of many vulnerable person. It is therefore important that proposed measures to prevent the misuse of small arms be coupled with measures to alleviate poverty including by facilitating access to alternative livelihoods in affected areas.

### **Illicit logging**

Sri Lanka's forestry legislation is very strict.<sup>364</sup> However, small arms are posing a considerable challenge to the enforcement of these laws. According to an official from the Forest Department, the threat to the personal safety and lives of forestry officers from illicit loggers dates back to the foundation of the Department in 1887.<sup>365</sup> The use of violence, including with small arms, reportedly increased after the 1980s, when legislation was strengthened and the opportunities for illicit logging became more limited.<sup>366</sup>

Forestry department officers expressed the perception that many illicit loggers are deserters from the security forces.<sup>367</sup> It is believed by officials that the public is reluctant to report illicit logging because of fears over personal safety.<sup>368</sup> Indeed, illicit logging often results in disputes which reportedly can result in violence. Some illicit logging is also conducted at the village level, where it can be a last resort for people facing poverty.<sup>369</sup> Illegally obtained logs are then sold on to dealers from the village level.<sup>370</sup> If forest officers attempt to make an arrest, protests can develop. Sometimes these involve as many as 100 people.<sup>371</sup>

The survey team was told of several incidents of small arms use in intimidation and violence by illicit loggers.<sup>372</sup> In one such incident in Nuwara Eliya, forest officers detected illegal

<sup>363</sup> Chandra Fernando, (2005), p 122 and p 134.

<sup>364</sup> Interview with senior official, Forest Department, Colombo, 24 May 2006.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> Ibid. and interviews with representatives, Walasmulla Range Office, Forest Department, 24 May 2006.

<sup>368</sup> Interview with senior official, Forest Department, Colombo, 24 May 2006.

<sup>369</sup> Interview with representatives, Walasmulla Range Office, Forest Department, 24 May 2006.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Interview with senior official, Forest Department, Colombo, 24 May 2006.

logging and when the officers went to the site, the loggers ran away and returned with a group of others to attack the officers. One person was wounded when the forest officers fired in self-defence.<sup>373</sup>

Trap guns are a particular threat to state officials, given that they are used to protect illicit logging, gem mining or cannabis cultivation sites. A wildlife officer in Anuradhapura claimed that “I have experienced in Moneragala, Thanamalwila and Hambegamuwa where the trap guns [were] set up for wildlife, forest officers or police by cannabis cultivators or by illegal loggers”.<sup>374</sup> Officers from the Range Office at Walasmulla estimate that they encounter trap guns approximately eight times per year.<sup>375</sup>

### **Illicit gem mining**

Small arms misuse appears to be integral to illicit gem mining. Political patronage is believed to provide impunity to those involved. The survey team interviewed a journalist who had investigated illicit gem mining and the links between politicians and illicit gem miners.<sup>376</sup> He claimed he had been threatened by thugs armed with small arms that included T-56s, pistols and *galkatas*. Despite the fact that these threats had taken place directly in front of police officers and a government minister, no action had been taken. Complaints about the threats were made to the police but, reportedly, were not investigated. The view that illicit small arms are integral to the gem business was further expressed by the Ratnapura District Secretary, who asserted that people involved in the gem trade are carrying and using pistols and revolvers.<sup>377</sup>

Illicit gem mining has a range of human impacts, as well as impacts on corruption and governance (through links with politicians) and environmental impacts. The journalist interviewed stated that illicit gem mining is causing great environmental damage in Sri Lanka, including, for example, damage to the Castlereigh Reservoir. Excess earth from the mining process has contaminated the reservoir, affecting both hydroelectric generation and the natural path of the river.<sup>378</sup>

### **Poaching**

Poachers use small arms extensively. The most common types of small arms that are reportedly used by poachers are muzzle-loading guns, trap guns and, occasionally,

<sup>373</sup> Interview with forestry officers, Matale, 11 December 2006.

<sup>374</sup> Case study on trap gun incidents in Anuradhapura – provided by wildlife officer.

<sup>375</sup> Interview with representatives, Walasmulla Range Office, Forest Department, 24 May 2006.

<sup>376</sup> Interview with journalist, Hatton, 7 December 2006.

<sup>377</sup> Interview with District Secretary, Ratnapura, 7 December 2006.

<sup>378</sup> Interview with journalist, Hatton, 7 December 2006.

shotguns.<sup>379</sup> The Department of Wildlife has the authority to confiscate small arms from poachers.<sup>380</sup> Although records were destroyed in the Tsunami, it is estimated that around 100 such small arms have been seized by wildlife officers in Hambantota alone in the past five years.<sup>381</sup> Typically the Department of Wildlife Office in this district handles 15–20 cases of poaching per year.<sup>382</sup>

Again, trap guns pose a threat to wildlife officers.<sup>383</sup> During operations, trap guns often place officers at risk, and have to be carefully deactivated with sticks.<sup>384</sup> Indeed, in some areas such as Anuradhapura, it seems that wildlife officers have to deal with as many trap gun related crimes as they do wildlife related crimes.

**Table 15: Raids made by Wildlife Department in Anuradhapura**

	2005	2006	Total	%
Number of total raids	120	90	210	
Wildlife crimes	24	23	47	22.3
Trap gun related crimes	16	30	46	21.9

Officers from the Department of Wildlife use small arms in the course of their duties. However, some officers also pointed to the misuse of these small arms in illicit poaching of wildlife.<sup>385</sup>

### ***Chena* Cultivation**

Farmers practising *chena* (slash and burn) cultivation are not able to obtain legal small arms for crop protection, as they do not meet the land ownership requirements of the licensing system. As a result, trap gun and *galkata* use is widespread amongst *chena* cultivators.<sup>386</sup> The possession of a small arm appears to be desirable, both for crop protection and in relation to settling disputes over land. In some areas, such as parts of Hambantota District, *chena* cultivation is a more significant cause of violence than organised crime.<sup>387</sup> At Hambantota Hospital, most victims of small arms death and injuries are reportedly farmers, and involve disputes related to cattle farming or *chena* cultivation.<sup>388</sup>

<sup>379</sup> Interview with representatives, Department of Wildlife, 15 May 2006.

<sup>380</sup> Ibid.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid.

<sup>383</sup> Interview with forestry officers, Matale, 11 December 2006.

<sup>384</sup> Interview with representatives, Department of Wildlife, 15 May 2006.

<sup>385</sup> Ibid.

<sup>386</sup> Interviews with Assistant JMO, Base Hospital Hambantota, 23 May 2006; a suspected small arms manufacturer, near Tissamaharama, 25 May 2006; and focus group discussion with urban women.

<sup>387</sup> Interviews with police officials, Angunakolapelessa, 17 May 2006; and Deputy Project Director Hambantota, Southern Province Rural Economic Advancement Project, 25 May 2006.

<sup>388</sup> Interview with Assistant JMO, Base Hospital Hambantota, 23 May 2006.

### **Cannabis cultivation and trading**

There were an estimated 500 hectares of land under cannabis cultivation in 2005, supplying an estimated 200,000 users.<sup>389</sup> Cannabis cultivation is apparently linked to organised crime. It does not appear to be closely linked with the other illicit economic activities discussed above: it was reported to the survey team that cannabis cultivators discouraged association with illicit logging in order to reduce their chances of detection.<sup>390</sup> The cultivation of cannabis is said to be widespread in some areas. Moneragala was highlighted by a key informant as one such area.<sup>391</sup> Gangs running plantations, as well as being armed with T-56s, reportedly defend surrounding areas with trap guns.<sup>392</sup> Gangs in Hambantota are reported to have engaged in trading cannabis for weapons.<sup>393</sup>

## **5.8 Illicit small arms use and society**

While there is insufficient data for the survey team to assess the broader social impacts of small arms and small arms related violence, the misuse of small arms can have wide-ranging social impacts, including on access to basic services, and particular impacts on women and youth.

In addition to financial and political motivations for small arms use in crime, a range of personal and business conflicts and rivalries are pursued through the use of small arms. Some observers have pointed to the long-term brutalising effects of conflict and violence on Sri Lankan society. Smith claimed in 2003 that “increasingly violence is used as an arbiter, to substitute for the failure of governance”.<sup>394</sup>

Overall, attitudes towards small arms tend to be negative, and the use of small arms throughout society appears relatively limited. Nevertheless, the use of small arms in social disputes may indicate a concerning foundation of the normalisation of violence as a part of social relations. The use of small arms in community-level conflicts was reported as extremely common by only 6% of the household survey sample, while 13% reported that it ‘happens sometimes’. The majority (63%) stated that such occurrences took place rarely or never. Very importantly, however, the apparent experiences of the misuse of small arms in

<sup>389</sup> Chandra Fernando, (2005), p A13. The report also states that there was no evidence that cannabis was being exported or imported into the country.

<sup>390</sup> Interview with senior official, Forest Department, Colombo, 24 May 2006.

<sup>391</sup> Interview with senior police officer, Tangalle Division, 19 May 2006; Focus group participants to NCAPISA, (2007) also stated that cannabis cultivators protected their activities with unspecified weapons.

<sup>392</sup> Interview with senior police officer, Tangalle Division, 19 May 2006.

<sup>393</sup> Interview with senior police officer, Tangalle Division, 26 May 2006.

<sup>394</sup> Smith, Chris, (2003), p 18.

community-level conflicts varied significantly between ethnic groups, with larger proportions of ethnic Muslims and Sri Lankan Tamils claiming that small arms were commonly used in community-level conflicts.

In Welikanda (in Polonnoruwa District, close to the boundary with Batticaloa) the survey team was told: “Firearms are part of day-to-day life in this area. Most of the households have one or other type of a gun with them which accumulated since early 1980s.”<sup>395</sup> However, such small arms use is not confined to areas close to conflict zones; for instance, one police officer in Ahungalla (Galle district) claimed that most uses of small arms he encountered somehow related to ongoing disputes among groups. There are three such major disputes in that area of the South: the first is between two competing groups engaged in the moonshine business at Ambalangoda; the second is a family dispute in Ahungalle; and the third is a dispute between two groups of fishermen in Balapitiya.<sup>396</sup>

### 5.8.1 Illicit small arms use and freedom of speech

The misuse of small arms in the disrupting of reporting appears to be significant, as various references to shootings and armed intimidation are noted in the media analysis. The Island and Virakesari both published examples of shootings in which the victims were associated with the media. The articles include the killing of: Relangi Selvarajah of the Sri Lanka Broadcasting Corporation, along with her husband;<sup>397</sup> a journalist from the *Sudar Oli* newspaper in Trincomalee;<sup>398</sup> and a Sinhala language journalist in Colombo.<sup>399</sup> Further incidences of armed violence against editors, reporters and distributors are also documented by civil society.<sup>400</sup> Regarding the findings for the survey, the various threats to the lives of those reporting on armed groups is thought to have limited the number of named references to particular groups in the media analysis.

The tense security situation has lowered the confidence of journalists and editors on issues relating to the ongoing conflict. On the majority of other issues, the media continues to publish critical items without interference. When it occurs, use of small arms to perpetrate violence and intimidation against journalists is of serious concern, because a free press is one of the most effective means of creating civilian oversight and encouraging public debate as key building blocks of democratic good governance.

<sup>395</sup> Interview with representative, civil society empowerment committee, Muthuwella, 7 December 2006.

<sup>396</sup> Interview with police officer, Ahungalla, 13 December 2006.

<sup>397</sup> *Virakesari*, 13 August 2005, p5

<sup>398</sup> *Virakesari*, 25 January 2006, p1

<sup>399</sup> *Island*, 03 July 2006, p1

<sup>400</sup> CPA, *State of the media in Sri Lanka*, [http://www.cpalanka.org/research\\_papers/State\\_of\\_the\\_Media\\_in\\_Sri\\_Lanka.pdf](http://www.cpalanka.org/research_papers/State_of_the_Media_in_Sri_Lanka.pdf), pp 2–3



## 6 Law enforcement and public safety

The following chapter discusses law enforcement and public safety in Sri Lanka in relation to small arms. It describes how, despite high public confidence in the efficiency of law enforcement agencies, resource shortages, lack of training, some evidence of corruption, the need for enhanced information management systems and inefficiency in certain areas of crime response are currently undermining the effort to tackle the misuse of illicit small arms in Sri Lanka.

The survey encountered some important deficits in confidence within the system, including among police officers. Small arms offences rely on strong investigation skills and capacities, many of which are severely stretched. The Government Analyst's Department, for example, only has two officers trained to analyse small arms. They had a backlog of 2,112 small arms and ammunitions productions at the end of 2006. Thus productions regularly take 18–24 months to analyse and return to police stations for use as evidence in prosecutions. Similarly JMOs and the courts carry out a commendable service given their very limited resources.

The danger posed by the increasing availability and use of military-style weapons and hand guns in serious crime shows that combating the proliferation of these types of small arms and successfully investigating and prosecuting crimes in which they are used must be made a renewed priority of the Sri Lankan police (with due support to ensure they have the resources and support to combat the problem). Likewise, despite the very disturbing impact of homemade weapons, including *galkatas*, *T-katas*, muzzle-loading guns and trap guns, outlined in the previous chapter, it is notable that they are not always being treated as illicit small arms by the police and other authorities. There is a need for the Firearms Ordinance to be implemented in relation to homemade weapons, and as mentioned in the Distribution and Capacity Surveys, for the illicit manufacturing of these weapons to be dealt with effectively. The difficulty in enforcing the law with regard to these weapons is also, in part, the result of the police being drawn away to deal with security-related tasks other than traditional law enforcement duties.

### 6.1 Public perceptions of crime and insecurity

Most people (79%) were satisfied with safety and security in their location. Many (58%) viewed their location as relatively safer than other locations. However, a distinction can be made in reviewing this figure for different ethnic groups. Much higher proportions of Sri

Lankan Tamil and Muslim respondents claimed that their location was not safe, compared with Sinhalese and Plantation Tamils, indicating their relative unease regarding security in their places of residence. It is also significant that among those who perceived their locations as more dangerous than others were a small proportion of Sinhalese who may be located close to the area of conflict.

Despite a deterioration in the security situation related to the conflict at the time of the survey, most people believed their personal security had remained the same or seen some improvement in the past year. Only 13% of respondents believed their personal security to have deteriorated in the past year. Almost half (47%) perceived no significant change, while 30% felt there had been some improvement.

The majority of people (72%) expressed no fear of being a victim of crime. However, of the remainder, some 16% felt personally insecure. This significant section of the population consisted primarily of youths, females and persons with high incomes.

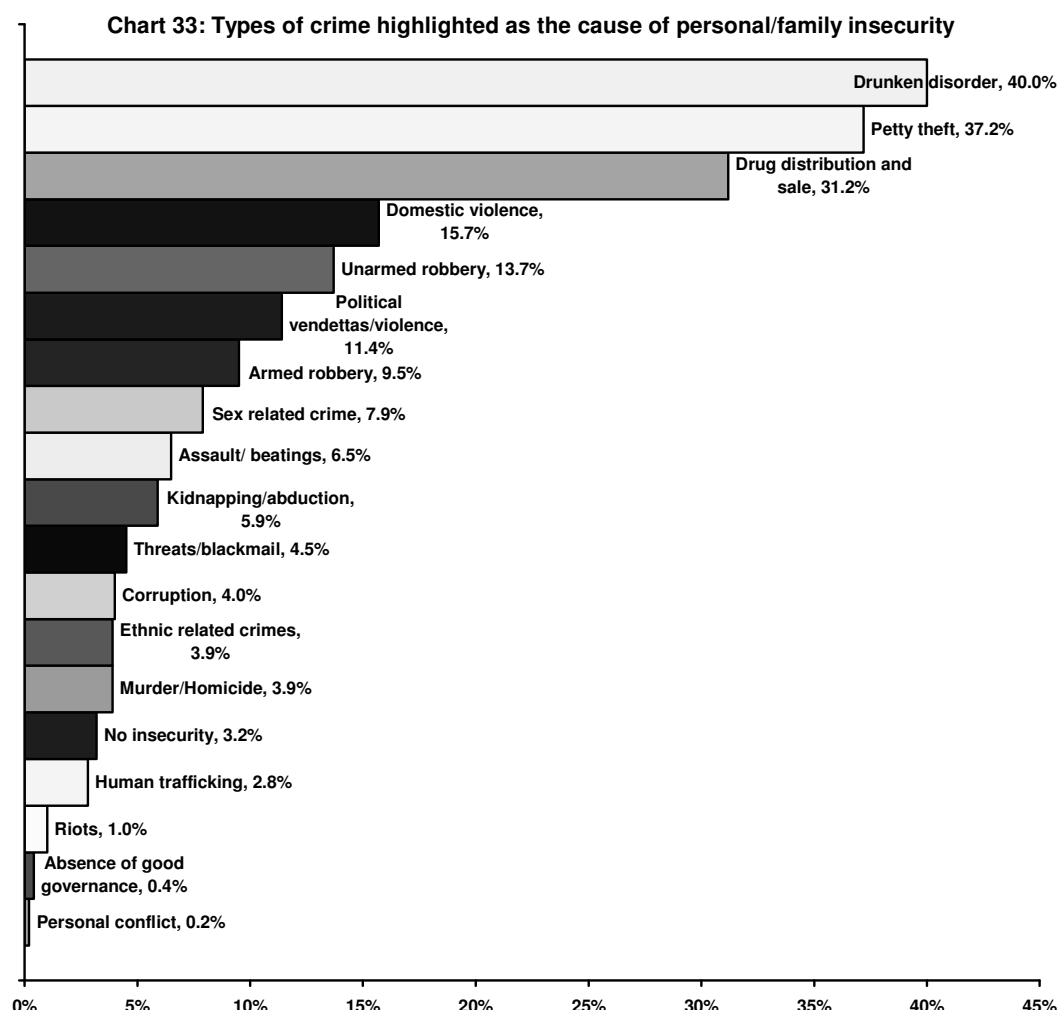
The relative sense of security among respondents was also demonstrated by the 86% who stated that their location was safer or about the same as others. Crime rates were perceived as increasing by 26% of household survey respondents. Crime rates were perceived to be the same or to have decreased in the recent past by 54% . A small proportion (20%) affirmed there were no crimes in their village.

When asked what types of crime were the biggest cause of insecurity to them and their families, only a small number highlighted crimes in which small arms were sometimes used: 9% highlighted armed robbery, 7% assault and 6% abductions and kidnapping. Similarly, in focus group discussions, some people felt violent crime was decreasing,<sup>401</sup> while others in the same area expressed concern that homicide and robbery was increasing.<sup>402</sup>

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<sup>401</sup> Focus group discussion with Muslim youth (Ampara).

<sup>402</sup> Focus group discussion with Muslim women (Ampara).

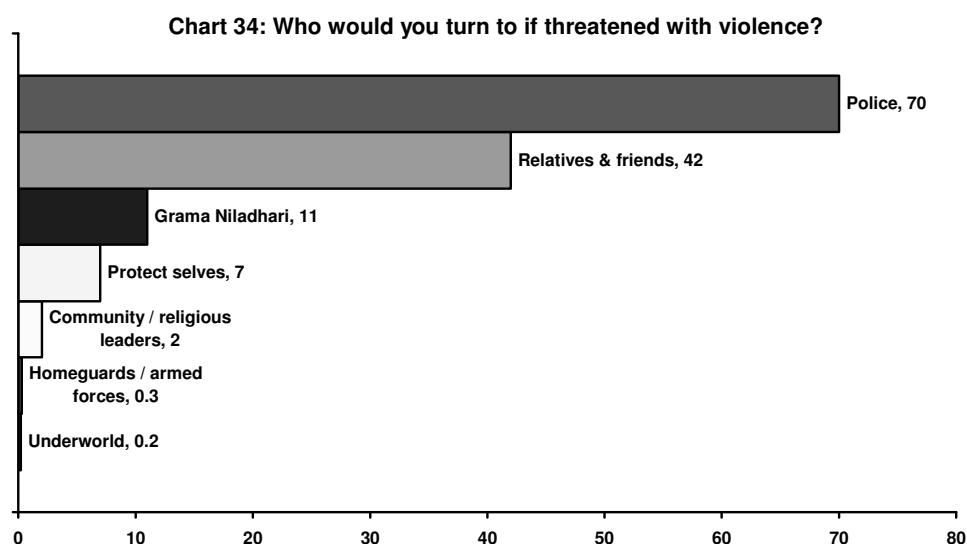


There were significant gender- and age-related differences in the types of crime highlighted. More youths than adults highlighted issues such as kidnapping and abduction, assault, sex-related and ethnic-related crimes. Females expressed greater concern than males with domestic violence, drunken disorder and drug distribution and sale.

Despite these relatively low expressions of concern about crime, the household survey did uncover some very strong concerns about particular types of crime: small arms crime and organised crime. Thus, while small arms were not routinely identified as a major source of threat to community security, their use in crime and their role in organised crime were perceived as increasing. This illustrates again the need for greater attention from the police, with increased support from relevant authorities, to tackle the problem of small arms proliferation and misuse.

## 6.2 Public perceptions of state capacity to provide security

The majority of people have confidence in the police. When asked “who would you turn to for protection if you or any of your family were threatened with violence?” 70% of people said they would turn to the police. The next highest response, of 42%, was for relatives and friends, followed by Grama Niladhari (11%). A significant minority (7%) said they would protect themselves and a small proportion (2%) would seek the help of community and religious leaders. Only a tiny minority would seek the assistance of homeguards and armed forces personnel (0.3%) or underworld criminal gang leaders (0.2%).



Significantly, proportionally more youth claimed they would seek police help than adults, more of whom would look to family and relatives. Gender differences showed that marginally more females than males would seek police protection, a small proportion of females opted to protect themselves and equal numbers of males and females would seek help from leaders of underworld criminal gangs.

Higher proportions of Sri Lankan Tamils and Muslims opted to seek protection from the police. Among the Plantation Tamils the police were placed much lower than relatives and friends. This group was significant in stating only the three options of relatives and friends, the police and Grama Niladhari. Gang leaders featured only among the Sinhalese.

Respondents also differed by income level with regard to where they would seek help in the event of crime. The response of calling the police was significantly higher among the high

income group, while the option of turning to gang leaders featured only among respondents with low incomes.

### 6.2.1 Perceived efficiency of security providers

Respondents in the household survey were also asked their views of the efficiency of key law enforcement and governance-related institutions in protecting society from violent crime.

Respondents were asked to classify the institutions as ‘very efficient’, ‘moderately efficient’, ‘efficient’, ‘not efficient’ or ‘don’t know’. The ranking of institutional efficiencies that results is as follows:

1. Police: 79% efficiency rating
2. Grama Niladhari: 70% efficiency rating
3. Courts and judiciary: 64% efficiency rating
4. Divisional Secretary: 57% efficiency rating
5. Attorney General’s Department: 50% efficiency rating
6. NGOs and community-based organisations:<sup>403</sup> 47% efficiency rating.

Police and village officials may well have benefited from their relative visibility in combating crime among the public. Nevertheless, only 16% rated the police as not efficient, and 20% rated Grama Niladhari as not efficient. In assessing the other four institutions – the Divisional Secretary, Courts/Judiciary, Attorney General’s Department and NGOs/community-based organisations – significant proportions had responded as ‘don’t know’ or refused to answer about their role in protecting society from violent crime.

In focus group discussions, participants were asked who they viewed as having responsibility for security. Most respondents indicated that a combination of the police, defence forces and politicians had responsibility for providing security. A number of focus group discussions also highlighted the STF, homeguards and PSCs as providing additional security.<sup>404</sup>

The perceptions of lower efficiency among the courts and the attorney general’s department in protecting society from violent crime also make clear the need to demonstrate to the public greater efficiency in gathering and handling evidence for prosecuting and processing cases of violent crime.

<sup>403</sup> Divisional secretaries and the NGO sector are not directly involved in protecting society from violent crime in all communities, but are included in the list for illustrative purposes. Future research might also seek to identify the role of PSCs in this regard in Sri Lanka.

<sup>404</sup> Focus group discussions with Muslim youth (Ampara); Muslim men and women (Ampara); Tamil youth (Ampara); Tamil women (Ampara); farmers (Anuradhapura); male homeguards (Anuradhapura); female homeguards (Anuradhapura); Tamil men (Ampara); Muslim women (Ampara); urban slum dwellers (Colombo); business community (Colombo); and PSCs (Colombo).

When asked to assess the extent of the effort made by government to combat various types of crimes, roughly 48–50% of respondents said that the level effort to combat alcoholism, organised crime and drug trafficking was high. Meanwhile, the perception of the level of government effort used to control distribution and sale of firearms was assessed as significantly lower in scale, on a par with efforts to combat petty crime and theft. Although the government has interdicted the issue of new licences to possess firearms, these public perceptions reinforce once again the need to attach greater priority to combating illicit small arms proliferation and armed crime.

## **6.3 The police**

### **6.3.1 Public perceptions of the police**

As noted, household survey respondents gave the police the highest efficiency rating of all state institutions. These evaluations varied very little by most key demographic groups, age and gender. Household survey questions on the confidence of the public in state institutions were asked in the context of their assessment of the situation relating to normal crime (and not organised crime, terrorism or conflict), and responses were broadly consistent with the assessment the respondents made regarding increases in crime: 78% assessed the police within a range of moderately efficient to very efficient. Only 16% considered them not efficient. The proportions considering the police as inefficient were notably higher among the Sri Lankan Tamils, Plantation Tamils, Muslims and Christians. The large majority (73%) of household survey respondents perceived the police as the immediate authority that they would turn to first when a crime was committed. Focus groups also produced some positive comments on police capacity. For instance, internally displaced persons in Puttalam claimed that police settled 90% of problems in an amicable manner.<sup>405</sup> Likewise, Tamil women in Vavuniya stated that they had no problems with police: “They come and settle conflicts, and there is no problem with visiting police stations when the need arises.”<sup>406</sup>

The respondents that were victims of crime in the household survey were asked about their perceptions of law enforcement agencies. Of the total crime-affected households, 74% had called the police. Their subsequent experiences of police action were very mixed. Less than half (43%) of those who called the police had a positive experience of the case being solved. 57% reported that the case had not yet been solved. Of these unsolved cases, the majority (34%) were on-going cases, but in the remaining 13% the crime was never solved. In a small

<sup>405</sup> Focus group discussion with internally displaced persons (IDPs) (Puttalam).

<sup>406</sup> Focus group discussion, Tamil women (Vavuniya).

minority (3%) the police had not responded at all, while in 7% they initially responded but took no further action.

In contrast with the household survey findings, although some participants in focus groups expressed positive views of the police,<sup>407</sup> the prevailing view was negative. The primary concern raised by focus group participants, as well as key informants, in this regard was corruption.<sup>408</sup> Furthermore, there was a perception that even when facts are provided to the police, they fail to look into them. One of the reasons that the police are perceived to be unable to act is political interference.<sup>409</sup> Similarly, in another focus group, Muslim men and women in Ampara indicated that a lack of trust in the ability of police to protect witnesses discouraged people from reporting illegal activities.<sup>410</sup> Other issues highlighted include a language barrier, in that few police officers are able to work in Tamil;<sup>411</sup> staff and equipment limitations;<sup>412</sup> and the militarisation of police roles.<sup>413</sup> These more negative perceptions of the police are likely to affect their capacity to provide access to justice.

Although 70% of household survey respondents would turn to police if they or their families were threatened with violence, a significant proportion remains that would not turn to the police for help, even when faced with violence. Negative perceptions related to corruption, political interference in police business and limited capacities for responding to crime need to be tackled to redress the distrust of this section of the population. Numerous sources in key informant interviews and focus group discussions commented on political interference as hampering the provision of security and police corruption.<sup>414</sup> According to one focus group discussion, even high-ranking police officers are engaged in corrupt activities:

“They demand *kappam* [bribes] from the businessmen distilling Kasippu and also from these engaged in the illicit timber business. Police punish the men for consuming *arrack* [locally produced liquor], while taking bribes from the seller. Criminals are the people who are closest to the police officers[...] Even a Grama Niladhari cannot discharge his duties properly because of political interferences.”<sup>415</sup>

<sup>407</sup> Focus group discussions with Tamil women (Vavuniya); Tamil women (Ampara); and IDPs (Puttalam).

<sup>408</sup> Focus group discussions with university students (Kelaniya); farmers (Monaregala); farmers (Kurunegala); farmers (Anuradhapura); farmers (Nikaweratiya); Muslim youth (Ampara); Muslim men and women (Ampara); Tamil youth (Ampara); Tamil men (Ampara); Tamil men (Vavuniya); slum dwellers (Colombo); and the business community (Colombo).

<sup>409</sup> Focus group discussion with farmers (Nikaweratiya).

<sup>410</sup> Focus group discussion with Muslim men and women (Ampara).

<sup>411</sup> Focus group discussion with Muslim youth (Ampara); Tamil men (Ampara); and IDPs (Puttalam).

<sup>412</sup> Focus group discussions with Tamil men (Ampara); and PSCs (Colombo).

<sup>413</sup> Focus group discussion with PSCs (Colombo).

<sup>414</sup> Focus group discussions with farmers (Nikaweratiya); farmers (Monaragla); Muslim youth (Ampara); Muslim men and women (Ampara); Tamil youth (Ampara); Tamil men (Ampara); Tamil men (Vavuniya); farmers (Kurunegala); farmers (Anuradhapura); urban slum dwellers (Colombo); and the business community (Colombo).

<sup>415</sup> Focus group discussion with farmers (Nikaweratiya).

Some in the business community also pointed out police corruption, stating that “we don’t go to [the] police station, even if we incur a loss of one lakh of rupees. If you go to police, you’ll have to spend about three lakhs”.<sup>416</sup> Some also alleged instances of co-operation between the police and criminals, claiming that there were cases in which complaints had to be withdrawn because of this.<sup>417</sup>

Similarly, in focus group discussions, farmers claimed that “if the police are not bribed, they do not discharge their duty properly”.<sup>418</sup> Likewise, slum dwellers reported that “you can bribe any police officer and get anything done[...] You can’t get a thing done without bribing them. They will waste your time. But if you bribe them you can get the thing done instantaneously. If you give a tip-off they will pass that information to the offender. It is difficult for an honest person to do his duty properly”.<sup>419</sup>

What these perceptions illustrate is that while the police have the support of the public, they need to take action to ensure better response to crime and service provision. Further examples of areas requiring attention are provided in the sections below.

### **6.3.2 Police capacity to respond to crime**

The police face a number of practical challenges related to limited capacity to respond to crime. Primary among these are resource questions related to staffing, transport and communications. Similarly important are weaknesses in the training and capacity of police officers to conduct investigations.

Limitations in the practical capacities of the police are negatively affecting perceptions of the police. For example, some focus group participants claimed that when they report an incident to the police station, police officers sometimes ask them to provide transport to go to the scene of the incident.<sup>420</sup>

A focus group discussion with Tamil men in Ampara detailed several armed crimes that had directly affected the group but, despite being reported, had not been dealt with by the police. These included the abduction of a family member, a personal dispute ending with the use of explosives, the abduction of a medical student by the police and the injury of a man by an

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<sup>416</sup> Focus Group Discussion with business community (Colombo).

<sup>417</sup> Ibid.

<sup>418</sup> Focus group discussion with farmers, (Moneragala).

<sup>419</sup> Focus group discussion with urban slum dwellers.

<sup>420</sup> Focus group discussion with Tamil men (Ampara).



unidentified gang during a local Muslim-Tamil conflict.<sup>421</sup> The group held the view that if the police could have responded more quickly and reached these places as soon as possible then they could have prevented some of these crimes.<sup>422</sup>

Some police officers claim that limited public confidence in the police is an effect of understaffing. In Avissawella, for instance, the Officer in Charge (OIC) expressed a belief that it is very important to build confidence between the police and the people in the area, but that this process is hampered due to practical problems such as understaffing and a lack of vehicles. He stated that “if the confidence is built, any crime can be solved”.<sup>423</sup> Likewise, Katunayake police area suffers a high crime rate, but the police station is severely under-resourced with 80 officers for 200,000 people. It was claimed that there should be 150 officers to cover the area.<sup>424</sup>

In fact, the police service is officially understaffed. In 2005, the sanctioned strength of the police (not including the police reserve) was 50,735, but in practice the strength of the force was only 36,609.<sup>425</sup> In other words, the police service at the time was operating at 28% under capacity. When one factors in the 27,144 police reserve (all but 2,000 of whom were mobilised in December 2006 to January 2007)<sup>426</sup> the official police to population ratio is one police officer to every 308 persons (the official rate in 2005).<sup>427</sup> This translates as one police officer for every 1.02 square miles, or every 0.93 grave crimes.<sup>428</sup> While this is a significant improvement, statistically, from ten years ago (when these figures were 1.15 and 1.73 respectively), the total number of grave crimes rose in 2005 to 59,075 (the highest figure on record).<sup>429</sup>

However, these ratios are not accurate reflections of the effective capacity of the police. Many of the police officers counted in these ratios are deployed to the conflict areas and various other special duties. Thus, the number of police officers engaged in the traditional policing role of combating crime is significantly lower than these ratios. This detracts from the capacity of the police to prevent, respond to and, crucially, investigate crime.

In spite of these general challenges, there have been some specific successful crackdowns on small arms use in crime. For instance, according to police in Mt Lavinia, during the past

<sup>421</sup> Ibid.

<sup>422</sup> Ibid.

<sup>423</sup> Interview with senior police officer, Avissawella, 7 December 2006.

<sup>424</sup> Interview with senior police officer, Katunayake, 5 December 2006.

<sup>425</sup> Chandra Fernando, (2005).

<sup>426</sup> Information provided by Sri Lanka Police Service.

<sup>427</sup> Chandra Fernando, (2005), p A7.

<sup>428</sup> Ibid, p A100.

<sup>429</sup> Ibid, p A9 and p A100

three years, there has been a 95% decrease in the use of small arms in crimes in that area of Colombo.<sup>430</sup> The improvement in controls on crimes such as armed robberies, vehicle robberies and robberies aimed at business establishments is said to be due to seizures of illegal small arms, random checks and road blocks, 24-hour motorcycle squad patrols and availability of adequate equipment.<sup>431</sup>

### 6.3.3 Language

Language issues seem to pose particular challenges for access to security and justice for minority groups. Some focus group participants pointed to language-related problems in reporting crimes to the police.<sup>432</sup>

“Since most policemen are not familiar with Tamil language, when civilians lodge their complaints police officers are not in a position to understand their problems properly. As police officers take down their statement in Sinhala, civilians do not know what they have written down. Thus there is a credibility gap between civilians and police officers. To improve the relationship between civilians and police officers an interpreter should be made available at every police station, or officers should have a minimum proficiency in the Tamil language. Most members agreed that if the government takes the necessary steps to do that, it would improve the harmony between the police and communities.”<sup>433</sup>

Similar challenges are reported in relation to the courts and judges (although some judges reportedly occasionally conduct trials in Tamil).<sup>434</sup> Some focus group participants claim that police officers have acted in an ethnically-biased manner due to the language problem. Despite the Tamil language being an official language, they reported that all official police work is carried out in Sinhala.<sup>435</sup>

### 6.3.4 Equipment

In addition to understaffing, police are often hindered by a shortage of vehicles. This problem was reported to the survey team in many police areas, including Ratnapura, Matale, Polonnaruwa and Avissawella. Overall, the police have 6,664 vehicles – the majority of which are motorcycles, followed by jeeps and cars. The majority (57%) of these, though, are over

<sup>430</sup> Interview with senior police officer, Mt Lavinia, 15 February 2007.

<sup>431</sup> Ibid.

<sup>432</sup> Focus group discussion with Muslim youth (Ampara); Tamil men (Ampara); and IDPs (Puttalam).

<sup>433</sup> Focus group discussion with Muslim youth, (Ampara).

<sup>434</sup> Ibid.

<sup>435</sup> Focus group discussion with Tamil men (Ampara).

ten years old, with a further 22% over five years old.<sup>436</sup> The total number of these that are actually functioning is not known to the survey team, but indications are that many vehicles are not operational. For example, in Polonnaruwa there is only one vehicle available at the station for crime response, and this has to be shared as a 119 emergency response vehicle.<sup>437</sup> In Avissawella, the police headquarters has only one jeep, transferred from the Kosgama police to replace an unserviceable vehicle.<sup>438</sup>

These equipment shortages are compounded by the poor quality of the roads in many areas.

There are some poor areas where bad road conditions mean that police cannot reach them and therefore, it is claimed, crimes are increasingly unchecked. In Polonnaruwa, for example, such areas reportedly include Manikkapattiya and Kaduruwela Muslim Colony.<sup>439</sup>

It was also reported to the survey team that communications equipment is not adequate in rural areas, where it is particularly needed since accessibility for the police is generally limited.<sup>440</sup>

### **6.3.5 Investigative capacity**

In addition to limitations placed by the challenges described above on capacities to respond to reports of crime, subsequent investigations are also an area in which capacity is weak. The capacity of police to investigate crimes is significantly affected by inadequate human and financial resources, limited training and by the assignment of experienced officers to other duties, which undermines the building and retention of institutional knowledge of investigative practice. In particular, scene-of-crime investigations, subsequent evidence management and police capacity to investigate and prosecute small arms crimes appropriately are lacking. Given the high levels of small arms use in violent crimes and widespread perceptions of increasing organised crime and small arms crime, these capacity gaps are a significant problem in overall government capacity to tackle small arms issues.

In general terms, many people expressed a view that there is very little incentive or motivation for the police to investigate crimes properly. There is a strong view both within and outside of the police that the police are ill-equipped in their investigations. This is further hampered by disruptions from transfers to special duties and VIP protection. This not only

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<sup>436</sup> Chandra Fernando, (2005), p A139.

<sup>437</sup> Interview with police officer, Polonnaruwa, 7 December 2006.

<sup>438</sup> Interview with senior police officer, Avissawella, 7 December 2006.

<sup>439</sup> Interview with police officer, Polonnaruwa, 7 December 2006.

<sup>440</sup> Interview with senior police officer, Kurunegala, 12 December 2006.

undermines overall capacity to investigate crimes: when key staff are moved in the middle of an investigation it can hamper the progress of the case. One key informant claimed that “the police are being pulled all over and are not given the time to finish their investigations”.<sup>441</sup> Additionally, some observers claim that police are seldom interested in crime and do not investigate properly.<sup>442</sup>

Again, many police officers spoken to by the survey team gave the impression that they were dramatically under-resourced for crime investigation. For instance, in Puttalam the OIC, when interviewed in December 2006, had 305 grave crime cases open on his desk.<sup>443</sup> The station has nine crime officers and three jeeps. However, two of these are broken, there is no camera for recording evidence and the crime recording/documentation system is weak.<sup>444</sup>

However, there are some serious capacity limitations affecting the ability of the police to effectively investigate crimes that are not simply an effect of understaffing and lack of resources/equipment. In particular, these are:

- Limited capacities in scene-of-crime investigation and evidence handling; and
- Limitations in small arms training and capacity

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<sup>441</sup> Interview with senior medical official, Kelaniya, 5 December 2006.

<sup>442</sup> Ibid.

<sup>443</sup> Interview with senior police officer, Puttalam, 5 December 2006.

<sup>444</sup> Ibid.

**Box 7: Case study of a homicide committed with a *galkata***

On 11 November 2006, the police were called out to the scene of a homicide. The incident involved a family dispute during which a father and two of his sons had killed the third son. The family had attempted to manipulate the scene of the killing to make it look like a suicide. The police officer investigating the scene of the crime had no access to scene-of-crime investigation equipment, and therefore had to use a pen and a sketch pad to capture the scene (Photo 4). The police recovered a weapon from the scene (Photo 5), a locally manufactured *galkata*.

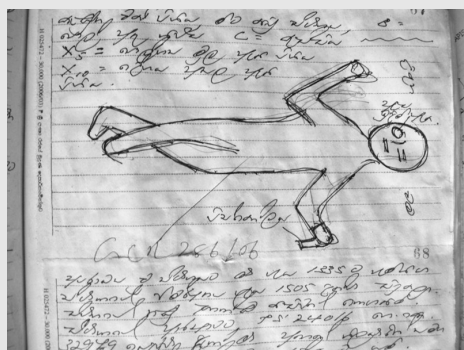


Photo 4: Scene of crime sketch



Photo 5: *Galkata* used in homicide

The police were able to prove that the apparent suicide had in fact been a homicide as the *galkata* found in the victim's hand was held in a way that the victim could not have fired it. When inspecting the body, the police found the trigger of another weapon under the body. Police later recovered a shotgun that had been hidden close to the scene and that was missing a trigger. Finally, the pellets in the body that were removed by the JMO were different to those in the *galkatas*.

This case had been investigated by the police, and they had received a report from the JMO. However, the case had not yet been processed and the *galkata* and shotgun recovered had not yet been sent to the Government Analyst. Nor had a report been submitted to the prosecutor.

The Officer in Charge of Crimes said that the case had not been processed because a severe resource shortage has resulted in a backlog of 305 grave crime cases on his desk. He had two inspectors to support him in his investigations, one of whom was on sick leave, while the other had been assigned to special duties. The station had not been able to deliver the recovered weapons to the Government Analyst as there were only three vehicles available at the station, two of which were not currently operational.

### 6.3.6 Gathering and handling of evidence

Scene of Crime Officers (SOCO) handle all evidence from crime scenes.<sup>445</sup> In the past there have been problems with the systematic gathering, analysis and storage of evidence from scenes of crime. According to one expert, approximately 30% of crime scenes investigated are the scenes of robberies, yet the majority of these cases are not solved due to a lack of very basic skills, such as not being able to verify if the window was broken from inside or outside.<sup>446</sup>

Similarly, there are problems with evidence storage and management. In some police stations, illegal weapons, liquor and other evidence are all kept in the production room in which evidence from different cases is kept, not sufficiently separated on a case-by-case basis. Therefore there is a risk of cross-contamination of evidence.<sup>447</sup> Much of this is a result of a lack of appropriate training. In some places it was reported that the Production Officer had not been on any special course in managing the chain of evidence.<sup>448</sup>

Beyond the lack of capacity to make effective use of small arms evidence from crime scenes, there are also allegations of deliberate mishandling of evidence by some police officers. According to police officers interviewed by the survey team, “criminals have started to become experts of the trade”, and are avoiding leaving firearms evidence that could be used against them in a court case, or in other cases substituting components of weapons to prevent successful matching of weapons by the Government Analyst.<sup>449</sup> Other interviewees gave examples of falsification of evidence by police officers.<sup>450</sup>

The Swedish government is currently supporting the development and training of SOCOs. The Swedish assistance has provided a purpose-built training facility at Kalutara Police Training College, which is very well equipped to train officers to a high standard. At the time of the survey, the programme had trained 204 officers in a two-month course. The Swedish programme aims to train 450 SOCOs (or five per policing division).<sup>451</sup>

The training is focused on analysing a crime scene, collecting evidence and documenting the scene of the crime. The officers are trained in forensics collection and are provided with equipment required for the task. Each SOCO is issued with a kit that includes a camera, fingerprinting kits, forensic lights and chemicals for the detection of body fluids, a computer

<sup>445</sup> Interview with SOCO, Polonnaruwa, 7 December 2006.

<sup>446</sup> Interview with former Government Analyst, 21 February 2007.

<sup>447</sup> Interview with senior police officer, Ratnapura, 7 December 2006.

<sup>448</sup> Interview with senior police officer, Ratnapura, 7 December 2006.

<sup>449</sup> Interview with senior police officer, Medawachchiya, 7 December 2006.

<sup>450</sup> Interview with senior police officer, Colombo, 5 December 2006.

<sup>451</sup> Interview with SOCO trainer, Kalutara Police Training College, 13 December 2006.

for compiling reports, a productions storage cupboard, a fridge and a jacket that clearly identifies the officer as a SOCO.

One notable absence, however, was in ballistics or in ballistic trajectory investigation. The survey team was able to review some of the evidence collected by the SOCOs in a murder case where a small arm was used. Crucial errors in understanding how a firearm functions were evident, particularly related to how the shell is ejected, and therefore to estimating where the perpetrator and victim were standing at the time of the incident. Further, in this particular incident the cartridge case photographed at the scene had been incorrectly identified. A cost-effective addition to the training would be a manual containing details and photos of the types of small arms and ammunition commonly found in Sri Lanka, for SOCOs to use as points of reference when investigating a firearms-related crime.

During the survey the team met with several SOCO officers and was impressed with the level of enthusiasm they had for the training and their ability to execute their tasks. In Polonnaruwa, police officers interviewed had recently completed the Swedish training and had already used the equipment ten times. The survey team also observed a fully equipped SOCO lab/production room at Nuwara Eliya police station. The two SOCO officers there expressed great enthusiasm for their recent SOCO training and the equipment provided by the Swedish government.<sup>452</sup> It is hoped that the presence of new SOCOs will redress such deficiencies as highlighted in the homicide case presented above in Box 7.<sup>453</sup>

However, the systems need to be put into place to ensure the retention and further development of this knowledge by the police. In relation to other training courses, it has previously been difficult to retain institutional knowledge or develop professional capacities due to regular transfers of staff to different duties. For instance, according to one senior forensic medical officer, a training workshop for criminal investigation was run in 2002 for 50 police officers. There was some enthusiasm following the training, but all trainees have since been transferred, and all knowledge and enthusiasm lost.<sup>454</sup> If similar things occur in relation to the SOCOs, an invaluable capacity in crime reduction will be lost.

There has been some resistance towards the SOCOs and the SOCO training, however. Some Officers in Charge of Crimes have been resisting the training and the newly trained

<sup>452</sup> Interview with SOCOs and OIC, Nuwara Eliya, 8 December 2006.

<sup>453</sup> Interview with senior police officer, Colombo, 5 December 2006.

<sup>454</sup> Interview with senior medical official, Kelaniya, 5 December 2006.

officers. This is seen to be partly resistance to change, and partly because the SOCOs fall out with the direct command and control structures at station level.

The project has also been criticised for focusing on only one aspect of the evidence chain, rather than trying to improve the capacity across the whole cycle of evidence management. This points, in particular, at the limited capacity within the Government Analyst's Department, which is discussed in detail below.

### **6.3.7 Identification and record-keeping on small arms and ammunition**

The police still lack much-needed capacity in investigating small arms crime. Many police officers have little knowledge of firearms.<sup>455</sup> In general, it seems that there is insufficient training on firearms identification, sources of firearms, methods of concealing firearms, illegal manufacturing, and so forth.<sup>456</sup> In an environment in which people believe that small arms crime is increasingly more significantly than either normal crime or organised crime, the need to develop these capacities appears particularly urgent.

The lack of police knowledge of small arms is clearly indicated by the failure to identify small arms in illicit possession and small arms crime cases. In the majority of records of illicit possession, cases seized small arms are not being identified – and thus categorised as 'other'.

Similar failings were found in the recording of information in cases of the criminal misuse of small arms. Centralised police data records are categorised into a limited range of small arms types. For instance, centralised data does not separate the use of *galkatas*, yet many key informants highlighted the use of *galkatas* in crime.

At the level of police divisional headquarters and at police stations, the records of the types of small arms used in crime seen by the survey team were problematic. Foremost, there are numerous gaps in which records do indicate the use of some form of small arms, but the type of weapon used is not recorded. Furthermore, detailed information such as the make, country of origin, model, calibre, and serial number of small arms is not recorded. This lack of information, both centrally and locally, makes tracing the source of these small arms impossible. Further, the police do not systematically record the ages or other demographic

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<sup>455</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006.

<sup>456</sup> Interview with senior police officer, Colombo, 5 December 2006.



information of persons arrested for illicit possession cases,<sup>457</sup> information that would be very useful in terms of developing a more strategic approach to crime fighting and prevention.

There are also concerns about the seriousness attached by police to cases of illicit possession and manufacture of small arms, demonstrated in this survey to be having serious impacts in terms of violent crime and accidental death and injury. The law in relation to such offences was interpreted differently across the country: some stations classify the possession of trap guns and *galkatas* as minor offences; others classify this as a grave crime. In many areas illicit possession cases are recorded in the minor crimes book (a paper record) with categories of small arms used interchangeably. In particular, in many areas, such as Ratnapura, illicit possession of trap guns and *galkatas* is recorded interchangeably with possession of muzzle-loading weapons. Further, in other areas, the maintenance of proper records of the illicit possession and manufacturing of small arms has been lacking. The survey team visit to the District Crime Detection Bureau (DCDB), Kandy HQ discovered that it is not maintaining proper records on offences related to unlicensed small arms under the Firearms Ordinance.<sup>458</sup> The police in Kandy only began preparing reports on *galkatas*, muzzle-loading guns and trap guns after October 2006. Before then, there was no reporting on locally manufactured weapons and no record of minor offences was available at the station.<sup>459</sup>

The relatively low prioritisation of small arms proliferation by police is cause for concern. In terms of public perceptions of the government's efforts at controlling the distribution and sale of small arms, and at combating the transfer of illegal small arms, the majority of people felt that government effort in this regard was small or non-existent. Further, in key areas, as noted above, important aspects of the Firearms Ordinance are not being enforced by the police. The apparent lack of effort to combat illicit small arms manufacturing is concerning, given the role of *galkatas* in crime and the high human costs of trap guns.

### **6.3.8 Capacity to prosecute crime**

The detection and investigation of a crime by the police is only the start of the process. The case is then passed along the system to seek a successful prosecution. Police capacity in prosecuting crime faces many challenges. In 2005, for example, 60% of total grave crimes that occurred were still pending by the end of the year – 40% out of this 60% were still pending investigation, while others were pending with other departments in the judicial

<sup>457</sup> Interview with senior police officer, Avissawella, 7 December 2006.

<sup>458</sup> Interview with police officer, Kandy, 11 December 2006.

<sup>459</sup> Ibid.

system.<sup>460</sup> It is not clear from police statistics what proportion of small arms related cases face these delays.

Delays within the police and within other parts of the judicial system are reportedly also causing delays in prosecution and even resulting in cases being thrown out of court. Police across the country identified the slow processing of evidence as a serious obstacle to justice, pointing out in particular that it takes two years for a small arm to be analysed.<sup>461</sup> This process includes producing station receipts, faxing evidence to the courts, giving preliminary evidence and delivering evidence (including small arms) to the Government Analyst. Delays are reportedly due to a lack of vehicles and a large backlog at the Government Analyst. This sometimes results in small arms corroding in poorly managed production rooms and evidence being destroyed by rust.<sup>462</sup> Likewise, the capacity of the Government Analyst Department is in itself very limited.<sup>463</sup>

### 6.3.9 Priorities of the police

The effects of the conflict on policing capacity are seen in the changing ethos and experience of police officers. This not only reduces police capacity in these areas, but underlies many of the challenges to further developing enhanced professional capacities for tackling crime.

Some police officers interviewed by the survey team expressed a view that due to the conflict, police officers' roles are now restricted to providing security.<sup>464</sup> Police are often deployed to operational areas and called to work on security checkpoints, to provide VIP security and other special services.<sup>465</sup> There were numerous claims that the conflict had reduced the police to functioning as a security force: "The police is there to maintain law and order not do the security job. That is the job for the armed forces."<sup>466</sup> The OIC in Avissawella claimed that the strength of the police personnel under him was not enough to cover the entire police area effectively.<sup>467</sup> Since the city is close to Colombo, most of the policemen have to be deployed on special duty mainly for parliamentary security during its sittings and also for VIP protection.<sup>468</sup> Since the police station is a headquarters, police officers also have to be deployed for protection of judicial officers.<sup>469</sup> Further, he claimed that there were

<sup>460</sup> Chandra Fernando, (2005), p 103.

<sup>461</sup> Interviews with police in various police stations.

<sup>462</sup> Interview with police officer, Ratnapura, 7 December 2006.

<sup>463</sup> Interviews with police officers, Ratnapura, 7 December 2006.

<sup>464</sup> Interview with senior police officer, Homagama Police Division, 15 February 2007.

<sup>465</sup> Interviews with senior police officer, Kurunegala, 12 December 2006; and police officer, Polonnaruwa, 7 December 2006.

<sup>466</sup> Interview with senior police officer, Nawagamuwa police division, 15 February 2007.

<sup>467</sup> Interview with senior police officer, Avissawella, 7 December 2006.

<sup>468</sup> Ibid.

<sup>469</sup> Ibid.

insufficient officers to mount adequate night patrols, which would reduce the crime rate.<sup>470</sup> Some crime divisions expressed great concern over the allocation of resources to security checks and border defence.<sup>471</sup> They claimed that when the focus was on security, policing suffered and therefore illegal activities like poaching were abundant.<sup>472</sup>

This lack of capacity appears to be reflected in many other parts of the country. Thus, in certain provincial towns such as Kurunegala and Kandy, focus group participants from PSCs indicated that 70% of security at night was provided by officers attached to private security services.<sup>473</sup> Similar concerns were also raised by the public. A focus group participant summed up this perception, stating that the police “are forced to provide security mostly to VIPs. Let the others go to hell. Providing public security has become secondary”.<sup>474</sup>

Several officers also expressed the view that when police officers are deployed to the North and East, “they forget their police training with regard to combating crime, investigation skills, taking statements, giving evidence in courts. So when they come back they are unable to do their normal duties. Often they are reluctant to come back to the South as they get special allowances for serving in the North and East”.<sup>475</sup>

These problems contribute significantly to limitations in the capacity of the police to respond to crime and to investigate crime, including small arms crime, effectively.

### **6.3.10 Small arms incidents and misuse by police officers**

The police face a considerable threat from small arms misuse – one police officer attested to this and pointed to disparities in firepower whereby criminals are typically armed with automatic weapons, while many police are armed with 9 mm pistols.<sup>476</sup>

In North Colombo, the most common small arms related incidents are reportedly cases in which the police have shot and killed underworld criminals.<sup>477</sup> In many cases, criminals and suspected criminals have been shot and killed by the police in confrontations where people are killed in the cross-fire, or police actions are in self-defence.

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<sup>470</sup> Ibid.

<sup>471</sup> Interview with senior police officer, Medawachchiya, 7 December 2006.

<sup>472</sup> Ibid.

<sup>473</sup> Focus group discussion with PSCs (Colombo).

<sup>474</sup> Focus group discussion with PSC staff (Colombo).

<sup>475</sup> Interviews with senior police officer, Mt Lavinia, 15 February 2007; and senior police officer, Nawagamuwa police division, 15 February 2007.

<sup>476</sup> Interview with police officer, Katunayake, 5 December 2006.

<sup>477</sup> Interview with senior forensic medical doctor, 5 December 2006.

However, there are also cases of shootings by the police where alleged suspects are shot in what is claimed to be crossfire shootings. For instance, in Nuwara Eliya in 2006, a police sergeant and a constable were arrested for accidentally firing at a suspect whom they claim was trying to escape. The suspect died from the injuries he sustained. The two police officers are currently in remand.<sup>478</sup>

There is in fact a disturbing pattern of alleged police-related crossfire shootings – particularly of persons that have earlier been involved in shooting incidents in which police officers have been hurt or killed. Several key informants, on an anonymous basis, expressed serious concerns about cases in which suspects had been shot by police officers. They pointed out that in several cases a strikingly similar explanation was given by police for the shootings: it is claimed that the suspects took the police to a remote location where they had hidden small arms used in a crime, but then tried to use the weapon against the police and were shot in self-defence.<sup>479</sup> Key informants pointed towards the similarities between the explanations given by the police in these shootings, and to the nature of the injuries sustained in these incidents, to support their concerns.

Several key informants pointed out serious concerns in relation to incidences of small arms misuse and human rights violations by the police. In light of these concerns, procedures requiring police officers to account for discharging their small arms in the course of their duty should be made more stringent. Such procedures are an essential element of the governance of the use of small arms by officers. Concerns that procedures are not rigorous enough are negatively impacting on perceptions of the police, and thus must be tackled to ensure that public trust and co-operation are retained.

The Sri Lanka Police Service has a Human Rights Division that deals with human rights matters referred to it by the Inter-Ministerial Human Rights Working Group through the Inspector General of Police. It promotes human rights awareness among police officers, liaises with human rights organisations and maintains records of human rights violations and records of human rights education.<sup>480</sup>

Some human rights training is conducted for the police and armed forces by the Centre for the Study of Human Rights at the University of Colombo. However, key informant interviews with numerous police officers revealed a negative impression of human rights requirements.

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<sup>478</sup> Interview with police officer, Nuwara Eliya, 8 December 2006.

<sup>479</sup> Anonymous key informant interviews, December 2006.

<sup>480</sup> <http://www.police.lk/divisions/hr.asp>

These were viewed as hampering the police in their duties, in particular during interrogations.<sup>481</sup> For instance, one police officer interviewed claimed to have twelve human rights violations cases pending against him, all for beating accused parties. He claimed that if this is not done the police will not be able to get accused persons to reveal information they need to trace illegal weapons, stolen goods, informants and gang leaders etc.<sup>482</sup>

In Nuwara Eliya the survey team was told by a police officer that the police are doing their best not to violate fundamental rights, but that there is no proper training on the subject to teach them how to approach a case professionally and get the job done without violating fundamental rights.<sup>483</sup>

### **6.3.11 Training in small arms use and maintenance**

In addition to the inclusion of small arms training in basic police training, every police officer is required to practice shooting every year.<sup>484</sup> The police standard armoury training course is a 30-day course with two or three exams. Additionally, the police armoury trains officers in small arms maintenance. In 2005, nine maintenance classes were held in which 400 police personnel participated.<sup>485</sup> However, key informants in the Hambantota pilot survey linked injuries and deaths that occur to police, criminals and members of the public in the course of crime fighting to the need for more training for police officers in small arms use.

## **6.4 Civil Security Department**

### **6.4.1 Expansion and arming of the homeguards**

The voluntary recruitment of homeguards began in 1985, for the purpose of increasing security in villages under threat of attack. With the signing of the Ceasefire Agreement (CFA) in 2002, the need for homeguards decreased. However, following recent escalations in the conflict, an independent Civil Security Department was established in 2006.

After its establishment, the department undertook a study to ascertain the number of homeguards already in service and forecast the number that needed to be recruited. At the time of its formation the department employed 10,200 homeguards.<sup>486</sup> It was subsequently

<sup>481</sup> Interviews with police officer, Galkissa, 16 February 2007; and police officer, Borella, 16 February 2007.

<sup>482</sup> Interview with police officer, Galkissa, 16 February 2007.

<sup>483</sup> Interview with police officer, Nuwara Eliya, 8 December 2006.

<sup>484</sup> Interview with senior police officer, Colombo, 5 December 2006.

<sup>485</sup> Chandra Fernando, (2005), p 76.

<sup>486</sup> Interview with senior official, Civil Security Department, 23 February 2007.

decided that a force of 35,200 homeguards was needed to protect threatened villages, main supply routes and other strategic points.

Homeguard areas of operation are divided into seven sectors, namely: Trincomalee, Gomarankadawela, Anuradhapura, Vavuniya, Ampara, Batticaloa and Moneragala. A sector commander is responsible for overseeing the protection of villages from attack. Each sector commander is a police officer, in keeping with the practice of tying the activities of the homeguards to the police or the army. Additional command and control has been created with the employment of 1,000 wardens and 2,000 sub wardens. Each warden is responsible for 35 homeguards.

Regarding the homeguards themselves, it was stated that they are each provided with two weeks of basic training (which includes how to handle a T-56, how to maintain law and order, field craft and first aid) and three to four weeks in advanced training (which is designed to increase competency with firearms and explosive devices). Homeguards also receive a half-day training in firearms handling every week. From February 2007 a further, day-long motivational programme has been introduced. This is intended to instil national pride and a sense of the importance of protecting the country.

There is no minimum educational requirement for those that wish to become a homeguard. The main requirement appears to be geographical (that is, residence in a threatened village). It is assumed that a homeguard is more likely to discharge his/her duties effectively if he/she is from the village that he/she is protecting, and therefore has a personal stake in guaranteeing communal security.<sup>487</sup> A key benefit of the homeguard system in the view of the Sri Lankan Government is that a source of employment is provided through the system in localities that are often remote and affected by insecurity, and therefore less well developed.

With the issuing of small arms to persons that have not undergone a strict recruitment process and have only been provided with limited training, there is potential that individuals and communities will be exposed to greater dangers by the presence of homeguards. The Civil Security Department is, however, confident that it has provided sufficient warning to homeguards as to the potential repercussions of misusing their small arms. It was asserted that somebody found to be guilty is liable both to be expelled from their position and to face civil or criminal prosecution.<sup>488</sup>

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<sup>487</sup> Ibid.

<sup>488</sup> Ibid.

### 6.4.2 Perceptions of the homeguards

The household survey did not identify homeguards as providers of security in response to crime. In focus groups, however, some public views of homeguards were given. For example, farmers in Medawachchiya claimed that:

“Grama Arakshaka [homeguards] from our village serve in other villages threatened by terrorists. Their service is important since they know the village better than the police. Though they can provide safety to the village better than the police, presence of police is also vital[...] now the Grama Arakshaka possess T-56 guns, rifles and SLRs. Shotguns are to be found at homes now.”<sup>489</sup>

Similarly, Muslim men and women expressed a desire to have homeguards in their area of Ampara, although they also believed that some homeguards had misused their weapons.<sup>490</sup> Other focus group participants reported that homeguards had used their weapons to shoot deer.<sup>491</sup>

In some areas of the country there are clearly favourable perceptions of the homeguards.<sup>492</sup> A Buddhist priest in Kebitigollawa, where homeguards are active, expressed a belief that the training that homeguards have is adequate and the facilities sufficient. While sceptical about the commitment of the local police, it was claimed that local homeguards were motivated by a desire to safeguard their communities and families, and thus very committed.<sup>493</sup> Less favourable perceptions emerged elsewhere. For example, in focus group discussions, Muslim men and women reported that homeguards and wildlife officers were misusing their weapons for hunting.<sup>494</sup> Clearly, although there is a public perception that homeguards have a contribution to make to public safety, it is also necessary to ensure greater control over homeguard weapons themselves and their potential misuse.

### 6.4.3 Preventing misuse of homeguard weapons

At the start of the national survey, the survey team was informed that homeguard training can range from ten days to one month, depending on the situation in the location where the homeguard is deployed. The training covers the use of small arms and civilian protection.<sup>495</sup>

<sup>489</sup> Focus group discussion with farmers (Anaradhapura).

<sup>490</sup> Focus group discussion with Muslim men and women (Ampara).

<sup>491</sup> Focus group discussion with Tamil men (Ampara).

<sup>492</sup> Interview with key informant Muthuwella, Welikanda, 7 December 2006.

<sup>493</sup> Interview with Buddhist priest, Kebithigollewa, 7 December 2006.

<sup>494</sup> Focus group discussion with Muslim men and women (Ampara).

<sup>495</sup> Interview with homeguard instructors, Kandakuliya Homeguard Training Centre.

There are also revision programmes on small arms use, public relations and collective action at community level.<sup>496</sup>

There are, however, some significant shortcomings in the training outlined above. Firstly, there appears to be no training for homeguards in rules of engagement and the acceptable use of force. Secondly, there is no reference manual for recruits to refer to following their training. Thirdly, it is questionable whether the period of training offered to homeguards is in fact sufficient for the practical and safe fulfilment of a homeguard's duties. The latter concern is shared by senior officials within the Civil Security Department.<sup>497</sup> One such official told the survey team:

“Giving a T-56 to these homeguards after two weeks of training is a problem. The rest of the armed forces undergo six months of training. That is why we follow very strict disciplinary procedures. With regard to cases of misuse of weapons, unlike in the forces, homeguards are not given a charge sheet. They can be expelled from service immediately.”<sup>498</sup>

## 6.5 Judicial Medical Officers

JMOs conduct forensic examinations of crime victims, including post-mortems of homicide and suicide victims. On the basis of post-mortems, JMOs prepare detailed reports for the courts. They are highly trained specialists and are usually based at large hospitals such as teaching hospitals. The survey team interviewed numerous JMOs across the country to get information on the impact of illicit small arms.

One senior JMO claimed that currently there were 25 consultant JMOs island-wide and there were 12 consultants who were university lecturers and professors.<sup>499</sup> He claimed that in 1992 there were only four consultant JMOs (Colombo, South, Kandy and North), thus it appears that capacity is improving gradually.<sup>500</sup> It would be beneficial for JMOs to provide greater coverage of the country. However, he indicated that it would take many years before there would be consultant JMOs in all 25 districts of the country.<sup>501</sup>

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<sup>496</sup> Ibid.

<sup>497</sup> Ibid.

<sup>498</sup> Interview with senior official, Civil Security Department, Ibid, 23 February 2007.

<sup>499</sup> Interview with JMO, Colombo, 2 March 2007.

<sup>500</sup> Ibid.

<sup>501</sup> Interview with Senior Lecturer, Colombo Medical Faculty, 22 February 2007.



Consultant JMOs have to go through a five-year training on grievous injuries in addition to their normal medical training.<sup>502</sup> All JMOs interviewed by the survey team seemed highly expert and independent. Nevertheless, they face some capacity limitations:

- Often records are not computerised. In the Colombo JMO office, and presumably others, there is no records room. There have been requests for one and a record-keeper, but these have not been provided.<sup>503</sup>
- X-ray machines should be used to locate bullets, fragments of bullets and other key evidence in homicide cases. Only some JMOs have access to X-ray machines – some of these are old but function well.<sup>504</sup> Therefore, some claim they have to identify the location of bullets and bullet fragments just by looking at the anatomy of the deceased without doing x-rays.<sup>505</sup>

Some JMOs have good facilities, but their capacity to contribute to the reduction of armed violence is being hampered by weaknesses in other parts of the system. Some have digital cameras – for instance, the JMO in Galle has a laptop computer and two digital cameras. He claimed he always goes to the crime scene and takes photos. These photos are not always presented in court, but are used for teaching.<sup>506</sup> This is due to a broader limitation in co-operation between the police and JMOs. Several JMOs reported that the police did not ask JMOs for detailed evidence.<sup>507</sup> Similarly, the courts do not ask JMOs for photos because they “do not trust digital photos”.<sup>508</sup>

## 6.6 Government Analyst

The system for handling small arms and ammunition held in evidence, in order to extract relevant forensic information, is currently severely underperforming. Some small arms seized by the police are sent to the Government Analyst’s Department, as are bullets extracted by JMOs. A key problem is that the office of the Government Analyst is under-staffed and under-resourced. Thus it cannot process evidence efficiently to produce timely reports on weapons which are submitted along with information requests.<sup>509</sup> As noted above, at the end of 2006, the Government Analyst had a backlog of 2,112 small arms and ammunition

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<sup>502</sup> Ibid.

<sup>503</sup> Interview with JMO, Colombo, 2 March 2007.

<sup>504</sup> Interviews with JMOs, Kurunegala and Matara, 6 December 2006.

<sup>505</sup> Interview with JMO, Matara, 6 December 2006.

<sup>506</sup> Interview with JMO, Galle, 5 December 2006.

<sup>507</sup> Ibid and interview with JMO in Colombo, 2 March 2007.

<sup>508</sup> Interview with, JMO, Galle, 5 December 2007.

<sup>509</sup> Interviews with representative, Attorney General’s Department, Hambantota District, 16 May 2006; senior official, Beliatta Police Station, 17 May 2006; official, Matara Hospital, 26 May 2006; and official, Teaching Hospital Karapitiya, Galle, 26 May 2006.

productions,<sup>510</sup> and it is common for the analysis of a small arm for use as evidence in court to take two years.<sup>511</sup>

The official responsible for small arms at the Government Analyst's Department indicated that the technology is in place to match empty cartridges to the small arm which fired them. However, another key informant complained that he had never come across a report from the Government Analyst matching cartridge and weapon, which would be an invaluable tool in conducting a prosecution.<sup>512</sup>

The delay in processing evidence is reportedly causing cases to collapse. According to one police officer interviewed during the national survey, suspects could be remanded for about eighteen months if they were arrested with a small arm. However, this time is not sufficient to file charges against them due to various delays, including at the Government Analyst.<sup>513</sup> There are also cases where a weapon is found but there is no suspect. Presumably because of a lack of investigative expertise, personnel and vehicles to pursue such cases, there is often no follow-up after the weapon is sent to the Government Analyst.

A further problem is that the police are obliged to deliver weapons held in evidence to the Government Analyst in Colombo and retrieve them from there. Thus shortage of vehicles and other delaying factors create backlogs in police stations of small arms and ammunition waiting to be delivered,<sup>514</sup> as well as a large backlog of weapons on the premises of the Government Analyst awaiting pick-up.<sup>515</sup> According to one police officer, "recovered firearms need to be sent to the Government Analyst – this is very inefficient and slow. One recovered firearm is thought to be linked to five homicides in four police divisions, but we haven't been able to send this firearm to the Government Analyst".<sup>516</sup>

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<sup>510</sup> Interview with official, Government Analyst's Office, 17 January 2007.

<sup>511</sup> Interviews with representative, Attorney General's Department, 10 May 2006; representatives, Angunakolapelessa Police Station, 17 May 2006; and official, Teaching Hospital Korapitiya, Galle, 26 May 2006.

<sup>512</sup> Interview with representative, Attorney General's Department, Hambantota District, 16 May 2006.

<sup>513</sup> Interview with police officer, Galle, 13 December 2006.

<sup>514</sup> Interviews with representatives, Angunakolapelessa Police Station, 17 May 2006 and police officer, Ratnapura, 7 December 2006.

<sup>515</sup> Interview with representative, Attorney General's Department, 10 May 2006.

<sup>516</sup> Interview with senior police officer, Katunayake, 5 December 2006.

**Table 16: Types of small arms received in cases from 2002–2006<sup>517</sup>**

Government Analyst categories	Year				
	2002	2003	2004	2005	2006
<b>Shot pistols/galkatas</b>	67	116	103	125	127
<b>Pistols</b>	55	77	90	58	58
<b>Revolvers</b>	41	71	51	43	26
<b>Rifles</b>	84	61	82	99	181
<b>Single barrel breach-loading</b>	82	108	63	114	71
<b>Single barrel muzzle-loading</b>	35	86	109	59	72
<b>TOTAL</b>	364	519	498	498	535

As only weapons used in grave crimes and where suspects plead not guilty tend to be sent to the Government Analyst, the total number of small arms received in cases by the Government Analyst's Department reflects only a small proportion of weapons seized by police each year (see Chart 5). However, the data on pistols and revolvers suggest that for these weapons the Government Analyst takes in more cases than the police have seized in a year. This probably reflects backlogs in sending small arms to the Government Analyst.

## 6.7 Court capacity

Views of the courts tend to be more positive than of the police, though some views expressed in the course of the research for this survey do indicate some efficiency problems and concerns with courts' capacity to make appropriate use of forensic evidence.

Most people believe that courts are handling cases far better than the police and are less corrupt.<sup>518</sup> Many are happy with the service provided by the courts.<sup>519</sup> However, some negative experiences and perceptions of corruption do exist. For example, some people allege a degree of corruption and bribery occurring in the courts.<sup>520</sup> There were also claims of judges engaging in behaviour that would constitute a conflict of interest such as meeting people involved in cases that are being heard by them and talking with them at parties.<sup>521</sup>

In relation to the efficiency of the courts system, when asked to assess the effectiveness of the courts and the judiciary, respondents in the household survey gave them only a 64%

<sup>517</sup> Information provided by Government Analyst's Department.

<sup>518</sup> Focus group discussion with Muslim youth (Ampara), Muslim men and women (Ampara), Tamil youth (Ampara).

<sup>519</sup> Focus group discussion with Muslim youth (Ampara), Muslim men and women (Ampara), Tamil youth (Ampara) and IDPs (Puttalam).

<sup>520</sup> Focus group discussion with Muslim youth (Ampara).

<sup>521</sup> Focus group discussion with business community (Colombo).

rating – compared with 70% for the police. Some sources pointed to long delays in the courts system,<sup>522</sup> and claimed that it was very inefficient – resulting in a very low prosecution rate.<sup>523</sup> Some claimed that there were inefficiencies in the courts system, but attributed this to police inefficiency.<sup>524</sup>

Some key informants questioned the capacity of the courts to make effective use of the evidence available to them. One JMO expressed concern that magistrates did not ask appropriately searching questions. For instance, they could ask about the cause of death – ‘firearms shot’ – but not for any information on the direction of the shots that would indicate the nature of the crime, despite the submission of a report from the JMO containing this and other important information. Similarly, as noted above, some JMOs complain that courts do not ask for photos, and do not trust digital photos.<sup>525</sup> Likewise, some key informants indicate that while the Swedish SOCO labs may produce good evidence, the court system is unprepared for this and witnesses and court officials will not understand the technical nature of the evidence.<sup>526</sup> Some suggest that witness law should be modernised to improve the use made of the evidence available.<sup>527</sup>

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<sup>522</sup> Focus group discussion with Muslim youth (Ampara); and interview with senior police officer, Katunayake, 5 December 2006.

<sup>523</sup> Interview with senior medical official, Kelaniya, 5 December 2006.

<sup>524</sup> Focus group discussion with Muslim men and women (Ampara).

<sup>525</sup> Interview with JMO, Galle, 5 December 2007.

<sup>526</sup> Interview with police officer, Matale, 11 December 2006.

<sup>527</sup> Ibid.

## 7 Small arms control

This final chapter highlights additional considerations pertinent to the strategic planning of the Government of Sri Lanka and other stakeholders to small arms control.

Research into public perceptions conducted for this survey indicates that most people in Sri Lanka are concerned about small arms and related insecurity, and that most people do not personally wish to own a firearm. If all the minority responses to the questions asked are grouped together, it appears that they are more concerned about illicit small arms proliferation and insecurity than the majority community. Likewise, 30% of people feel it is never acceptable for civilians to own small arms and perceptions of the impact of small arms on families, security, community relations, women and children are overwhelmingly negative. This suggests that a strong foundation exists for enhancing public support and involvement in small arms control.

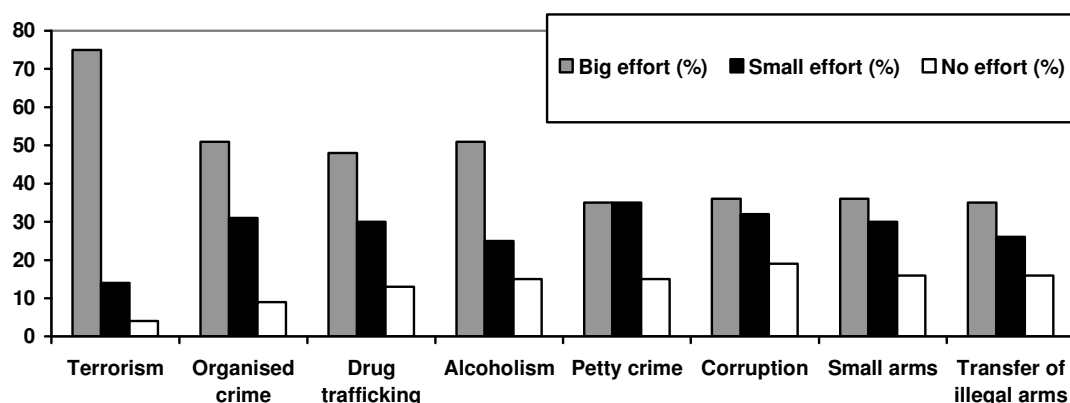
While there is a comprehensive legislative framework which includes controls over civilian licensing, importation, sale, transfer, manufacture, repair and possession of small arms, the legislative reform of the Firearms Ordinance currently underway will make several additions to the existing legal framework in accordance with international standards. This needs to be accompanied by a range of other measures, adopted in consideration of the points raised in this chapter, such as those contained in the ‘Recommendations’ section at the end of this report.

The establishment of NCAPISA offers an ideal opportunity to take forward the public concern. Nevertheless, there will be challenges in translating political will and public support into successful measures, as, for example, there is a need to encourage greater inter-agency co-operation among the relevant government departments and civil society.

### 7.1 Perceptions of government response to small arms issues

Household survey respondents were asked to rate the level of effort devoted to addressing different priorities by government institutions. At a time of intensified combat in the conflict zone in the North and East, the highest proportion (89%) of respondents highlighted the government’s efforts in combating terrorism, of which nearly 75% described this as a ‘big’ effort. The efforts for combating organised crime came a close second with 82%, but with only 50% perceiving this effort to be ‘big’.

Chart 35: Perceptions of government effort in combating key threats

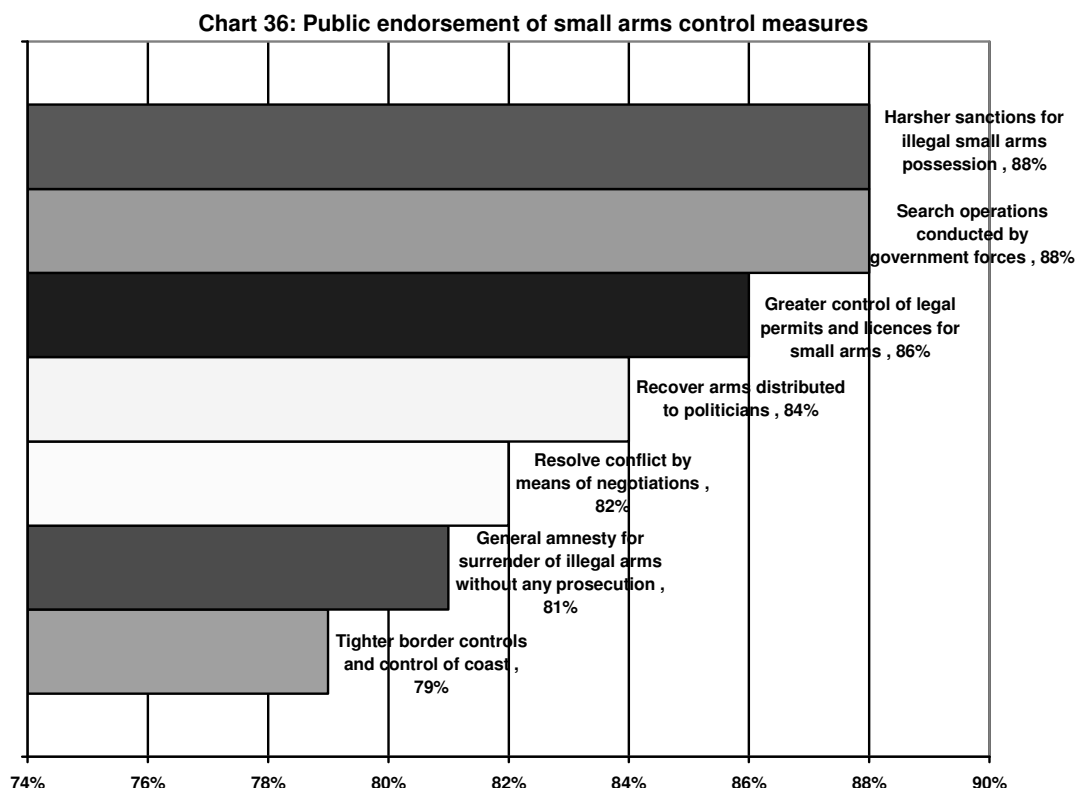


Importantly, the perceptions of the government's efforts to control the distribution and sale of small arms and to combat the transfer of illegal weapons were given lower ratings than efforts to combat all of the other key threats listed. A total of 66% and 61% of respondents respectively felt the government was making an effort – with significant proportions feeling that the effort was small.<sup>528</sup> 16% of people felt the government was making no effort in either of these areas. This perception that the government was not making an effort to tackle small arms was held more strongly by non-Sinhala groups.

## 7.2 Public opinion on small arms policy

Public perceptions were sought in the household survey on the efficacy of seven specific measures that could be taken by the government against illicit small arms. As shown in Chart 36 below, this enquiry received a very high rate of positive response, with all measures being endorsed by a very high proportion of respondents. These initiatives are not listed as solutions in themselves to the problem of armed crime and insecurity in Sri Lanka: they would need to be implemented alongside further measures addressing the deeper causes of insecurity and demand for small arms in the country, including problems related to poverty, inequality, unemployment and socio-political factors (see also section 5.7.5 above).

<sup>528</sup> Unlike the other categories of action, these two stood out with high proportions that 'did not know' (13% and 16% respectively) that were equal to or very close to the proportions that said government was making 'no effort' on these two issues, and also those who refused to answer – this may reflect a range of fears of answering as well as not knowing an answer.



Some divergence of opinion, however, is apparent amongst the different ethnic and religious groups as to which measures would significantly enhance security. While greater control of legal permits and licences for small arms received a high level of endorsement and the least variations of opinion across all ethnicities and religions, low proportions of Sri Lankan Tamils and Muslims perceived border controls, amnesties and negotiations as having a marked impact on security.

Among religious groups, Buddhists perceived sanctions, control of permits and search operations as most effective in increasing security ‘a lot’. In contrast, much lower proportions of Hindus endorsed the seven measures’ ability to increase security ‘a lot’, with only 42–46% endorsing sanctions, amnesties and negotiations. Muslims had the lowest proportions subscribing to amnesties, negotiations and recovery of arms from politicians, while Christians appeared to have little confidence in amnesties and negotiations.

### 7.3 Legislation related to small arms

The primary law relating to small arms in Sri Lanka is the Firearms Ordinance No. 33 of 1916, last amended in August 1996. The Firearms Ordinance provides the legal framework for civilian licensing, importation, sale, transfer, manufacture, repair and possession of small

arms. Other applicable laws include the Explosives Act (No. 33 of 1969, last amended 2005), the Offensive Weapons Act (No. 18 of 1966), Army Act, Air Force Act and Navy Act, which also legislate on small arms where appropriate.<sup>529</sup>

The Firearms Ordinance stipulates that all importation, manufacture, repair, sale, transfer or possession of small arms requires a licence or permit<sup>530</sup> (unless specific exemption is given).<sup>531</sup> It outlines the processes and requirements of licensing, and associated enforcement powers. While it has some stipulations regarding the import of small arms, it has no provisions related to other aspects of international small arms transfers such as exporting, brokering, and transshipment. While it was amended in 1996 (Firearms (Amendment) Act, No. 22), this amendment made few changes to the substance of the act. The key feature of the amendment was that it increased penalties for offences committed against the Firearms Ordinance.

The Firearms Ordinance is currently undergoing another review. In 2006 a special committee of experts was appointed to review it. The proposed legal reforms are focusing on: a broader definition of firearms; a review of the licensing system in light of international standards; competency testing; the introduction of a training component; requirements for end-user certificates; an increase in penalties; the introduction of new offences (firearms-related); prohibitions on the possession of different types of firearms; and the establishment of gun-free zones.<sup>532</sup> NCAPISA has informed the survey team that the reforms were under consideration by cabinet and Parliament in the first half of 2007.

#### **Box 8: Proposed legal reforms to the Firearms Ordinance**

##### ***Definition:***

Broader definition on firearms in order to increase the effectiveness of existing legislation and re-definition of automatic gun in Section 2.

##### ***Licences:***

A review of licensing procedures to bring them into line with international standards. These include establishing a minimum age to apply for a licence (18 years), physical and mental competence, safe storage, special police clearance for the applicant, a certificate of competence and third party insurance to cover each licence.

In terms of the requirement of competence to handle a firearm, the licensing authority will

<sup>529</sup> <http://www.defence.lk/>

<sup>530</sup> Firearms Ordinance (No. 33 of 1916), Section 3.

<sup>531</sup> Ibid, Sections 46 and 47.

<sup>532</sup> Interview with senior official, Attorney General's Department, 13 January 2007.



require the applicant to be trained by the approved authority. This could be the police or another government department or agency stipulated by the MODPSLO.

Periodic checks on the licence holders.

An increased licensing fee for all categories of firearms.

***Requirement of end user certificate:***

End-use certification is being introduced, particularly in relation to business licences and security agents.

***Penalties:***

Increased punishment for offences against the Firearms Ordinance. The minimum mandatory sentence will be imprisonment for 3–7 years and a fine. For any other subsequent offences, the sentence will be a minimum period of seven years imprisonment, not exceeding twenty years.

***Firearms-related offences:***

Non-bailable offences will be introduced under exceptional circumstances. In such circumstances the suspect can be remanded without bail for 72 hours.

New offences with regard to brokering, stockpiling, trafficking and illicit manufacturing are being planned for introduction.

***Prohibitions:***

Whereas the government has currently suspended the issue of new licences, the new legislation includes a complete ban on the possession of automatic weapons: under the proposed amendments one can only apply for licences for pistols, repeaters, shotguns and semi-automatic firearms.<sup>533</sup>

***Establishing gun free zones:***

The MODPSLO may define and declare gun-free zones in Sri Lanka. Carrying a firearm in gun-free zones will amount to an offence punishable by imprisonment not exceeding five years.<sup>534</sup>

<sup>533</sup> An 'automatic' firearm is a firearm that automatically extracts and ejects the fired cartridge case, and loads a new case, usually through the energy of the fired round. Fully automatic firearms continue to load and fire ammunition as long as the trigger (or other activating device) is pressed or until the ammunition is exhausted. Semi-automatic firearms reload automatically but fire one shot per pull of the trigger.

<sup>534</sup> Interview with senior official, Additional Secretary, MODPSLO, 21 February 2007

In practice, these laws are implemented by various parts of government. The primary licensing authority is the Secretary of the MODPSLO. The Secretary has the capacity to grant or refuse to issue a licence. However, various other departments are involved in different licensing processes:

- District Secretariats are involved in licensing small arms for crop protection and renewal of all types of civilian possession licences;
- Police are involved in enforcing the laws and also in the licensing process for civilian possession through criminal record checks, recommendations for personal protection licences; and also for storing ammunition for licensed ammunition dealers; and
- CEFAP is involved in importing and selling small arms and ammunition to civilians.

### 7.3.1 Definition of small arms

The Firearms Ordinance has no definition of small arms. According to the Firearms Ordinance, a 'gun' includes:

- “(a) Any barrelled weapon of any description from which any shot, pellet or other missile can be discharged with sufficient force to penetrate not less than eight strawboards, each of three-sixty-fourth of an inch thickness placed one-half of an inch apart, the first such strawboard being at a distance of fifty feet from the muzzle of the weapon, the plane of the strawboards being perpendicular to the line of fire; or
- (b) Any component part of any such weapon; or
- (c) Any accessory to any such weapon designed or adapted – (i) to diminish the noise or flash caused by firing the weapon, or (ii) to facilitate the aiming of the weapon; or
- (d) Any weapon of whatever description designed or adapted for the discharge of any noxious substance; but does not include an air gun.”<sup>535</sup>

Until the review of the Firearms Ordinance is complete, the lack of detailed definition of what constitutes a legal or illegal small arm will remain a key gap in the legal framework and thus the capacity of the government to control small arms effectively.

Besides the Firearms Ordinance, other relevant pieces of legislation include some standards and measures on small arms, light weapons and ammunition. The Offensive Weapons Act, for example, states that it is a grave crime to possess, import or sell offensive weapons

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<sup>535</sup> Firearms Ordinance (No. 33 of 1916), Paragraph 2

illicitly, or to use them to cause death or injury to other persons or damage to property.<sup>536</sup> However, the Offensive Weapons Act similarly does not offer a definition of what an ‘offensive weapon’ is.

Other laws also lack definitions of small arms. They include the Public Security Agencies Act of 1959 (last amended in 1998 by Amendment Act No. 28), which establishes powers for the seizure of illicit small arms,<sup>537</sup> and the Private Security Agencies Act (No.45 of 1998), which includes requirements that PSC personnel that use small arms are appropriately trained.

### **7.3.2 Penalties and enforcement**

According to Article 22 of the Firearms Ordinance:

“Any person contravening the provisions of this section [possession of guns] shall be guilty of an offence against this Ordinance and shall on conviction be punishable: (a) for the first offence with a fine not exceeding ten thousand rupees, or with rigorous imprisonment for a period not exceeding five years, or with both such fine and imprisonment, (b) for the second or any subsequent offence with rigorous imprisonment for a period of not less than ten years and not exceeding twenty: Provided that where the offences consist of having the custody or possession of, or of using, an automatic gun or repeater shotgun, the offender shall be punished with imprisonment for life. Provided further that where the offence consists of having the custody and possession of, or of using a smooth bored shotgun of the muzzle loading variety, the offence shall be punishable as provided for in section 44.”

The 1996 amendment of the Firearms Ordinance introduced two new schedules of offences to section 44:

#### “Schedule C

- Offences against the State.
- Offences relating to the Army, Navy and Air Force.
- Culpable homicide &c.
- Voluntarily causing hurt by dangerous weapons.
- Criminal Force.
- Extortion.
- Robbery.

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<sup>536</sup> Offensive Weapons Act (No. 18 of 1966), [www.lawnet.lk](http://www.lawnet.lk)

<sup>537</sup> Public Security Agencies (Amendment) Act (No. 28 of 1988), [www.lawnet.lk](http://www.lawnet.lk)

- Kidnapping and abductions.
- Rape.
- Carnal intercourse with young girls.
- Abetting or attempting to commit any offences against the above sections of the Penal Code enumerated in this Schedule.

#### Schedule D

- Unlawful assembly and rioting.
- Resistance to lawful apprehension.
- Mischief.
- Lurking house, trespass house, breaking &c.
- Criminal intimidation.
- Abetting or attempting to commit any offences against the above sections of the Penal Code enumerated in this Schedule.”<sup>538</sup>

Further, the Amendment introduced harsher punishments for offences specified in these schedules:

“44A. Notwithstanding anything in this Ordinance or any other law, any person who uses a gun in the commission of an offence specified in Schedule C of this Ordinance, shall be punished on conviction for such offence with death or imprisonment for life, and shall also be liable to a fine not exceeding twenty thousand rupees.

44B. Notwithstanding anything in this Ordinance or any other law, any person who uses a gun in the commission of an offence specified in Schedule D of this Ordinance shall be punished on conviction for such offence with imprisonment for a period of not less than fifteen years, or a fine not exceeding twenty thousand rupees, or both.” <sup>539</sup>

Thus, for example, any person who uses a small arm in the commission of rape, robbery, or extortion is now punishable by death or imprisonment for life and shall also be liable for a fine not exceeding 20,000 rupees.

However, in the police station records seen by the survey team, the maximum and most commonly encountered penalty levied for illicit possession of small arms (usually *galkatas* and muzzle-loading arms in the records seen) and for possession of trap guns was a fine of

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<sup>538</sup> Firearms (Amendment) Act, (No. 22 of 1996), section 26

<sup>539</sup> Ibid.

5,000 rupees.<sup>540</sup> Many key informants and focus group participants expressed the opinion that there is a need for harsher punishments for many types of crime. When asked what severe punishments should be introduced, most called for corporal punishment or the death penalty.<sup>541</sup>

## **7.4 Small arms collection and amnesties**

Section 30 of the Firearms Ordinance allows for weapons amnesties: “Illicit weapons may also be periodically submitted to a local police station in a weapons amnesty.”<sup>542</sup> However, in Sri Lanka, previous amnesties have enjoyed only limited success. Two such attempts have been made in recent years. In February 2004 a two-month long amnesty period was declared. In this first amnesty people in illicit possession of small arms were permitted to license them – but this received a limited response with a total of only around 1,300 small arms re-licensed<sup>543</sup> (indicating that these were small arms that had slipped through the renewals procedure rather than other illicit small arms). From October 2004 to January 2005 a longer amnesty was declared in which the government offered cash incentives to encourage the handing-in of illicit small arms. These incentives ranged from 5,000 to 50,000 rupees. Both amnesties were accompanied by island-wide publicity. In spite of these incentives and publicity, the amnesties failed to collect very many small arms.

In sub-sections 7.4.1 to 7.4.4, public perceptions pertinent to the viability of and strategy for future small arms amnesties and collections are discussed, along with other considerations relevant to the success of any future weapons collection initiative.

### **7.4.1 Views of small arms possession**

Research into public perceptions of small arms possession suggests there is strong public backing for measures to reduce the number of both illicit and licit arms in Sri Lanka.

An overwhelming majority of household survey respondents (78%) stated that they themselves did not wish to possess small arms. While many recognised certain circumstances in which small arms ownership might be acceptable, a significant minority (30%) considered there to be no justified reason for an individual to possess small arms.

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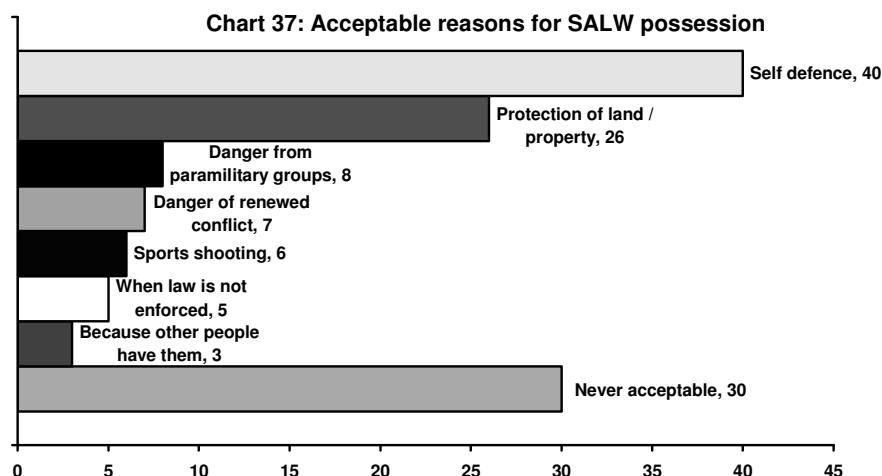
<sup>540</sup> Interview with police officer, Polonnaruwa, Ratnapura, and other police stations where the survey team was shown minor offences records.

<sup>541</sup> Focus group discussions with the business community (Colombo); Tamil males (Vavuniya); and urban slum dwellers (Colombo).

<sup>542</sup> Firearms Ordinance, (No. 33 of 1916), see Section 30

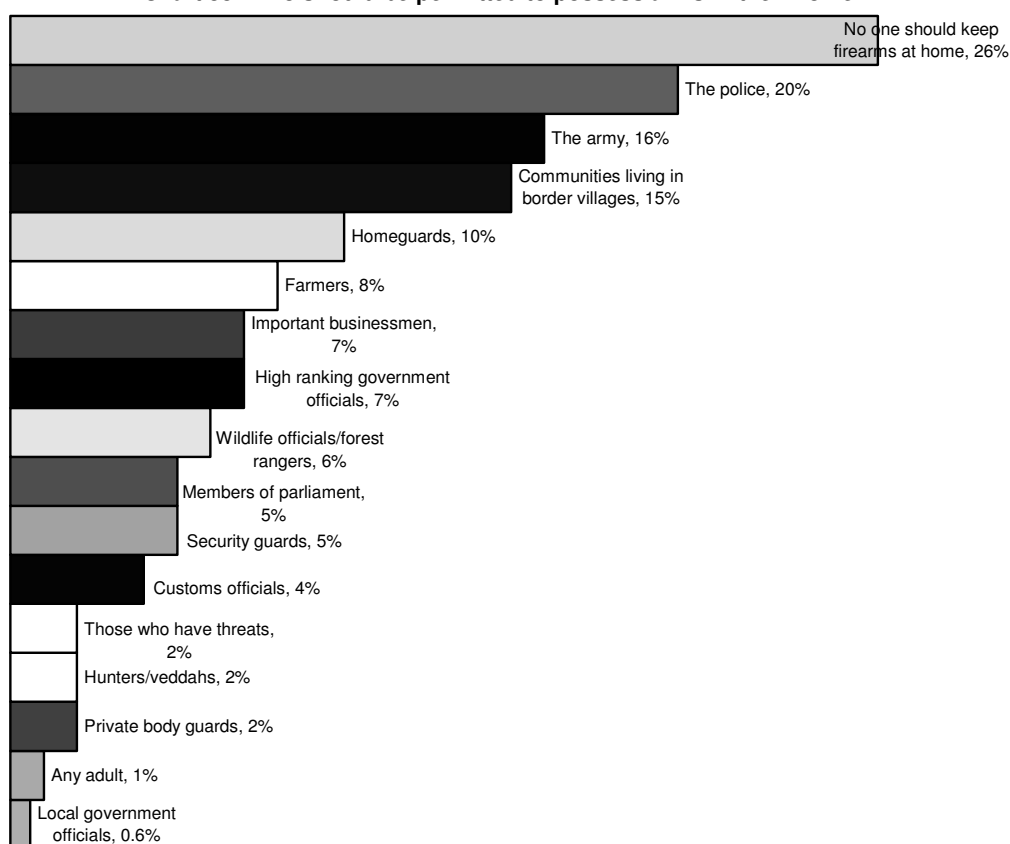
<sup>543</sup> Biting the Bullet, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, (Biting the Bullet, 2005), p 132.

When asked under what circumstances it might be legitimate for people to possess small arms, respondents in the household survey largely echoed the reasons for which licensed small arms are permitted: 40% indicated that possession for self-defence would be acceptable and 26% expressed a view that it was legitimate to own a small arm for the protection of land, property, crops and livestock (see Chart 37).



More females (35%) than males (26%) expressed a strong view against possession under any circumstances. Sinhalese and Sri Lankan Tamils came out stronger than the other ethnic groups in favour of small arms possession for self-defence. Plantation Tamils held the view much less frequently than other groups that no-one should own arms for any purpose.

When asked which specific persons or officials should be permitted to keep small arms in their homes, the highest single response of 23% stressed that no-one should be permitted. This was much more strongly felt by adults (35%) than youths (16%). Considerable proportions expressed a view that the police (20%) and army (16%) should be permitted, but expressed a caveat that only high-ranking officials should be accorded the right to keep small arms. One significant response was that 15% of respondents felt that communities living in villages threatened by armed violence should have a right to possess personal small arms.

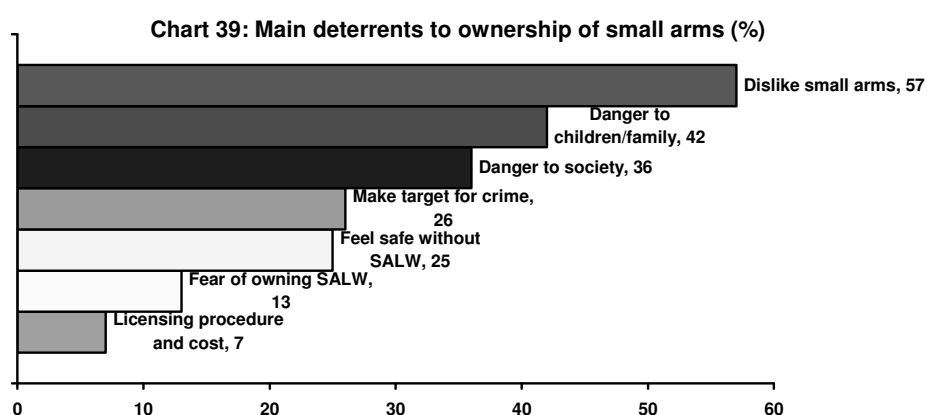
**Chart 38: Who should be permitted to possess arms in their home?**

Homeguards are often permitted to keep the weapons issued to them in their homes. This practice was felt to be legitimate by 10% of respondents. Youths were less inclined than adults to allow the police, army, officials or MPs to keep small arms at home, although more adults than youths felt that no-one should be permitted to do so. Much lower proportions of Muslims (9%) thought that no-one should be permitted to keep small arms. Significantly, a much lower proportion of Sinhalese than other ethnic communities felt that the police and army should be permitted to keep small arms at home.

When asked if they personally wanted to own a small arm, if they could do so legally, a majority of 78% stated that they did not. Only 17% said that they would choose to own one. Importantly, there were no significant age or gender differences in these responses. Of ethnic groups, greater proportions of Sinhalese and Plantation Tamils would choose to own small arms than other groups. Among religious groups, more Buddhists and Christians than Hindus and Muslims would choose to own small arms.

The reasons why people choose not to obtain small arms will be very important in forming a strategy to encourage holders of small arms to give them up. A clear majority of respondents

would not choose to own small arms, expressing several reasons each for not wanting small arms (see Chart 39). Key reasons included: a dislike for small arms in general (57%); the danger they would present to their children and family (42%) or to society (36%); and fear of having them (13%). Thus, levels of awareness of the dangers small arms pose to families and communities appear strong. Furthermore, about a quarter of respondents felt safe without small arms, while 26% felt that possessing a gun would in fact make them a target of crime. Importantly, therefore, negative views of small arms and awareness of the dangers they pose are deterring people from obtaining them more strongly than the procedures and costs involved in obtaining a licence to possess them (only 7%).

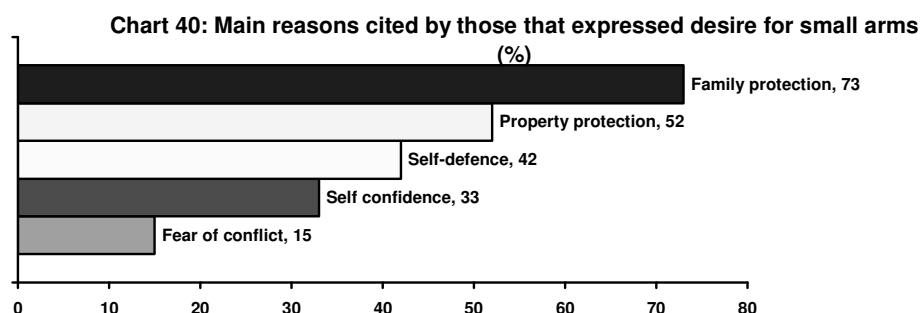


#### 7.4.2 Motives for possessing small arms

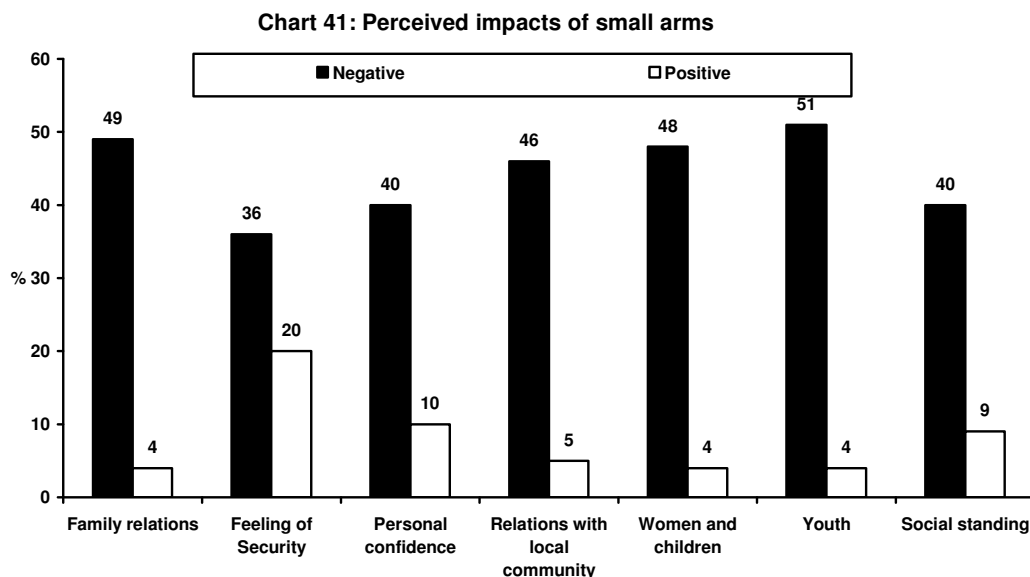
The reasons given by the 17% of respondents that would choose to own small arms were varied. The majority expressed security reasons for wishing to own a weapon. Of these, the protection of the family and property and self-defence were the main reasons for demand. Other types of motivations such as sports, hobbies and hunting were very rare. In focus group discussions, some participants expressed a view that the inability of the police to ensure justice compelled people to take up arms.<sup>544</sup>

<sup>544</sup> Focus group discussion with farmers (Monaregela).





In spite of these perceived justifications, the impacts of small arms on society are generally considered to be negative. However, it is significant that a minority (20%) considered that small arms provided a positive feeling of security, and that some respondents felt that a small arm would enhance their personal confidence (10%) and their social standing (9%).



### 7.4.3 Views on small arms amnesties

The vast majority of people (81%) endorse amnesties as a potentially effective means of tackling illicit small arms. However, it is clear that earlier attempts in Sri Lanka have not enjoyed any meaningful success. In the household survey only 4% of people thought previous amnesties were very successful and 18% that they were partially effective. Focus group discussions highlighted a range of reasons for this failure, particularly a lack of faith in a person's immunity from prosecution, and enduring fear of crime.<sup>545</sup> The household survey indicates that voluntary surrender programmes for illicit small arms often fail because too few

<sup>545</sup> Focus group discussions with farmers (Moneragala); Tamil women (Ampara); Muslim youth (Ampara); and Muslim men and women (Ampara).

people are aware of them. More specifically, when asked about general collection efforts, only about a fifth of respondents (21%) knew of steps taken by the government to collect unlicensed weapons. In comparison, 58% were not aware of any. There does not appear to be much difference with regard to the awareness of different groups, but it is apparent that Hindus, Muslims and Tamils (both Sri Lankan and Plantation) have the lowest levels of awareness. This may indicate that future awareness-raising should in particular target the Tamil language media.

With regard to any future amnesty, responses were slightly more encouraging. Overall, 16% of people felt that a renewed government effort to collect illicit small arms in their local area could be very successful. However, a high proportion (52%) remained unconvinced and a further 4% were of the opposite opinion. Similarly, while some focus group participants expressed support for the idea of a future amnesty,<sup>546</sup> many expressed some form of reservation.<sup>547</sup> In particular, participants remained doubtful that, given continued fears of insecurity and crime, faith in the process could be maintained.

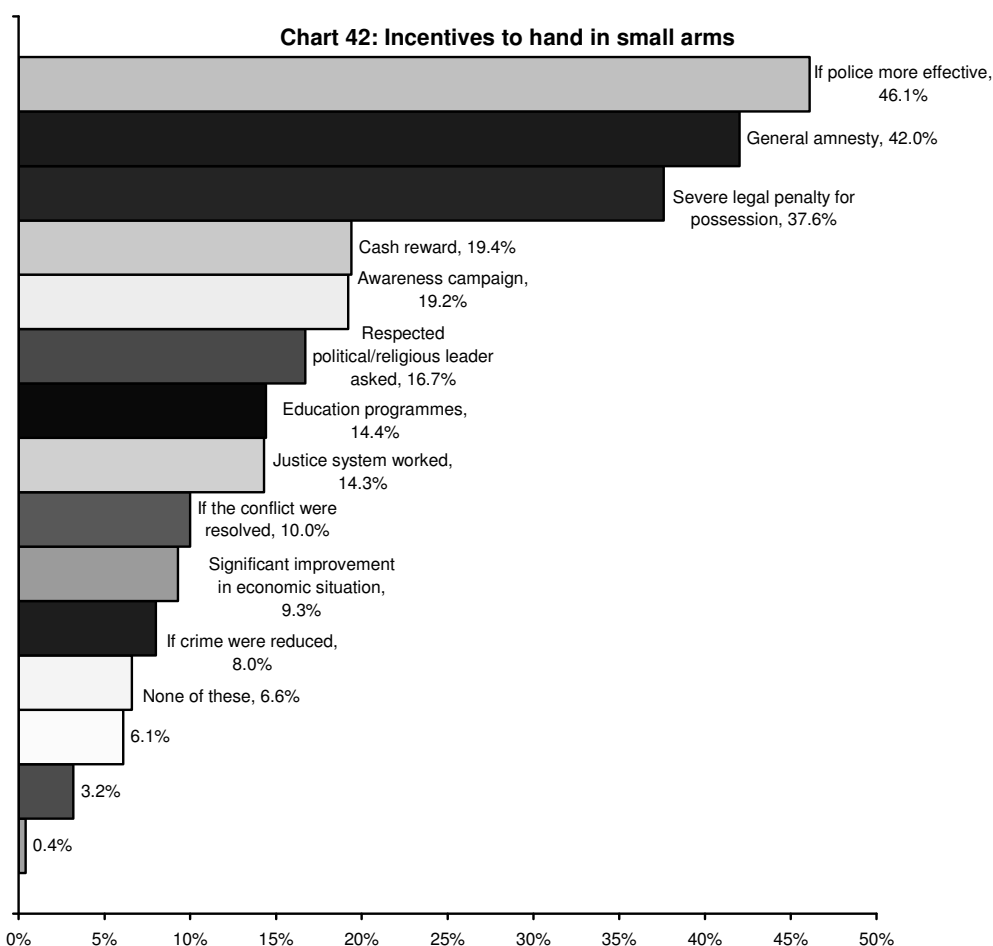
Opinion was sought on what incentives were required to increase the motivation of people to hand in any illegal weapons in their possession, whether in an amnesty or more generally. Three likely measures were sought from each respondent: the highest proportion (46%) thought effective police action would be the most successful influence; the introduction of severe legal penalties (38%) was also thought to be an effective means of increasing the recovery of illicit small arms; it is likewise significant that, despite the weaknesses of previous endeavours, amnesties (42%) are still considered to be one of the primary means of reducing small arms availability. This may be because people are willing to hand over weapons but are fearful of prosecution. Cash rewards, awareness campaigns and requests by a respected leader were also viewed as potentially effective by 17–19% of respondents.

It is interesting that despite the prevalence of security as a motivation for small arms ownership, the resolution of the ethnic conflict (10-14%) and the reduction of crime (8–9%) were only highlighted as incentives by a small minority of people.

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<sup>546</sup> Focus group discussions with IDPs (Puttalam); and university students (Kelaniya).

<sup>547</sup> Focus group discussions with farmers (Monaregala); Tamil men (Ampara); Tamil women (Ampara); and Tamil men (Vavuniya).



Although cash rewards, awareness campaigns and requests by a respected leader were highlighted by a significant minority (17–19%); the higher levels of support for coercive approaches, such as more effective police action (46%) and severe legal penalties (38%) indicates that future amnesties might enjoy greater success if the disincentives for illicit possession of small arms, such as proactive policing and threat, are emphasised more strongly than persuasion. By contrast, focus group discussions produced suggestions of developing partnerships with community leaders, religious figures and other civil society actors, in combination with strengthened enforcement of the law, and enhanced public awareness of small arms problems.<sup>548</sup>

#### 7.4.4 Scope for successful small arms amnesty and collection

In other countries many amnesties fail because few people are aware of them or of the problems caused by small arms. In spite of island-wide publicity for the 2004–2005

<sup>548</sup> Focus group discussions with university students (Kelaniya); Muslim women (Ampara); Tamil youth (Ampara); Tamil men (Ampara); Tamil women (Ampara); male homeguards (Medawachchiya); farmers (Kurunegala); farmers (Anuradhapura); business community (Colombo); and IDPs (Puttalam).

amnesties, according to the household survey only 21% of people knew of any previous government efforts to collect unlicensed weapons (the term amnesty was not used in this question). Only 4% of respondents thought they were very successful and 18% that they were partially effective.

In contrast to the household survey, focus group research – which specifically asked about the previous amnesty rather than being a general enquiry about past efforts to collect arms – showed some considerable awareness, with many participants stating that they were aware of the amnesty.<sup>549</sup> However, most focus groups were sceptical as to the efficiency of amnesties, as they opined that fear of crime dissuaded the majority of people from handing over illicit small arms.<sup>550</sup>

#### **Box 9: Weapons Amnesties in Sri Lanka**

In 2004 the Government of Sri Lanka declared two amnesties, to allow for illicit small arms owners to either license or surrender their weapon. The first was declared during January and concluded with only 1,300 small arms being re-licensed.<sup>551</sup>

A second amnesty was declared on 1 October, and was scheduled to run for two months, but was extended until the end of January 2005. In spite of the extension, and offer of rewards for the surrender of illicit small arms (ranging from Rs 5,000 – Rs 50,000) and ammunition (Rs 50 per unit), the amnesty similarly failed to produce significant results.<sup>552</sup>

The key reasons for the limited success of the recent amnesties, as highlighted in focus groups, appear to be lack of trust in immunity from prosecution and unwillingness to hand weapons over to the police rather than to more trusted bodies. A focus group in Ampara claimed that it knew about the amnesty but believed that no-one surrendered weapons for three reasons: lack of trust in police; need for illicit weapons for self-defence; and fear of repercussions.<sup>553</sup> Thus in order for a future amnesty to be successful, illicit owners will need to feel at once personally secure enough not to need a weapon for self-defence, have trust in the handover process (in particular, trust in police and in the fact that they will not be prosecuted as a result of participating in the amnesty), and have some incentive for giving up their weapons.

<sup>549</sup> Focus group discussion with farmers, (Moneragala); Tamil women (Ampara); Muslim youth (Ampara); and Muslim men and women (Ampara).

<sup>550</sup> Focus group discussion with farmers, (Moneragala).

<sup>551</sup> Biting the Bullet, *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action*, (Biting the Bullet, 2005), p 132.

<sup>552</sup> Ibid, p 133

<sup>553</sup> Focus group discussion with Muslim men and women (Ampara).

In terms of the optimum agency to conduct weapons collections, some focus group participants suggested that it would be best to hand over small arms to a committee consisting of the Chief Incumbent of the temple, Grama Niladhari, a recognised leader of the village and a police officer.<sup>554</sup> Muslim focus groups made similar suggestions with reference to the Mosque Federation<sup>555</sup> or a combination from the Mosque Board, District Secretary and Justice of Peace.<sup>556</sup> Others suggested that the police cannot or would not be trusted, that small arms should therefore be collected through temples and churches,<sup>557</sup> or through an independent body<sup>558</sup> or that collection should be organised at the village level (“it is better if some system can be evolved to collect weapons at the village level. As villagers we can give a helping hand”).<sup>559</sup>

Thus the key to future success of amnesties will be to:

- Enhance incentives in favour of handing in weapons;
- Enhance disincentives regarding the retention of illicit weapons; and
- Enhance trust in the amnesty process especially by selecting a trusted community-level actor to facilitate hand-in of weapons.

Among the initiatives that the government *may* wish to consider to achieve these enhancements are to:

- Improve awareness-raising of small arms issues and impacts – to reinforce and raise negative public perceptions of small arms;
- Make more effective use of minority language media;
- Ensure that publicity reassures people that they will not be prosecuted for illicit possession;
- Make greater efforts to enforce laws on illicit possession, and publicise the fact that these will take place after the amnesty; and
- Enhance public trust in the handover process by building partnerships with civil society or community-based institutions for both awareness campaigning and weapons collection itself. Such initiatives have worked well in other locations affected by high levels of gang violence and organised crime, such as Brazil.

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<sup>554</sup> Focus group discussion with farmers, (Moneragala).

<sup>555</sup> Focus group discussion with Muslim men and women (Ampara).

<sup>556</sup> Focus group discussion with Muslim women (Ampara).

<sup>557</sup> Focus group discussion with IDPs (Puttalam).

<sup>558</sup> Focus group discussion with youths (Colombo).

<sup>559</sup> Focus group discussion with farmers (Nikaweratiya).

## 7.5 Small arms destruction

Both the police and army claim to have recently conducted disposals of unserviceable or seized weapons. Both use crushing and/or deep sea dumping as their main destruction methods.<sup>560</sup>

The first public small arms destruction took place on 8 July 2005. This large public event, held at the Independent Square in Colombo and attended by senior ministers, the media and the general public, destroyed almost 35,000 small arms by crushing.<sup>561</sup> They included obsolete weapons taken from police divisions, police stations, district secretariats and courts, which had been accumulating for several years. The numbers of different types of small arms destroyed is detailed in Table 17.

**Table 17: Small arms publicly destroyed, Colombo, 2005.**

<b>Weapon</b>	<b>Number</b>
SBBL shotguns	20,590
Rifle	164
Muzzle-loading	4,004
<i>Galkatas</i>	134
Double-barrel	399
Revolvers	91
Pistols	28
Spares	379
Barrel	4,482
Butt	2,594
Pump action	1,537
LMGG	200
40mm grenade launcher	8
60mm mortar	1
9mm SMGG	7
Airgun	4
<b>Total</b>	<b>34,622</b>

No state actors report substantial surplus stocks of arms or ammunition, although some have stocks of older weapons that are not used as primary weapons (such as police stocks of

<sup>560</sup> Interviews with senior police officer, Central Armoury, Colombo, 1 December 2006; and senior army officer, Army Headquarters, Colombo, 16 March 2007.

<sup>561</sup> Interview with senior police officer, Central Armoury, Colombo, 1 December 2006

SLRs which are used for training purposes). There are, however, some stocks of unserviceable weapons in state hands that have not been destroyed. For instance, the Prisons Department has 372 unserviceable weapons over which it has very weak management and control. Although current disposal needs appear to be limited, the public weapons destruction event did not dispose of all seized and obsolete small arms from the stores of the various government bodies.

Furthermore, in many cases, there are no regular processes of collection and disposal of these small arms. For instance, there is currently no regular timeframe for the collection and disposal of small arms from District Secretariats, and thus small arms may be held in their vaults for long periods.<sup>562</sup> Those small arms that were destroyed had been accumulating in stores for considerable periods of time. It will be important in the future to ensure that the collection and destruction of small arms from police stations, courts, district secretariats and field offices of other state institutions occur more regularly.

## **7.6 Border control and prevention of smuggling**

The capacity of the Sri Lankan government to prevent smuggling into the country is limited. While there are often very large numbers of road blocks and vehicle searches on Sri Lanka's roads, it may be necessary to place more emphasis on policing the coastline. For instance, patrols of the coastline around Hambantota are conducted from Galle, further to the West. Thus, an interviewee noted the lack of control and stated that, if illicit smuggling were attempted along the South coast, it would be unlikely to be detected.<sup>563</sup> Likewise, in the West, according to a senior police officer in Katunayake there was no evidence that small arms were coming in through the Free Trade Zone, yet there was evidence of small arms coming in through the sea route.<sup>564</sup> Kalpitiya police district covers a very large peninsula that is reportedly vulnerable to smuggling. The coastline is long and is not adequately patrolled: according to the police they have no resources to patrol the peninsula, the navy is patrolling but it is also over-stretched. Thus, it is possible that smuggling is going on undetected.<sup>565</sup>

### **7.6.1 Customs capacity**

Customs capacity to detect smuggling of small arms is limited in a number of ways. According to a customs official at the Free Trade Zone in Katunayake, not every container is checked at the harbour, although they may also be checked at other locations if suspicions

<sup>562</sup> Interview with representative, Hambantota District Secretariat, 15 May 2006.

<sup>563</sup> Interview with senior officer, Wirawila Air Base, 25 May 2006.

<sup>564</sup> Interview with senior police officer, Katunayake, 5 December 2006.

<sup>565</sup> Interview with police officers, Kalpitiya.

are raised. This may occur at a depot near Colombo and at the Board of Investment (BOI) verification unit. If the BOI has suspicions, then a joint operation will inspect cargo.<sup>566</sup>

Significantly, customs officers receive no training in small arms identification.<sup>567</sup> There is no in-house small arms expertise in the department, and if there are suspicions about small arms issues, external experts have to be brought in.<sup>568</sup> Limited customs capacity is further weakened by the lack of regular meetings with the police.<sup>569</sup> However, there are special meetings with the police at the assistant director level focused on narcotics control.<sup>570</sup> One possible suggestion would be for similar co-ordination meetings to take place between different agencies on operational aspects of small arms control.

## **7.7 Inter-agency co-operation and NCAPISA**

In 2002 the Government of Sri Lanka took the first steps towards establishing a provisional National Commission on SALW. On 25 October 2004 a special presidential decree established NCAPISA. Following the election of President Mahinda Rajapakse in 2005, the present government has continued to endorse the functioning of NCAPISA by ensuring that it was reappointed by presidential decree in February 2006, and by providing support for the fulfilment of its mandate. NCAPISA is, however, yet to be appointed through an Act of Parliament so it remains vulnerable to dissolution after each presidential election.

NCAPISA is under the chairmanship of Gotabhaya Rajapakse in his capacity as Secretary of the MODPSLO. Overall membership of NCAPISA currently includes senior officials from: the MODPSLO; the Prime Minister's Office; the Ministry of Public Administration and Home Affairs; the Ministry of Foreign Affairs; the Department of Police; the Sri Lanka Army; the Attorney General's Department; and the Department of Customs. In addition, NCAPISA includes two representatives from civil society. NCAPISA does not include representatives of the newly established Civil Security Department, the Ministry of Health or the Ministry of Education. This is significant because it marginalises three sources through which small arms control can be directly influenced by improving local security and police investigation, as well as by raising awareness. At present there are only two permanent members of staff assigned to NCAPISA: a National Co-ordinator who is charged with leading activities; and an Administrative Assistant.

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<sup>566</sup> Interview with Customs Official, Katunayake Free Trade Zone, 5 December 2006.

<sup>567</sup> Ibid.

<sup>568</sup> Ibid.

<sup>569</sup> Ibid.

<sup>570</sup> Ibid.



The main objective of NCAPISA is to assist the Government of Sri Lanka in curbing the uncontrolled proliferation of illicit small arms in the country.<sup>571</sup> NCAPISA is accordingly responsible for guiding all activities pertinent to combating illicit small arms, including:

- Formulating and implementing a Plan of Action to collect illicit SALW;
- Suggesting improvements to the legal and judicial framework for responding to firearms-related offences;
- Formulating an amnesty for voluntary surrender of illicit weapons;
- Obtaining any necessary technical assistance, including from NGOs; and
- Identifying sources of supply of illicit small arms and light weapons and suggesting ways of effectively curbing such traffic.<sup>572</sup>

Key initiatives undertaken to date include: a public weapons destruction programme in July 2005; campaign work to reduce election violence in 2005; a pilot survey on small arms and human security in Hambantota in June 2006; and the on-going national survey on small arms. Additional activities have been constrained due to the 2004 Tsunami, which effectively disabled the functioning of NCAPISA for the first year and a half after its establishment.<sup>573</sup>

With regard to the future, the National Co-ordinator has pointed out that NCAPISA does not need any further capacity-building, but instead needs to increase action on the part of its members.<sup>574</sup> In order to achieve this end, several new activities have been suggested. These include the facilitation of a National Youth Council, the improvement of civil administration structures and the empowerment of civil society.<sup>575</sup>

### **7.7.1 Capacity to control illicit small arms proliferation**

Although strong public endorsement of a range of possible small arms control initiatives has been noted earlier in this chapter, the strongest responses endorsed actions that rely upon the capacity of the police and judicial system to tackle small arms: almost 90% of respondents endorsed search operations to find illicit small arms and harsher sanctions for illicit small arms possession. However, as examined earlier, the relevant government institutions that would implement such measures have key capacity gaps that undermine their ability to conduct small arms specific activities. Likewise, the next most highly endorsed action (86%) was to exercise greater control over licensed civilian small arms and those

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<sup>571</sup> UN project summary on establishing a National Commission against the Proliferation of Illicit Small Arms in Sri Lanka. (NCAPISA).

<sup>572</sup> Ibid.

<sup>573</sup> Ibid.

<sup>574</sup> Ibid.

<sup>575</sup> Ibid.

distributed to politicians. The examination above of the licensing system also highlighted some strategic weaknesses in this system that require urgent attention.

In addition to these measures, the capacity to control illicit small arms proliferation relates to the capacity of the government to do the following:

- Prevent smuggling of small arms into the country;
- Effectively detect and prosecute illicit possession of small arms;
- Raise public awareness of small arms issues;
- Collect and dispose of the substantial stock of illicit small arms and ammunition currently in the country;
- Dispose of surplus stocks of small arms, light weapons and ammunition to avoid them becoming vulnerable to theft, misuse or accidental explosion; and
- Tackle the drivers of demand for small arms in terms of reducing poverty and inequality, and addressing other socio-political factors.

#### **7.7.2 Capacity to monitor and process cases of illicit possession**

The capacity of the government to effectively monitor and process cases of illicit possession of small arms is limited by a combination of factors. These include:

- Poor small arms identification and record-keeping by police;
- Poor understanding of the requirements of the Firearms Ordinance leading to inconsistent and often weak recording and prosecution of cases of illicit possession and illicit manufacturing of small arms;
- Inadequate systems for monitoring licensed small arms and the renewal of licences;
- Inconsistent district level record-keeping practices for small arms licences and renewals;
- Gaps in information sharing systems between different actors involved in licensing and licence renewal for civilian small arms; and
- The absence of adequate controls on small arms issued to politicians.

The Government needs to act decisively to close these gaps in capacity if the proliferation and misuse of small arms is to be effectively brought under control.

## **7.8 Public awareness of small arms issues**

The household survey points towards the need for enhanced awareness to strengthen and consolidate social norms against the possession of small arms. In particular, only a small minority of people identify small arms as a cause of personal insecurity. A significant minority of people indicated that they would acquire small arms if they could – largely to enhance their personal security. Many members of the public therefore appear to be ignorant of the negative impacts that ownership of a weapon often has on personal and family security: this should be addressed in public awareness raising, particularly in preparation for any future small arms collection initiative.

Most people believe that the state is capable of controlling the problem of small arms, but there are specific concerns that need to be addressed. For example, overall there are relatively positive views of police effectiveness, and most people would turn to the police if they were victims of crime or threatened with violence, but many focus group participants, and others, express negative views related to police ineffectiveness and corruption. The police should not be disheartened by what are encouraging findings, but could do more in terms of tackling corruption and improving service delivery and efficiency. Communicating progress in these areas will improve: (a) the public's sense of security; and (b) the level of support and co-operation the police receive from the public in fighting crime.

Public awareness is often a crucial element in the capacity to control illicit small arms. Only 10% of household survey respondents stated that the subject of small arms was discussed at the community level, indicating the degree of public attention given to the issue. The large majority of respondents stated that their main sources of information on the possession and use of small arms were television and newspapers. According to the household survey, most people formed their opinions on whether the country had a small arms problem on the basis of reports in the media and on crime rates (56%). For 3% it was the ongoing conflict and for 1% it was personal experience of violence and crime. Thus the media offer key opportunities for raising awareness about small arms issues.

Knowledge of the laws relating to small arms controls and of the licensing system was low, and is a key area which would benefit from a concerted campaign of awareness-raising. The household survey asked people if they knew how to obtain a legal weapon. Between 75% and 80% said they did not know, with only 14% saying they had some knowledge of the system. Further, many of those that claimed such knowledge went on to express views of the system that revealed that this knowledge was inaccurate. When asked where they would go for the first step of applying for a licence, 19% of people mentioned the local government

authority, but others gave the police, army and politicians. Likewise, knowledge of renewal requirements was very low. A campaign to redress this very low level of knowledge of legal procedures and therefore encourage the licensing of all small arms held by civilians would be well-placed to coincide with the enactment of the reviewed Firearms Ordinance.

According to the Marga Institute that conducted the extensive household survey, the dominant perception among most Sri Lankans was that “the control of small arms is the responsibility of the state agencies. Unlike in the cases of alcoholism and prevention of normal crime the respondents do not appear to have perceived an active role for the community in the control of small arms”.<sup>576</sup>

However, in some key areas it is clear that the public have a very strong role to play in reducing the proliferation and impact of illicit small arms. For instance, it is mostly farmers and other members of the public (as opposed to professional criminals) that are involved in the setting of trap guns. Thus the capacity to reduce the damage done by trap guns as a very significant cause of small arms casualties relies to a great extent on public awareness and co-operation. Thus, public awareness raising efforts focusing on stigmatising the use of trap guns by highlighting their impacts, and advocating alternatives, have the potential to alter the prevalence of trap gun misuse. They would be most productive if combined with enhanced enforcement of the requirements of the law and identification of creative solutions to crop protection problems.

Further awareness-raising considerations in relation to the capacity of the government to collect illicit weapons, in particular the suggestion for the involvement of trusted community-level institutions, are discussed in detail above.

## **7.9 Capacity and role of civil society**

Civil society organisations (CSOs) have played a key role in addressing the problem of small arms in Sri Lanka. One of the key initiatives undertaken by CSOs has been the conducting of community consultations on small arms and human security.<sup>577</sup> This nationwide process was designed to highlight concerns and enable the gathering of local recommendations. These outcomes were presented to NCAPISA and other key government stakeholders in a National Forum held in March 2005. NCAPISA also includes two members of civil society, as an effort

<sup>576</sup> Marga Institute, *Survey on Small Arms and Light Weapons in Sri Lanka*, (Marga Institute, 2007), p 39.

<sup>577</sup> Small Arms and Light Weapons: Challenges in Sri Lanka and options for the future, May 2006.

to strengthen civil society engagement with government on tackling the problem of small arms in Sri Lanka.

In 2005, a nationwide campaign was mounted by NCAPISA, with financial support from UN DESA, to campaign against use of small arms at election time, in co-operation with SASA Net Sri Lanka, the People's Action for Free and Fair Elections and Saferworld, with additional support from the British High Commission. The joint efforts of NCAPISA and civil society activists during the campaign were significant in reducing electoral violence in the 2005 presidential election.<sup>578</sup> Similarly, awareness-raising campaigns, including the destruction of toy guns and participating in radio reporting, have also aided in raising awareness among different communities.<sup>579</sup> Civil society organisations have also been active in terms of advocacy – successfully collecting nearly 12,000 photos for the 'million faces' global campaign for an arms trade treaty.<sup>580</sup>

An empowered civil society is also important for ensuring oversight of government and public services. During elections, CSOs act as valuable monitoring sources, by providing information on levels of violence, including small arms misuse, at all stages of the process. Reports issued by these organisations have enabled civil society and the public to observe trends in electoral abuse, and to evaluate current levels of democratic governance.

The capacity of civil society has been greatly increased with the introduction of specialised training covering a variety of small arms and security issues, planning of activities, advocacy and campaigning.<sup>581</sup> However, there remains a need to increase co-operation between NGOs and governmental institutions. The civil society action committee has the potential to fulfil this task. The importance of a strong partnership approach between law enforcement agencies and community-based organisations was highlighted by focus group participants, who stated that communities felt greater confidence in the police when there was a strong partnership between law enforcement agencies and civil society.<sup>582</sup> One key informant pointed out that Civil Protection Committees (*Civil Arakshaka Kamitu*) and Civil Action Committees (*Civil Balaganweem Kamitu*) can be instrumental in achieving this end and combating crime.<sup>583</sup> At present the level of interaction between relevant parties is very low.

<sup>578</sup> Interview with politician from the Colombo Municipal Council, Colombo, 27 February 2007

<sup>579</sup> See <http://www.iansa.org/action/WOA-Report-2005.pdf>, p 18.

<sup>580</sup> [http://www.oxfam.org.uk/what\\_we\\_do/where\\_we\\_work/sri\\_lanka/programme\\_campaign.htm](http://www.oxfam.org.uk/what_we_do/where_we_work/sri_lanka/programme_campaign.htm)

<sup>581</sup> Saferworld, *Small Arms and Light Weapons: Challenges in Sri Lanka and options for the future*, (Saferworld, 2006).

<sup>582</sup> Focus group discussions with Muslim men and women (Ampara); Tamil Women (Ampara); and the business community (Colombo).

<sup>583</sup> Interview with police officer, Colombo, 16 February 2007.

Religious leaders have also provided important leadership in generating and preserving reconciliation, both within and between communities.<sup>584</sup> To this end, interfaith relations need to be strengthened and protected from harmful dislocation. The importance of religious initiatives as an alternative means of mediating disputes and facilitating links between stakeholders is illustrated by focus group participants. Such participants claimed that temples, mosques and churches could provide valuable support to government endeavours, as they are considered by some to be more trustworthy than law enforcement agencies with respect to facilitating small arms collections.<sup>585</sup>

### 7.10 Role of the media

As already noted, the large majority of household survey respondents stated that their main sources of information on the possession and use of small arms were newspapers and the television. The media analysis conducted as part of the survey states that the number of articles reporting on firearms has increased significantly in the last seven months. This is thought to be a direct consequence of the escalation in violence across the country. In the 19-month period between May 2005 and November 2006, 4,078 articles were published on subjects relevant to this survey, the majority in the later months of the period covered. Only 1,546 related articles were published in the first 12 months of the analysis. Of these reports, more than 60% appeared in the Sinhala newspapers surveyed, while the Tamil and English language press contained 24.5% and 13.7% of small arms related reports respectively.<sup>586</sup> Over half of the stories related to ‘armed groups’ or ‘murder’. Interestingly, keywords such as small arms/firearms trafficking only appeared in six reports, violence in the family in five, with small arms/firearms only explicitly discussed in four.<sup>587</sup>

In spite of the growth in the number of relevant articles, there is mounting concern as to the capacity of the media to operate without interference. This is because it has been reported that there was a “severe erosion of media freedom in 2006” as a result of “physical assaults and intimidation of the media”.<sup>588</sup> Since the time when the research was conducted, the level of violent incidents against journalists has remained a cause for concern. Moreover, it is also documented that “accurate, impartial and responsible journalism is under severe pressure from the coercive and deeply disturbing censorship and other constraints, direct and indirect, imposed by the Government, the LTTE and the Karuna faction”.<sup>589</sup>

<sup>584</sup> Interview with religious figure, Matara, 6 December 2006.

<sup>585</sup> Focus group discussion with Muslim women (Ampara).

<sup>586</sup> It should be noted, however, that only one English language daily and one English language weekly were reviewed for the survey, in comparison to two daily and weekly newspapers in Tamil and Sinhala.

<sup>587</sup> Media Analysis May 2005 – November 2006

<sup>588</sup> CPA, *State of the Media in Sri Lanka*, [http://www.cpalanka.org/research\\_papers/State\\_of\\_the\\_Media\\_in\\_Sri\\_Lanka.pdf](http://www.cpalanka.org/research_papers/State_of_the_Media_in_Sri_Lanka.pdf), p 1.

<sup>589</sup> Ibid.

Despite some questions as to the independence of the media, the capacity of it to be utilised as a means of controlling small arms is significant. The media is potentially a key ally in government efforts to stem the spread and misuse of illicit small arms. Knowledge of weapons amnesties, for example, is often effectively conveyed via the media, as highlighted by numerous focus group discussions – but significantly only those held in Ampara.<sup>590</sup> However, there is definite scope for improvement, given that knowledge of the last weapons collection programme was so poor and greater public awareness is required.

It appears from the survey that a low priority level has been given to small arms related stories which are distant from the North East conflict or its extension to other areas of the country, especially Colombo.<sup>591</sup> A reason for lack of coverage in areas outside the Western Province could stem from a dearth of skilled regional journalists. One of the means of improving reporting could be through the provision of training in the reporting on small arms and crime to journalists, leading to more constructive reporting on small arms misuse and relevant criminal prosecutions.

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<sup>590</sup> Focus Group Discussions with Muslim youth (Ampara); Muslim men and women (Ampara); Muslim Women (Ampara); and Tamil Women (Ampara).

<sup>591</sup> Media Analysis May 2005 – April 2006.

## **Annex A: Methodology**

### **Scope of the survey**

The research for the survey was designed to provide information that can be categorised under the following six headings:

- State-controlled firearms and stockpile management;
- Legal civilian ownership and the licensing system;
- The proliferation of illicit small arms;
- Small arms misuse and its impacts;
- Law enforcement and public safety; and
- Small arms control.

### **Limitations**

At the time of this survey, Sri Lanka was experiencing a period of heightened conflict. The survey team consulted NCAPISA and the Government of Sri Lanka in this regard and it was agreed with NCAPISA and the Government of Sri Lanka that the survey would be limited in scope for this reason. Geographically, the survey was only able to access and assess reliably those parts of the country which were considered to be safely and securely outside of the conflict area. These include 18 of Sri Lanka's 25 districts. Wherever possible, the survey team sought to include information from across the country as a whole. However, it needs to be noted that in most cases this was not possible. The heightened security environment also resulted in increased sensitivities around issues of national security. This survey did not set out to access or disseminate information that could impact on national security concerns, and therefore the provision of certain data relating to state stocks and the control of state stocks in particular is limited. Moreover, as agreed with NCAPISA prior to the start of research, this survey does not seek to document information regarding small arms currently in the possession of non-state armed groups, including LTTE.

### **Methodology**

This survey was designed to provide a very thorough analysis of small arms proliferation in Sri Lanka pertinent to the mandate of NCAPISA. Its focus is on illicit small arms stocks and the proliferation of illicit small arms. The majority of illicit small arms in most countries start off as legally-held weapons, and at some point leak from legal circulation into illicit proliferation. In assessing illicit stocks it has, therefore, been necessary to examine the complete small arms control environment in Sri Lanka, to enable the identification of points within this system where legally-held small arms are either currently leaking into illicit



circulation or are likely to do so in the future. To achieve this the survey has reviewed, on the basis of the information available, all state-held small arms stocks and licensed civilian small arms, and provided a comprehensive analysis of all current controls.

The 18 districts in which the survey team was able to gather information were: Galle, Matara and Hambantota (Southern Province), Colombo, Kalutara, Gampaha (Western Province), Kegalle, Ratnapura (Sabaragamuwa Province), Moneragala, Badulla (Uva Province), Ampara (Eastern Province), Kandy, Nuwara Eliya, Matale (Central Province), Puttalam, Kurunegala (North Western Province), Anuradhapura, Polonnaruwa (North Central Province). In addition, focus group discussions were also held in Vavuniya (Northern Province). However, aside from this, no other information could be derived from this district. The survey team was unable to visit Trincomalee, Batticaloa (Eastern Province) or Mannar, Mullaitivu, Killinochchi and Jaffna (Northern Province). Notwithstanding the lack of access to primary data from seven districts, much of the statistical data and analytical conclusions will be representative of the island as a whole.

The research for this survey was carried out between November 2006 and April 2007. A combination of different methods was used for gathering information. It included:

- A nationwide survey of 1,800 households;
- Focus group discussions;
- Key informant interviews;
- Media monitoring;
- Official data sources; and
- A detailed review of secondary information and published research.

This combination of methods was used in order to gain maximum corroboration from multiple sources of findings which, because they relate to national security, illicit weapons and serious crime, are often sensitive, controversial and difficult to verify. This methodology was endorsed by the Government of Sri Lanka following the successful completion of a pilot survey conducted in Hambantota District between May and June 2006.

### **Household survey**

A substantial household survey, designed by the survey team, was conducted and implemented by the Marga Institute. This survey covered 1,800 households in 18 districts – 17 outside the North and East, as well as Ampara in Eastern Province. Stratified random sampling was used to generate a representative sample. The sample size was distributed in

the districts in proportion to the population in each district at the time of the 2001 Census. It should be noted that most respondents had been resident in their communities for substantial periods (86% over five years), a fact which adds credibility to their perceptions and knowledge in relation to their localities.

The sample was organised according to the age group, gender, ethnicity, religion, level of education and household income level of respondents. Each of these categories was approximately one-third female and two-thirds male, and 40% youth and 60% adults. The ethnic groupings surveyed included the majority Sinhalese as well as minority Sri Lankan Tamils, Plantation Tamils and Muslims. The religious groupings included the majority Buddhists and minority Hindus, Muslims and Christians. Differences in the responses of the respective groups have, where relevant, been observed and noted in the findings of this report.

The household survey questionnaire was organised in such a way as to elicit clear and reliable responses and allow rigorous verification of interpretations of the results. The ordering of the questions was designed in order to avoid leading respondents to particular responses. For instance, the identification of community priorities and security issues, or perceptions of safety, was covered before any questions related to small arms were asked, thus avoiding leading respondents to exaggerate their perception of small arms as a key issue. Questions were carefully sequenced in this way throughout the questionnaire. Further, different questions were used to provide separate avenues to elicit particular information. The broad ordering of questions was:

- Introductory questions
- Community problems, security, and impacts of small arms
- Specific attitudes towards small arms and their possession
- Questions related to the extent and nature of the small arms problem nationally and locally;
- Questions designed to elicit attitudes towards past and possible future small arms control and collection measures; and
- Questions on the trafficking of small arms and the risks of escalating conflict.

**Box 10: Challenges encountered by the survey team**

The subject of small arms is a sensitive one at any time. The research for this national survey, including the household survey, was conducted during a time of heightened tension and increasing activity in the conflict areas and greater police and army surveillance in the country. Accordingly, the survey team from the Marga Institute encountered some interference that may have had some impact on the openness of respondents. In each area, field researchers established their credentials by keeping the nearest police station and the Grama Niladhari informed of the nature of the study and its relation to the government. However, field researchers were questioned by the police on field duty and were watched throughout the interviews in houses by people who identified themselves later as officials from the army intelligence unit.

Moreover, persons who could have been from underworld gangs, or their informers, followed the researchers and listened in on the interviews. Considerable proportions of those that were reluctant to answer sensitive questions may well have been muted by the proximity of such persons.

**Focus group discussions**

The Department of Social Science from the University of Kelaniya facilitated 19 focus group discussions across the country in seven districts, with a total of 202 participants. The groups assembled provided detailed qualitative evidence as well as important insights into: local and national security environments; sources and quality of security provision; small arms proliferation and misuse; legitimacy of ownership; sources of illicit small arms; and recommendations for future arms control initiatives.

The group discussions reflect the perceptions of a broad cross-section of society and are representative of ethnicity, gender and age. The groups included: university students; farmers; minority men, women and youths; homeguards; members of the business community; urban slum dwellers; private security personnel; and internally displaced persons.

**Key informant interviews**

More than 125 key informants were interviewed by the survey team. They included representatives from: the MODPSLO; CEFAP; the Attorney General's Department; police officers; the Ministry of Wildlife Conservation; the Forestry Department; District Secretariats; Grama Niladharis; Army Officers; homeguards and homeguard training officers; the Civil Security Department; Customs; the Government Analyst's Department; JMOs; prisons

authorities; NCAPISA; academics; victims of crime and criminals; registered arms suppliers; journalists; business persons; politicians; and others.

### **Media monitoring and desk research**

The survey draws upon an extensive media analysis conducted by the Centre for Integrated Communication Research and Advocacy. The national media survey monitored the coverage of all small arms related incidents from across the country for a 19-month period from 1 May 2005 to 30 November 2006. The research drew on articles containing at least one of sixty key words, from ten newspapers published in Sri Lanka. The keywords chosen ensured coverage of all incidents related to the illicit trade and misuse of small arms. These included numerous forms of criminal misuse, suicide, accidental injury, illicit trade and manufacturing. The desk research consisted of a review of previous publications available on the subject.

### **Official data sources**

This survey includes official statistics kindly provided by several government departments. This co-operation was of crucial importance to the success of this survey. It should be noted, however, that given the heightened security concerns and the inability to apply the full methodology of the survey to the Northern and Eastern Provinces, complete independent verification of the information provided is impossible.

### **The Survey Team**

The survey was conducted for the National Commission Against the Proliferation of Illicit Small Arms, under its co-ordinator Brigadier Ranjan de Silva. It was researched and written by Saferworld's South Asia team and Dr Mike Bourne of the University of Bradford. The Saferworld team includes Hashitha Abeywardana, Larry Attree, Nic Benton, Rosy Cave, Peter Cross, Chamila Hemmathagama and Henry Smith. Mike Bourne was also assisted by Valentina Bartolucci. The key informant interviews were undertaken by Hashitha Abeywardana, Mike Bourne, Peter Cross, Chamila Hemmathagama and Vasana Wickremasena. The household survey was undertaken by the Marga Institute and led by Mrs Myrtle Perera. Focus group discussions were facilitated by Dr K. Karunathilike of the University of Kelaniya. The media survey was undertaken by Vāsana Wickremasena from the Centre for Integrated Communication Research and Advocacy.

### **The UN Project Team**

Mr. Antono Evora and Oleg Serezhin provided substantive comments on this report.

## **Annex B: Illegal small arms and light weapons pilot survey: Hambantota (Executive Summary)**

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA), sets out a series of commitments to be implemented by all states to address Small Arms and Light Weapons (SALW) proliferation and misuse. As part of the UNPoA, governments agreed to establish National Commissions to co-ordinate the approach to small arms-related problems taken at the national level. In Sri Lanka, the National Commission Against the Proliferation of Illicit Small Arms (NCAPISA) was established for this purpose and remains the only such body in South Asia. In order for the National Commission to respond effectively to the safety and security concerns associated with SALW, a comprehensive national survey is to be undertaken in order facilitate a greater understanding of the problems and to suggest policy options to address them.

In early 2006, NCAPISA decided to commission a pilot SALW survey in advance of the full national survey to test possible research methodologies. The venue for this pilot survey was identified as Hambantota District. Findings and recommendations of the pilot project are outlined in this confidential report. It also aims to provide lessons learned regarding the structure of the research process that will help to ensure that the full national survey, which will begin in November 2006, is as effective and useful as possible.

This survey aims to assess the distribution of illicit weapons, examine the impact of SALW on safety, security, development and governance and outline the capacity of the state to control them more effectively. Information included in this survey was gathered using four methods: a desk review; six focus group discussions which were held to gain a detailed qualitative insight into the perceptions of local people in relation to small arms, security and development; a media analysis; and key informant interviews, to gauge the views of stakeholders. These methods were supported by the inspection of evidence and infrastructure relevant to the survey.

Notable by its absence is the household questionnaire which, by preference, Saferworld would normally use to generate data when conducting research of this kind. The methodology would have included this component had it not been for tight time and resource constraints. The planned national survey should, however, include such a questionnaire. The following represents a summary of the key findings and recommendations from the pilot survey. It is intended as a positive and collaborative contribution to the work of the National Commission and relevant government agencies.

### **Distribution and impacts of firearms in Hambantota District**

Situated along the Southern Coast of Sri Lanka, Hambantota District covers an area of 2,609 square kilometres and has a population of 525,370. Official statistics state that the District population is 97 percent Sinhalese, 2 percent Muslim and 1 percent Tamil.<sup>592</sup>

There is widespread illegal possession of home made guns (*galkatas*), muzzle-loading guns, and shot guns in the District. Additionally, there are small but growing numbers of 'T-56s' in criminal hands, apparently concentrated in the western end of the District, which contribute significantly to a high level of armed violence.<sup>593</sup> Illicit hand grenades are also increasingly in circulation in the district, apparently from state stocks.

The shift to *galkatas* which fire T-56 ammunition (7.62 x 39mm) possibly indicates that T-56 ammunition is more readily available. Refilled empty cartridges are also a source of ammunition for criminal misuse and therefore it is suggested that increased effectiveness in collecting and destroying used cartridge cases from all authorised gun users is important for the future.

The primary sources for *galkatas* production are local blacksmiths, of whom there are a large number in the district. While a clampdown on blacksmiths is an important measure for controlling the numbers of home made guns in circulation, it is important to recognise that the presence of domestic production of firearms on a large scale

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<sup>592</sup> Statistics obtained from the District Secretariat in Hambantota dated 01 September 2005.

<sup>593</sup> The 'T-56', or Type 56, is a Chinese version of the Kalashnikov AK-47 assault rifle, however in Sri Lanka T-56 has also become a generic term for automatic, military style assault rifles.

amounts to an almost limitless supply. It may be more important to work on the root causes of the demand for weapons in the District. These include: poverty and lack of access to opportunity, disputes partly resulting from administrative malpractice, mistrust of police and dysfunction of the law and justice system, non-integration and criminal behaviour among army deserters and the perception of corruption among police and other agencies.

The firearms homicide rate in Hambantota for 2005, at 4.95 per 100,000 of the population, is more than double the rate for the rest of the country (2.06) and is higher than in most countries where the rate has been measured. No evidence could be found of any significant level of firearms suicide in the District. The areas of the District worst affected by firearms misuse are: Suriyawewa, Beliatta, Walasmulla, Weeraketiya, Tissamaharama and Angunakolapelessa.

Organised crime with links to politicians is perceived to be a catalyst for armed violence in the District. Armed activities of organised criminals include contract killings, inter-gang vendettas, cannabis cultivation/trading, armed robbery and personal protection of VIPs. The use of T-56s and sophisticated weaponry appears to be the hallmark of organised criminal activity in the district.

Army deserters are highlighted as being a group involved in both the supply of high-powered weapons and the perpetration of serious crime in the district. The survey was unable to prove conclusively whether this assertion was true, however, it is still recommended that a concerted effort be made to reduce what criminality there is among army deserters through more effective preventative policing and reintegration initiatives. Reintegration programmes to help former military personnel return to civil society would empower former military personnel to choose to pursue legitimate livelihood opportunities. Improvements to the treatment and recognition of army personnel should also be considered, to encourage their retention.

The misuse of firearms in the District also occurs in relation to slash and burn (*chena*) cultivation, cattle farming, illicit logging and firewood gathering, disputes over land, irrigation and other entitlements, and illicit alcohol production (and consumption).

It appears that 18-35 year old males are the predominant victims and perpetrators of armed violence in the District, although this may in part be due to a lack of comprehensive data assessing the impact of SALW. For example, there is very little information available on the extent to which weapons are used to threaten within a domestic environment – which is often a notable feature of SALW misuse in other parts of the world. The disparity between the involvement of men in small arms misuse, and that of women, suggests the need for a gendered response strategy. Women clearly offer a potential supporter base for any initiatives to change attitudes to firearms. The challenge of altering the pattern of firearms misuse among young males requires a focussed attempt to provide attractive non-violent alternatives to them at the structural level, as well as restricting their access to firearms.

The key social issue facing people in Hambantota, and a key root cause for armed violence pointed out by many interviewees and focus group participants, was the lack of education, training and opportunities to earn a living. The long-term priority areas for overcoming the social causes of armed violence in the District were thus said to be: education, especially university places, training, job creation, enterprise support, and community development. However, criminals are perceived to benefit from unfair protection from powerful sponsors. If this is the case, the creation of opportunities for legitimate work will do little to outweigh the attractions of a criminal lifestyle. Consequently, there must be a more effective system for warning and penalising potential offenders, in addition to effective development work to provide alternatives to a criminal lifestyle.

High-powered weapons appear to have entered circulation from the North and East of Sri Lanka. It is unclear what proportion originated from LTTE or GoSL stockpiles, but there is evidence that both are a source for some illicit weapons. Loopholes in the system of checking service personnel travelling to the South from operational areas need to be identified and closed. This would aid in the reduction of supplies of high-powered weapons to Districts such as Hambantota. Moreover, a substantial number of illicit armaments are known to have entered public circulation in Hambantota District, as a result of two JVP uprisings.



## **State capacity to control SALW**

### **Policing**

The survey identified pro-active work by specific police stations to foster community relations and reduce violence using preventative methods. Such efforts are urgently needed in areas where mistrust of police and levels of violence remain high.

Increased wages and allowances for officers would also diminish the temptation to take bribes. Police also noted the need for awareness raising to encourage public co-operation with police, and a reward system to encourage informants to come forward.

Public suggestions for improvements to policing included: more police patrols to increase the perception of security in areas badly affected by crime; better mechanisms for mediating disputes and ensuring the fair distribution of resources and benefits; the establishment of a phone line for reporting serious crime; and active community involvement in the resolution of disputes and other initiatives to increase safety.

Some gang-related firearms homicides in the district follow in quick succession and relate to the same chain of events.<sup>594</sup> It should be possible to anticipate such periods following a high-profile killing, and act to quell violence before it erupts, perhaps by conducting search and seizure operations in targeted areas before revenge can be played out between groups.

Police reported a need for enhanced training to respond to dangerous incidents of armed violence. This was confirmed by incidents which led to the death of both police officers and suspects in the course of arrest.

Police equipment, such as technology for communication and record-keeping, as well as protective clothing, were found to be lacking. The provision of any new equipment would require the training of personnel in its use.

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<sup>594</sup> Interview with an official, Matara Hospital, 26 May 2006.

Government Departments working with the police also pointed out the need for more vehicles and personnel to enhance the response capacity of police.

Departments facing violent threats such as the Forest Department and the Department of Wildlife require better training and back-up support to reduce the risk of death and injury to their personnel.

There were indications that the level of response by the police to everyday incidents can be satisfactory, but response to emergencies and serious crime is often weak. Furthermore, despite ongoing efforts by the Police Services to reform and improve its public perception, most, though not all, members of the public appear to believe the police to be untrustworthy and inefficient.

### **Investigation and prosecution**

The public felt let down by the efficiency of the current system in punishing serious offences, and most were, predictably, keen to see more effective punishment for firearms offenders.

The survey identified problems with the capacity of actors in the law and justice sector to dispense justice efficiently and effectively in relation to serious offences, including firearms offences. These point to the need for:

- Improved detection work and greater integrity in the handling of evidence by police;
- Investigations into and prevention of the loss of any firearms productions from state custody;
- An increase in the capacity of the government analyst to report on firearms productions, including the training of more staff and, possibly, decentralisation of the Government Analyst to the provincial level;
- An enhancement in the facilities and numbers of personnel available to conduct forensic investigation of death and injury, including in firearms related cases;
- An increase in the capacity of the Attorney General's department to prepare cases rapidly, and a reduction in the backlog of cases at courts;

- An investment in the prison service to reduce overcrowding and to increase the emphasis on rehabilitation of offenders.

### **Licensing**

There was a perceived need for greater control of weapons previously issued to politicians which may have been passed to their supporters. Tackling this issue would constitute a significant contribution to public confidence.

It is advisable that the fine for failure to renew a firearms licence is raised to provide a more credible disincentive against failure to renew a licence. Penalties for failure to renew should be imposed and publicised to encourage registration of firearms.

Because there are various parties involved in the processing of a single application, it was suggested that the process could be improved if the flow of information between parties was streamlined, and the overall level of co-ordination improved. Although informants were reluctant to talk openly about the issue, problems were also noted with people trying to use personal influence to get firearms licences.

At the local level it was remarked that the system for licensing weapons had become more stringent than at the national level, with fewer licences being issued under current management than in the past. While this is a positive achievement, it remains a concern that the rigidity of the system seems to rest on the discretion of key personnel rather than on a structure that guarantees stringency regardless of the personalities of the individuals in key positions.

### **Collection, amnesty and awareness**

Previous amnesty initiatives had either not been noticed, or had had a limited uptake because of perceptions of insecurity, and a lack of trust in responsible agencies.

There was some enthusiasm for weapons collection or amnesty initiatives. However, in worse-affected areas people warned that the conditions creating firearms misuse and insecurity, including confidence in police and other government agencies, would have to improve before weapons could be successfully collected or registered in large numbers. In any case, it was widely stated that people would be suspicious about handing weapons over to police, when the weapons of hardened criminals, which

cause the bulk of problems, may not be similarly removed from circulation under any amnesty programme.

Future public campaigns could focus on eliminating dangerous SALW use not related to organised crime such as armed intimidation of Forest Department and Wildlife officials and in particular the use of trap guns, which are causing alarmingly frequent injuries in parts of the district. The link between the lack of access to opportunities and violence could suggest the need to focus development work in insecure areas. This could involve offering communities a direct reward for the hand-over of illicit weapons, or a more general, participatory approach to enhancing security through targeted community development initiatives.

If an amnesty programme or other initiative were conducted to reduce illicit weapons possession, focus group participants pointed out that a concerted awareness campaign involving locally trusted organisations would be needed to convince illicit owners of the safety of registering weapons. They also stressed the role that community organisations can play in enhancing community safety.

### **Media reporting**

The lack of media reports on SALW issues in Hambantota was noted and ascribed in part to the lack of skilled journalists based there. Training for regional correspondents in reporting on small arms and crime would generate a greater quantity of more constructive coverage of small arms and light weapons; and enhance their skills and lead to better remuneration. This would be an important component of any awareness campaign. For example, media coverage of sentencing for firearms-related cases could have an impact on public awareness of the law and penalties for illicit possession and misuse of SALW.

### **Stockpile management**

The collection and public destruction of 17,000 weapons in Independence Square on 8 July 2005 was a positive demonstration by the Government of its desire to address the problems associated with SALW. This event also served as a means of raising awareness of the large number of weapon stockpiles situated in each district.

In keeping with the spirit of such activities, it is advisable that a maximum time period be established after which weapons in the vault at the District Secretariat must be destroyed. Although its location, robust door and dual-lock system makes the vault a relatively safe storage facility, a system guaranteeing regular destruction would further reduce the risk of misappropriation and the unnecessary accumulation of dangerous weapons.

It would be desirable to enhance the security of police weapons stocks by ensuring that armouries are fitted with more robust, dual-locking doors, and that weapons not in use are routinely stored out of view inside the armoury.

It was not possible for the survey team to assess the stockpile security procedures employed by the armed forces, as this was deemed a matter of national security.

The procedures for accounting for weapons appeared to be sound in all state agencies, which raises additional questions about how weapons have found their way into the illicit market.

### **Information and monitoring**

The continued lack of an accurate electronic database of all government holdings and weapons unaccounted for is an obstacle to:

- The development of knowledge and policy responses among responsible officials,
- Preventing the loss of institutional memory when personnel change, and
- Reducing the burden of labour associated with manual record keeping.

The limitations of transparency surrounding all weapons held by public servants, and unaccounted-for weapons issued to politicians after the JVP insurgency, are particular blocks to the development of a clearer picture of key issues regarding management of state-issued weapons. It would be desirable for the issue to be analysed and dealt with in a more transparent way.

If implemented properly by the Ministry of Health or the Police, a system for compiling and analysing data on armed violence injuries would provide a valuable source of information for policy-makers on where the problem of armed violence is concentrated and whom it is affecting most severely. It would thus be an important basis for planning interventions. It would also lie at the core of a monitoring mechanism to demonstrate the efficiency of any initiatives to tackle the proliferation of illicit small arms, and their use in violent acts. Data-gathering systems of this kind are explicitly promoted by the WHO Department for Injury Prevention and the UNDP Bureau for Crisis Prevention and Recovery's joint Armed Violence Prevention Programme. Thus the Government of Sri Lanka might expect to find donor support for building armed violence monitoring into its already functional health/police information systems.

Moreover, databases of firearms seized, wanted suspects and missing persons have potential utility in the tracing of illicit weapons, criminal investigation work or the identification of victims respectively.