



Inter-Parliamentary Union

For democracy. For everyone.

Sri Lanka

SRI/49 - Joseph Pararajasingham
SRI/53 - Nadarajah Raviraj
SRI/61 - Thiyagarajah Maheswaran
SRI/63 - D.M. Dassanayake
SRI/69 - Sivaganam Shritharan

Decision adopted unanimously by the IPU Governing Council at its 197th session (Geneva, 21 October 2015)

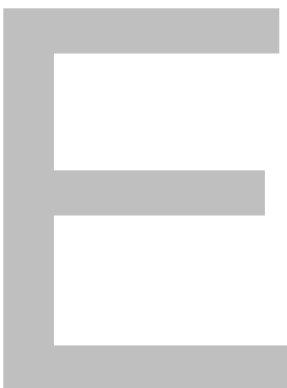
The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the first four above-mentioned parliamentarians, who were all assassinated between December 2005 and January 2008, and the case of Mr. Shritharan, who was the victim of an attempt on his life in March 2011, and to the resolution adopted at its 193rd session (October 2013),

Taking into account the information provided by the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015) at the hearing held with the Committee on 16 October 2015; *taking into account as well* the communication from the Chief Parliamentary Protocol Officer, dated 13 October 2015, forwarding reports from the Central Investigation Department, Colombo, and the information regularly provided by the complainants,

Recalling the following information on file with regard to Mr. Pararajasingham:

- Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve mass at St. Mary's Church in Batticaloa, which was located in a high-security zone between two military checkpoints; the murder took place at a time when additional security forces were on duty;
- The complainants have always affirmed that Mr. Pararajasingham was killed by the Sri Lankan Government with the help of the Tamil Makkal Viduthalai Pulikal (TMVP, also known as the "Karuna group"), a faction led by Mr. V. Muralitharan (alias "Karuna"), which split from the Liberation Tigers of Tamil Eelam (LTTE) in 2004 over grievances that the LTTE gave priority to the situation of the Tamils in the north and disregarded the Tamils in the east; during that time, the Karuna group reportedly asked Mr. Pararajasingham to support the split; his refusal to do so became a problem, given that the Government had wanted the Tamils to divide over the north and east;
- According to the authorities, one of the main problems in the pursuit of justice in the case was the availability of witnesses, as they were afraid to come forward, *Recalling* the following information on file with regard to Mr. Raviraj:
- Mr. Raviraj, a member of the TNA, was shot dead on 10 November 2006, along with his security officer, while travelling along a main road in Colombo, the gunman escaping on a motorcycle; the complainants refer to information which shows that the circumstances of the murder point to State responsibility and that the immediate purpose of Mr. Raviraj's killing was to silence the Civil Monitoring Committee, which he had set up and whose reports on abductions, killings and extortions had created significant commotion;



- A Scotland Yard team arrived in Sri Lanka in January 2007 and took swabs of the bloodstain in the bag in which the firearm used for Mr. Raviraj's assassination had been hidden and transported, and which had been found at the crime scene;
- Investigations into the ownership of the motorcycle used by the gunman led to persons referred to as "Arul" and "Ravindra" who, according to the police progress report forwarded in April 2009, were strongly suspected of having gone to the areas then controlled by the LTTE; the Criminal Investigation Department recorded statements of the family members of the suspects in the Gramaniladhari of Kotahena and Aluthkade areas between July 2013 to February 2014 with regard to their whereabouts, but no useful information was revealed,

Recalling the following information on file with regard to Mr. Maheswaran:

- The complainant in this case has from the outset emphasized that Mr. Maheswaran voted against the budget on 14 December 2007 and that, soon after the vote, the number of security guards assigned to him was cut from 18 to two; Mr. Maheswaran had openly made statements to the effect that the reduction of his security detail put his life seriously at risk and repeatedly requested the Government to enhance his security, but to no avail; on 1 January 2008, he was shot and died soon after; according to the complainant, the attack came after Mr. Maheswaran had said in a television interview that, when parliamentary sittings resumed on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;
- In the months following the murder, the authorities arrested Mr. Johnson Collin Valentino from Jaffna, who was identified as the gunman on the basis of a DNA analysis; the investigators concluded that he was an LTTE activist who had been trained and sent to Colombo to kill Mr. Maheswaran; Mr. Valentino confessed to the crime and was found guilty on 27 August 2012 and sentenced to death,

Recalling the following information on file with regard to Mr. D.M. Dassanayake:

- Mr. Dassanayake was killed on 8 January 2008; the arrest of a key LTTE suspect operating in Colombo led to the arrest of other suspects; one of the suspects, Mr. Hayazinth Fernando, pleaded guilty and was sentenced on 1 August 2011 to two years' rigorous imprisonment, a 10-year suspension and the payment of a fine of Rs. 30,000 for refusing to provide information to the investigators; two other accused, namely Mr. Sunderam Sathisha Kumaran and Mr. Kulathunga Hettiarachchige Malcom Tyron, stood indicted in the High Court of Negombo on nine counts; these counts included conspiracy to commit murder and abetment to commit murder,

Recalling that, with regard to the case of Mr. Sivaganam Shritharan, he is a member of parliament belonging to the TNA; on 7 March 2011, Mr. Shritharan was travelling from Vavuniyaa to Colombo to attend parliament the following day; around 6 pm, when his vehicle was passing Nochchiyagama, three persons got out of a vehicle parked on the roadside without a number plate, opened fire at the vehicle and hurled two hand grenades under it; thanks to the skills of the driver, Mr. Shritharan escaped unscathed and the vehicle was only lightly damaged; thus far, no one has been held to account for the attempt on Mr. Shritharan's life,

Considering that, on 16 September 2015, the United Nations High Commissioner for Human Rights released his report (A/HRC/30/CRP.2) on his Office's (OHCHR) comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties (that is the Government and related institutions, on the one hand, and the LTTE on the other) in Sri Lanka between 2002 and 2011; the report concludes that:

- There are reasonable grounds to believe that gross violations of international human rights law and serious violations of international humanitarian law were committed by all parties during the period under review;
- There are reasonable grounds to believe the Sri Lankan security forces and paramilitary groups associated with them were implicated in widespread and unlawful killings of civilians and other protected persons; Tamil politicians, humanitarian workers and journalists were particularly targeted; the LTTE also unlawfully killed civilians perceived to hold sympathies

contrary to the LTTE, or suspected of being informers, as well as rival Tamil political figures, public officials and academics;

- The sheer number of allegations, their gravity and recurrence and the similarities in their modus operandi, as well as the consistent pattern of conduct they show, all point to systematic crimes, which cannot be treated as ordinary crimes;
- Sri Lanka's criminal justice system is not currently equipped to conduct an independent and credible investigation into allegations of this breadth and magnitude, or to hold accountable those responsible for such violations;
- It is therefore necessary to establish an ad hoc hybrid special court, which would include international judges, prosecutors, lawyers and investigators, mandated to try notably war crimes and crimes against humanity, with its own independent investigative and prosecuting organ, defence office and witness and victim protection programme,

Considering that on 1 October 2015, the United Nations Human Rights Council adopted a resolution, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability is essential to uphold the rule of law and to build confidence in the people of all communities of Sri Lanka in the justice system; (ii) notes with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law, as applicable; (iii) affirms that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirms in this regard the importance of Commonwealth and other foreign judges, defence lawyers and authorized prosecutors and investigators participating in Sri Lankan judicial mechanisms, including working with the special counsel's office,

Considering that presidential elections took place in Sri Lanka on 8 January 2015 and parliamentary elections on 17 August 2015, that the new President has put in place a national union government and that, fulfilling an election promise, he worked with parliament to bring about the adoption, on 28 April 2015, of the Nineteenth Amendment aimed to reduce the powers of the presidency and to re-empower independent oversight commissions in Sri Lanka; President Sirisena, along with other high-ranking government officials, have repeatedly emphasized the need for reconciliation and accountability in public statements; the Minister of Foreign Affairs announced in this regard to the United Nations Human Rights Council on 14 September 2015 that the authorities intended to set up a Commission for Truth, Justice, Reconciliation and Non-recurrence, an Office on Missing Persons, a judicial mechanism, with a special counsel to be set up by law and an Office for Reparation; he also said that all mechanisms would be set up through a wide process of consultation involving all victims and other interested parties; moreover, each mechanism was intended to have the freedom to obtain financial, material and technical assistance from international partners, including the OHCHR; the Minister also stated that, in order to guarantee non-recurrence, a series of measures would be undertaken, including administrative and judicial reform, and the adoption of a new Constitution; additionally, the Minister said, the Government was committed to, inter alia, reviewing and repealing the Prevention of Terrorism Act and replacing it with anti-terrorism legislation that was in line with contemporary international best practices, reviewing the Public Security Ordinance Act and reviewing the Victim and Witness Protection Act, which was adopted this year,

Considering the extensive new information as presented by the Deputy Speaker of Parliament to the Committee on 16 October 2015, as well as the information contained in the United Nations High Commissioner's report, with regard to progress in the four murder cases:

- **The case of Mr. Pararajasingham:** On 4 October 2015, three suspects, including the former Chief Minister of Eastern Provincial Council, the leader of Tamil Makkal Viduthalai Pulikal (TMVP), were arrested; the involvement of four others, all members of the TMVP, had also been established, two of whom were said to be in Dubai and India; as regards the motive, the UN report stated that Mr. Pararajasingham had declined to support Karuna after his split from the LTTE and had previously been threatened by members of the Karuna group; family members of the victim suffered further threats after the attack and fled the country; the UN investigators considered that, based on the information obtained, "there are reasonable grounds to believe that the Karuna Group killed Joseph Pararajasingham, and that it was aided and abetted by security and army personnel";

- **The case of Mr. Raviraj:** seven persons were arrested, four of whom in March 2015, namely two Lt. Commanders of the Sri Lankan Navy and two other navy and police officers; four of the seven suspects, namely those arrested in 2006 and one of the Lt. Commanders arrested in March 2015, were released on bail; the investigation has also pointed to the complicity in the crime of Mr. Sivakanthan Vivekanandan (alias Charan), a TMVP member, who is said to be in Switzerland; his extradition process has been initiated; the Sri Lankan authorities have also formulated a Mutual Legal Assistance request to the United Kingdom authorities to enlist the support of the Metropolitan Police Service (MPS), New Scotland Yard, of the United Kingdom, which had been able to develop DNA profiles and fingerprints from the exhibits found at the murder scene and which they had taken back to the United Kingdom for examination at the time; the United Nations report stated that Mr. Raviraj was widely known for his moderate views and critical statements of both the LTTE and the Government, particularly in the weeks leading up to his murder. Along with other parliamentarians, he had set up the Civilian Monitoring Committee, which alleged the Government was responsible for abductions, enforced disappearances and unlawful killings. The UN report also points to the fact that, the day before he was killed, Mr. Raviraj and other TNA parliamentarians took part in a demonstration in front of the United Nations offices in Colombo to protest against the killing of Tamil civilians by the military in the east and the increasing abductions and extrajudicial killings;
- **The case of Mr. Maheshwaran:** an appeal regarding the sentence against Mr. Johnson Collin Valentino is pending; the case is next to be called for hearing on 11 November 2015;
- **The case of Mr. Dassanayake:** the trial against Mr. Hayazinth Fernando was closed; with regard to the other two accused, namely Mr. Sunderam Sathisha Kumaran and Mr. Malcom Tyrone, the first had fallen sick in remand prison and died in hospital on 14 May 2015, whereas the case against the other was ongoing and scheduled for trial on 20 October 2015,

Considering also that the Sri Lankan Prime Minister was intent on setting up a parliamentary select committee to monitor the investigations into the assassinations of parliamentarians,

1. *Thanks* the Deputy Speaker and the other members of the Sri Lankan delegation for their cooperation and the extensive information they provided;
2. *Welcomes* the ambitious initiatives which the current authorities have set in motion to promote truth, justice and reparation for crimes that took place in connection with the internal conflict in Sri Lanka that ended in May 2009; *wishes to be kept informed* of how these initiatives, as well as the announced constitutional and institutional reform, are taking concrete form; *also wishes* to know in what ways the authorities aim to strengthen the Victim and Witness Protection Act, so as to offer the best protection for witnesses in and outside of Sri Lanka;
3. *Considers* that the Sri Lankan authorities stand much to gain from cooperating with the international community and making use of relevant international expertise and advice to shed full light on past human rights violations; *notes* in this regard the particular concerns expressed by the United Nations High Commissioner for Human Rights about the capacity of the current Sri Lankan justice system to address the full complexity and gravity of those violations; therefore *calls on* the authorities to work closely with the Office of the United Nations High Commissioner for Human Rights, the United Nations Human Rights Council and its special procedures, so as to enhance the effectiveness of the accountability process and to promote trust among the population, the victims in particular, about the credibility of its outcome;
4. *Appreciates* the significant progress recently made to hold to account the alleged culprits of the murders of Mr. Pararajasingham and Mr. Raviraj; *expresses deep concern* nevertheless at the fact that the identity of those arrested confirms the concerns originally

voiced by the complainants and the recent conclusions by the United Nations High Commissioner for Human Rights about State responsibility in collusion with paramilitary groups in the murders;

5. *Trusts* that, in light of the seriousness of the situation and the potential hurdles that the prosecution of high-profile suspects may bring, the authorities will do everything possible to sustain the current momentum for shedding full light on these crimes and establishing full accountability; *wishes to be kept* informed of progress with regard to the legal action against those under arrest or released on bail, including as to if and when charges are brought, and to receive, when available, information on the motives and modus operandi for the crimes; *also wishes* to be informed of progress in the efforts to locate and extradite the suspects who are abroad;
6. *Appreciates* the Deputy Speaker's undertaking to provide copies of the verdict against the culprits in the cases of Mr. Dassanayake and Mr. Maheswaran; *sincerely hopes* that the verdict in the case of Mr. Maheswaran will shed light on whether the timing of his killing and the reduction of his security detail was taken into account; *trusts* that trial proceedings against the one remaining suspect in the case of Mr. Dassanayake will soon be completed; *wishes* to receive further information on this point;
7. *Notes with concern* that there appears to be no progress in holding to account those responsible for the attack on Mr. Shriitharan's life in 2011; *trusts* that the authorities will also include this crime as a priority in their efforts to establish truth and justice;
8. *Trusts* that the announced parliamentary select committee to monitor the investigations into the assassinations of former members of parliament will be set up as a matter of urgency and vested with a strong mandate and powers; *hopes* that the committee will also include in its remit oversight of the investigation into the attack on Mr. Shriitharan's life in 2011; *wishes* to be kept informed of developments regarding the establishment of the committee and its work;
9. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.