



Inter-Parliamentary Union

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Sri Lanka

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

Decision adopted unanimously by the IPU Governing Council at its 201st session (St. Petersburg, 18 October 2017)

The Governing Council of the Inter-Parliamentary Union,

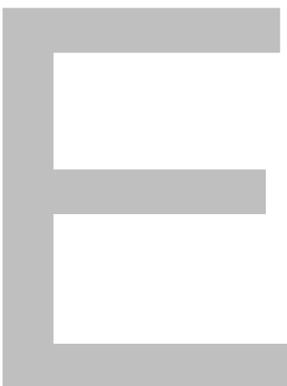
Referring to the cases of the four above-mentioned parliamentarians, who were all assassinated between December 2005 and January 2008, and the decision adopted by the Committee on the Human Rights of Parliamentarians at its 152nd session (January 2017) and its own decision adopted at its 197th session (October 2015),

Taking into account the information provided by the Sri Lankan delegation to the 137th IPU Assembly, led by the Speaker of the Parliament and including the Minister of Justice, at the hearing held with the Committee on 14 October 2017,

Recalling the following information provided by the complainants and the authorities regarding the cases of:

- **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 Cathedral in Batticaloa, located in a high-security zone between two military checkpoints;
- 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; at 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;
- On 4 October 2015, four suspects, including the former Chief Minister of the Eastern Provincial Council, the Tamil leader 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 respectively; one of the other two of this group of four had been identified as the person who had fired the shots but had in turn been shot dead in the Kaththankudi police area in 2008; the Attorney General filed indictments, under Batticaloa High Court case No. 3057/17, against the four in detention and the three others at large;



- **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 showing 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 unrest;
- Eight persons had been arrested, five of them in March and October 2015, including two lieutenant-commanders of the Sri Lankan Navy and two other navy and police officers; four of the suspects, namely the three arrested in 2006 and one of the lieutenant-commanders arrested in March 2015, were subsequently discharged by the court on the advice of the Attorney General, whereas the others were released on bail; the investigation has also pointed to the complicity in the crime of Mr. Sivakanthan Vivekanandan (alias "Charan"), Mr. Fabian Roiston Christopher (alias "Thusain") and Mr. Palanisamy Suresh (alias "Saamy"); "Charan" is reported to have been a TMVP member and to have migrated to Switzerland, and is yet to be arrested; "Thusain" was formerly an intelligence officer attached to the state intelligence service and is believed to be currently living in an unknown foreign country; he is also yet to be arrested; the whereabouts of "Saamy" are yet to be established; the court has issued arrest warrants against three of them and the process to have "Charan" extradited from Switzerland has been initiated; Interpol red notices have been secured against "Charan" and "Thusain";
- The Sri Lankan authorities also made a mutual legal assistance request to the United Kingdom authorities to enlist the support of the Metropolitan Police Service (MPS) at New Scotland Yard, in the United Kingdom, which developed DNA profiles and fingerprints from evidence that they had found at the murder scene and took back to the United Kingdom for examination; the results of the DNA comparisons were considered very crucial and investigators were very hopeful that the proposed DNA comparisons would yield much needed proof of complicity by suspect(s) in the murder; nevertheless, the Attorney General initiated non-summary proceedings against three of the suspects arrested and released on bail in 2015 and against "Charan", "Thusain" and "Saamy", while using the remaining fourth suspect arrested and released in 2015 as a "state witness", having cited 32 witnesses; the accused were served with indictments on 21 July 2016 and remanded in custody until such time as the trial was concluded by the High Court, which, on 24 December 2016, decided to discharge all suspects; an appeal has been filed by the Attorney General against the judgment;

- **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; an appeal regarding the sentence against Mr. Johnson Collin Valentino is pending;

- **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 these, Mr. Hayazinth Fernando,

pleaded guilty and was sentenced on 1 August 2011 to two years' rigorous imprisonment, a 10-year suspended sentence and the payment of a fine of Rs. 30,000 for refusing to provide information to the investigators; the legal proceedings against Mr. Fernando have been completed; 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, including conspiracy to commit murder and abetment to commit murder; however, Mr. Sunderam Sathisha Kumaran fell sick in remand prison and died in hospital on 14 May 2015, whereas the case against the other accused is still ongoing,

Recalling that, on 16 September 2015, the United Nations High Commissioner for Human Rights released the 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 committed 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 mentions, with regard to the murders of Mr. Pararajasingham and Mr. Raviraj, that:

- Concerning the motive in the case of Mr. Parajasingham, 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";
- Mr. Raviraj was widely known for his moderate views and his 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 had taken 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,

Recalling also that the aforesaid UN reported concluded more generally 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 that the Sri Lankan security forces and paramilitary groups associated with them were implicated in widespread and unlawful killings of civilians and other protected persons; that Tamil politicians, humanitarian workers and journalists were particularly targeted; and that 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 this shows, 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 in particular war crimes and crimes against humanity, with its own independent investigative and prosecuting organ, defence office and witness and victim protection programme,

Recalling 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 the confidence of 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 of 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,

Recalling that the current President of Sri Lanka, along with other high-ranking government officials, has repeatedly emphasized the need for reconciliation and accountability in Sri Lanka,

Recalling that, on 18 December 2015, the Cabinet of Ministers formed the Secretariat for Coordinating Reconciliation Mechanisms tasked, under the Prime Minister's Office, with the design and implementation of the following reconciliation mechanisms: the Office of Missing Persons; the Truth, Justice, Reconciliation and Non-Recurrence Commission; the Judicial Mechanism; and the Office of Reparations; on 3 January 2017, the Sri Lankan Consultations Task Force on Reconciliation Mechanisms released its final report recommending the appointment of a hybrid court composed of local and international judges to oversee the adjudication of allegations of war crimes committed during the country's civil war; the international presence in the court would be phased out once trust between the court and the public was re-established,

Considering that the Minister of Justice, in the hearing with the Committee on the Human Rights of Parliamentarians, stated that the creation of a hybrid court would be envisaged once the constitutional amendment process, which included a review on 30 and 31 October and 1 November 2017 of the proposals made thus far, has been confirmed; according to the Speaker at the same hearing, the current government remained deeply committed to promoting reconciliation, human rights and good governance; as part of the Government's commitment to human rights, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence was currently engaged in his third official visit to Sri Lanka to examine the progress made in redressing the legacies of large-scale previous violations and abuses,

Considering the new information provided by the Speaker at the hearing concerning the four murder cases:

- **Mr. Pararajasingham**

The case has been fixed for 6 and 7 December 2017 for the purpose of serving indictments against seven accused; the case is being handled by a special prosecutor;

- **Mr. Raviraj**

The case has been fixed to call on 12 December 2017 in the Supreme Court;

- **Mr. Maheswaran**

The appeal filed by the accused who was convicted was fixed for Argument in December 2017;

- **Mr. Dassanayake**

The case will next be heard on 13 December 2017;

Recalling also that the Sri Lankan Prime Minister intended to create a parliamentary select committee to monitor the investigations into the assassinations of parliamentarians, but that no such action has been taken,

1. *Thanks* the Speaker of the Parliament and the Minister of Justice for their cooperation and the information they provided;
2. *Notes with satisfaction* that the case against the suspects in the case of Mr. Pararajasingham is now fixed for trial; *wishes* to be kept informed of trial developments and to receive a copy of the indictments and information on the motives for the crime; *also wishes* to be informed of progress in the efforts made to locate and extradite the suspects who are abroad;

3. *Sincerely hopes* that, despite the original setback in court, similar progress will also be achieved in the case of Mr. Raviraj; *wishes* to be kept informed of progress made in locating the two suspects who are the subject of an Interpol red notice; *wishes* also to be kept informed of developments in the appeal and to receive a copy of the first-instance court ruling discharging the suspects;
4. *Is pleased* that the Sri Lankan authorities are committed to setting up a hybrid court to shed full light on past human rights violations; *trusts* that this court will indeed soon be created; *wishes* to be kept informed in this regard and to know how the authorities aim to strengthen the Victim and Witness Protection Act to offer the best possible protection for witnesses in and outside of Sri Lanka;
5. *Reiterates* its wish to receive a copy of the verdict against the culprit in the case of Mr. Maheswaran, in particular to know if it sheds light on whether the timing of his killing and the reduction of his security detail was taken into account; *wishes* to be kept informed of the appeal;
6. *Trusts* that the legal proceedings against the single suspect in the case of Mr. Dassanayake will soon be completed; *wishes* to be kept informed in this regard;
7. *Is convinced* that the previously mentioned parliamentary select committee to monitor the investigations into the assassinations of former members of parliament could ensure sustained parliamentary oversight in these matters; *sincerely hopes*, therefore, that the Parliament will put this committee in place as a matter of urgency;
8. *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;
9. *Requests* the Committee to continue examining these cases and to report back to it in due course.