



## PEOPLE FOR EQUALITY AND RELIEF IN LANKA

P.O. Box 292 ◊ Glenn Dale, Maryland 20769 ◊ USA ◊ [www.pearlaction.org](http://www.pearlaction.org) ◊ [Contact@pearlaction.org](mailto:Contact@pearlaction.org)

### **Sri Lanka – Universal Periodic Review**

February 8, 2008

People for Equality and Relief in Lanka (PEARL), an advocacy organization in the United States, submits the following report regarding human rights and humanitarian concerns in Sri Lanka. PEARL directors have cumulatively spent three years working in Northeast Sri Lanka, from 2005 to 2008. It is largely from the experiences of PEARL directors that PEARL conducts its advocacy work on behalf of civilians in Sri Lanka. PEARL directors are undergraduate and graduate students in the United States. During volunteer experiences in war-torn regions of Sri Lanka, these students were deeply impacted by witnessing the dire living conditions in Northeast Sri Lanka. However, the unwavering faith of children and other innocent bystanders to the conflict serve to motivate PEARL to engage in advocacy work on their behalf. We call upon the UN Human Rights Council to uphold its mandate and fulfill these hopes of innocent civilians in Sri Lanka.

#### ***Normative and institutional framework / Implementation and efficiency***

In November 2006, the President of Sri Lanka established a national Commission of Inquiry (CoI) to investigate approximately fifteen incidents of human rights violations, including the killing of 17 Action Contre La Faim aid workers in August 2006 and the killing of five high school students in January 2006. The CoI was observed by the International Independent Group of Eminent Persons (IIGEP) to monitor investigations and inquiries conducted by the CoI.

Since the IIGEP's first public statement in February 2007, the Sri Lankan government has not duly addressed the IIGEP's concerns about the CoI's lack of progress in investigations its inconsistencies with international norms and standards. Major issues of concern expressed by the IIGEP surrounded the CoI's independence, timeliness, and witness protection programs (See Annex A).

Concerns about the CoI were also strongly expressed by Amnesty International in December 2006, highlighting its failure to protect complainants and witnesses, and the CoI's inability to act independently since Sri Lankan government officials are affiliated with the IIGEP.

Sri Lanka's National Human Rights Commission has received strong criticism from international human rights groups due to its inability to act as an independent commission that protects the rights of civilians. Human Rights Watch highlighted that the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights demoted Sri Lanka's Human Rights Commission to a nonvoting "observer" status due to the Sri Lankan government's inappropriate influence on its activities and coordination. Elaine Pearson, Deputy Asia Director at Human Rights Watch stated, "Sri Lankan government claims that its Human

Rights Commission is a strong and independent institution ring hollow. Unfortunately, Sri Lanka lacks credible domestic institutions to address human rights violations.

The International Crisis Group mirrored the same concerns and stated in June 2007 that “the national Human Rights Commission is deeply flawed and has lost all credibility after being stocked by political appointees.”

Facing institutional constraints, the Jaffna branch of the Sri Lankan Human Rights Commission has resorted to only serving as a refuge for civilians who have been threatened or attacked by the Sri Lanka Army or its paramilitaries operating in the peninsula. The Commission has been unable to further investigate or follow up on complaints made by hundreds of civilians about extrajudicial killings and abductions because it fears repercussions for speaking out in a heavily militarized area. During Hon. Louise Arbour’s last visit to Jaffna, hundreds of civilians gathered with photographs of their abducted family members and friends. However, Hon. Arbour was greatly discouraged by Sri Lankan army officials from speaking with these traumatized civilians.

In October 2007, four human rights activists who served on Sri Lanka’s Advisory Panel on Human Rights resigned due to their disbelief in the Sri Lankan government’s commitment to upholding human rights. One of the former Advisors stated that the administration “is not serious about protecting human rights or eliminating the culture of impunity.”

Following the Sri Lankan government’s withdrawal from the ceasefire agreement, the Sri Lanka Monitoring Mission (SLMM) was forced to end its role of recording ceasefire violations. Although the mandate of the SLMM only covered ceasefire violations, the presence of the SLMM was at times a deterrent for human rights abuses and fostered a sense of protection for many civilians.

### ***Signatory to UN Conventions***

Sri Lanka is a signatory to several UN conventions, many of which it has not fulfilled its role as a signatory. Incidents and issues below illustrate Sri Lanka’s unfulfilled role as signatory to the Covenant on Civil and Political Rights, Covenant on Economic, Social and Cultural Rights, and Convention on the Rights of the Child. Significantly, Sri Lanka refuses to ratify the UN Convention for the Protection of All Persons from Enforced Disappearances.

The Covenant on Civil and Political Rights guarantees the freedom of movement and choice of residence within a country. In June of 2007 the Defence Minister ordered police to evict nearly 400 Tamil civilians from Colombo, allegedly because they could not provide valid reasons for being in Colombo. This raised concerns about “ethnic cleansing” amongst the international community.

Human Rights Watch stated in a report in August 2007, “while this right may be restricted to protect national security, restrictions must be lawful and consistent with the other protected rights. Policies that are arbitrary and discriminatory are not permitted or considered legitimate restrictions under international law.” Similar to this incident, the Sri Lankan government issued a regulation that declared land owned by internally displaced persons Trincomalee as a High

Security Zone, which is one of the several examples of militarization of civilians areas. The Supreme Court dismissed a fundamental rights violation petition filed against this regulation.

In early 2007 UN Special Representative Allan Rock stated that there is credible evidence that that Sri Lankan army is in collusion with a paramilitary group in Eastern Sri Lanka to recruit and use children as soldiers. This finding is clearly an egregious violation of the Convention on the Rights of the Child.

The Covenant on Economic, Social and Cultural Rights includes right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The organization Transparency International Sri Lanka recently reported nearly \$535 million US dollars missing in tsunami aid, while the majority of the tsunami-damaged areas in the Northeast have not been reconstructed.

### ***Cooperation with human rights mechanisms and NGOs***

Humanitarian aid to war-torn regions of the country has been stifled, as attacks on aid workers have discouraged and greatly impeded humanitarian work. As mentioned earlier, in August 2006, 17 Action Contre le Faim workers were shot and killed execution-style, in an attack which UNICEF Representative in Sri Lanka Joanna Van Gerpen called “unprecedented, and perhaps one of the worst incidents in the history of humanitarian assistance.”

This attack received the most media coverage, but attacks on Tamil aid workers have been frequent, with no subsequent punitive actions. Humanitarian aid workers have been killed in Sri Lanka working for the Red Cross, Tamils Rehabilitation Organization, Danish Demining Group, HALO Trust, Methodist Community Organization for Refugees, and Human Development Center (HUDEC).

According to the Asian Human Rights Commission (AHRC), over 50 aid workers were killed in Sri Lanka in 2006 and 2007. AHRC condemned the Sri Lankan government for not investigating these incidents, but rather acting as a passive “bystander.”

Additionally, countless legislative restrictions have been imposed upon foreign passport holders attempting to travel to the Northeast regions. A special pass must be acquired from the Ministry of Defense, which involves extensive bureaucratic networking. This further serves to discourage and impede the flow of aid and foreign workers into war-torn regions. This is the suffocating climate humanitarian aid workers find themselves in today.

### ***Challenges and constraints***

Since the Sri Lankan government’s unilateral abrogation of the 2002 ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE), the human rights crisis has escalated dramatically. Bombing campaigns against LTTE-controlled regions have become a daily occurrence, as every facade of normal life has been destroyed. Since the government’s withdrawal from the ceasefire agreement, it is under increasing strain to provide a clear and decisive military victory over the LTTE. The government successfully manipulates the rhetoric of terrorism to garner support for

its war against Tamils, carelessly ignoring crucial distinctions between Tamil civilians and LTTE combatants. This violates international norms and standards of warfare and deserves vociferous condemnation from the UN HRC.

### ***National priorities as identified by international agencies***

United Nations High Commissioner for Human Rights Louise Arbour visited Sri Lanka in October 2007 and expressed alarm at “the weakness of the rule of law and the prevalence of impunity.” She strongly urged the Sri Lankan government to allow a UN human rights mission into the country. The United States Department of State has similarly called for UN monitors into Sri Lanka. The International Crisis Group has also asked Sri Lanka to allow the Office of the UN High Commissioner for Human Rights (OHCHR) “to establish a human rights field operation mandated to monitor abuses by all parties, protect civilians and perform capacity building in support of domestic institutions.”

This UN mission would also investigate and aid in the prosecution of human rights violations. This international force would directly counter the pervasive climate of impunity surrounding attacks against Tamil civilians, journalists, and aid workers.

### ***Human rights obligations and commitments***

The Universal Declaration of Human Rights enumerates the basic rights and freedoms for all individuals around the world. Unfortunately, in the past four years, Sri Lanka has violated nearly all of these articles.

Article 2 proclaims that there should be no distinction in treatment of individuals based on the territory they live in. However, the population of the war-torn North and East have been besieged by an economic embargo and the residents in the Northern provinces are constantly raided by Air Force Kfir jets.

Article 5 prohibits torture, but Sri Lanka continues to use extrajudicial torture and intimidation, as Human Rights Watch has noted.

Article 6 states that everyone has the right to recognition before the law. However, authorities continue to enforce the draconian Emergency Regulations instated in August 2005, holding civilians without charge for up to one year. Human Rights Watch has expressed concern that it remains uncertain exactly how many individuals the government is detaining, despite requests for this information.

Article 7 provides for equal treatment without discrimination. However, last June nearly 400 Tamils were rounded up and bussed out of Colombo, without any charges or legal due process. This also violates Article 9 which prohibits forced exile, and Article 13 which sanctifies free movement.

Article 8 guarantees everyone the right to petition competent legal tribunals for redress. However, the Sri Lanka Human Rights Commission is inextricably intertwined with the

government, which caused the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to demote its status to non-voting “observer,” in December 2007.

Articles 10 and 11 are violated by the increase in “forced disappearances,” largely believed to be due to government forces or government-supported paramilitaries. UN officials, the International Crisis Group, Amnesty International and Human Rights Watch have all expressed their concerns about this.

Article 15 declares that no one should be denied the right to a nationality. However, President Mahinda Rajapakse has consistently denounced the notion of a Tamil nation and Tamil self-determination, depriving an innocent populace of due recognition of cultural, linguistic and territorial differences. These statements by hardliner Sri Lankan politicians support the need for a UN referendum regarding the political status of the North East.

Article 17 provides the right to property. In High Security Zones throughout the North and East, Sri Lanka Armed Forces take control of civilian homes without providing any payment or recourse.

Article 18 provides for freedom of religion. There have been many attacks in recent years upon civilians taking shelter in religious forums, such as the Pesalai Church in June 2006. Hundreds of Tamils had gathered in the church for protection from an Army onslaught, but the surrounding Navy officers threw grenades and then fired rounds in the church. The Northeast Secretariat on Human Rights, an independent human rights body operating in Northeast Sri Lanka, recorded this incident and many other human rights violations (See Annex B).

Article 19 provides for freedom of opinion and expression. Tamil journalists and parliamentarians have come under frequent attack, from the death of renowned reporter Taraki Sivaram in a Colombo High Security Zone in April 2005, to the killing of parliamentarian Joseph Pararajasingam in a church in Batticaloa on Christmas 2005, to the more recent slaying of parliamentarian Thiagarajah Maheshwaran on January 1, 2008 in a Colombo High Security Zone. This also violates Article 21, which grants everyone the right to participate in government.

Articles 22-27 are completely trampled upon by the indiscriminate aerial bombings that have killed hundreds of civilians in the Northeast damaging schools, hospitals, and civilian property. The bombing with the most fatalities was in August 2006 when the Sri Lanka Air Force dropped 16 bombs on a residential camp, killing 51 school girls who were taking part in first-aid training. All facets of cultural, social and economic life are completely annihilated as all people in these regions live in constant fear (See Annex C).

### ***Conclusions and recommendations***

UN officials, governmental officials, and key international rights groups such as International Crisis Group and Amnesty International have called for OHCHR offices around Sri Lanka to monitor, and thereby stem, human rights violations. Since the Sri Lankan government has unequivocally refused to allow the OHCHR to open offices in Sri Lanka, it is PEARL’s

recommendation that the HRC needs to more explicitly condemn the Sri Lankan government for its refusal and push for UN human rights monitors in Sri Lanka.

In the past, the Sri Lankan government has responded quickly to changes in international perception. If the Sri Lankan government believes it will lose international standing for its continued refusal to allow OHCHR monitors, it will change recourse. Thus, PEARL urges the HRC to recommend to the Security Council that sanctions be undertaken against Sri Lanka if it continues to refuse UN monitors.

However, UN monitors are a band-aid solution – they are not the cure. Sri Lanka’s conflict has dragged on for decades, and the bloodshed is again rising. Dozens of legislative proposals have surfaced and submerged as Sinhala ethno-nationalism refuses to allow Tamil self-determination or regional autonomy. If this conflict continues, thousands more will die and hundreds of thousands more will be repeatedly displaced. The Human Rights Council can stem these atrocities. Since the fundamental rights of innocent civilians are continuously trampled upon by parties to the conflict, it is within the scope of the UN HRC to recommend a referendum for the North East populations. A referendum such as that was evoked in East Timor and Serbia would powerfully reflect the will of the people, and provide a lasting and just resolution to the conflict.

## Annexure

- (A) IIGEP Public Statement: December 19, 2007
- (B) Northeast Secretariat on Human Rights Report: Pesalai Massacre
- (C) Northeast Secretariat on Human Rights Report: Civilian attacks: an open letter from NESOHR

Annex A

## **International Independent Group of Eminent Persons**

FOR RELEASE ON 19 DECEMBER 2007  
Colombo, 18 December 2007 REF: IIGEP-PS-004-2007  
Contact: IIGEP Public Information Office  
Colombo Hilton Residence, Suite 705  
No. 200, Union Place, Colombo 02, Sri Lanka  
Tel: +94 (0) 11 2300306/8/9  
Email: [iigep@iigep.org](mailto:iigep@iigep.org)

### **PUBLIC STATEMENT**

**IIGEP REPORTS NO INDICATION OF IMPLEMENTATION OF ITS RECOMMENDED CORRECTIVE ACTIONS AND LAYS DOWN MINIMUM CONDITIONS FOR THE SUCCESS OF PRESIDENTIAL COMMISSION OF INQUIRY'S IMPENDING PUBLIC INQUIRIES**

The International Independent Group of Eminent Persons (the IIGEP) was mandated by HE the President of Sri Lanka to observe the investigations and inquiries carried out by the Commission of Inquiry (the Commission), in order to ascertain that its work is conducted in a transparent manner and in accordance with international norms and standards. In this context, the IIGEP convened its quarterly plenary session in Colombo in November 2007, during which the IIGEP held meetings with HE the President as well as the members of the Commission of Inquiry to convey its latest observations on ongoing in-camera investigations and discuss matters arising with regard to the Commission's move to public inquiries. The following observations by the IIGEP cover the period up to and including the 30th November 2007.

Update on investigations Since the Commission commenced in-camera investigation sessions in May 2007, the IIGEP or their representatives have attended 76 sessions (up to 12 November 2007) of the two cases under investigation, namely the killing of the 17 Action Contre La Faim aid workers in Muttur in early August 2006 and the killing of 5 youths in Trincomalee on 02 January 2006.

In addition to the IIGEP's observations in previous statements, the IIGEP further notes shortcomings in the following areas pertaining to the conduct of investigations by the Commission: the failure of the Commission to effectively probe the failings of the original police investigations into the cases under consideration as well as the difficulties encountered by the Commission in securing cooperation and disclosure of information from state officials and other persons.

Established by Presidential Warrant, the Commission is required to investigate and inquire into the propriety and efficacy of the investigations already conducted by the Police into the incidents contained in the mandate, including the "possible reasons that may have influenced

or been relevant to the conduct of investigations”, and comment on such investigations. As a fact-finding body, a critical aspect of the Commission’s work is to identify why the original police investigations failed to identify and prosecute the perpetrators of these serious crimes. The Commission has so far not succeeded in discharging this most crucial element of its mission.

On 13 November 2007, the Commission received confirmation of the extension of the Warrant by one year to 2 November 2008. The letter from the Presidential Office was copied to the IIGEP and subsequently published on the Government’s official websites.

The Presidential letter included a “clarification” from the Presidential Office that serves to relieve the Commission from the requirement “in any way to consider, scrutinize, monitor, investigate or inquire into the conduct of the Attorney General or any of his officers with regards to or in relation to any investigation already conducted into the relevant incidents”, while allowing the Commission to “continue to obtain the assistance of officers of the Attorney General’s Department “. The members of the IIGEP have been given assurances by HE the President and the Chairman of the Commission that the directive contained in this letter does not have the effect of preventing the Commission from examining the Attorney General or his officers on any relevant question arising in the investigations and inquiries. The IIGEP, however, questions the need for this specific “clarification” and is of the opinion that this statement at the very least constitutes an interference in the independence of the Commission. It may, in fact, explain why the Commission has so far shown no intention to question the officers of the Attorney General’s Department on their involvement in the prior relevant investigations, despite evidence of such involvement. In the circumstances, this communication from the President’s Office erodes the independence and neutrality of the Commission, and could impede the search for the truth.

Additionally, the work of the Commission is hampered by the difficulties it has encountered in summoning state officials to give evidence and disclose relevant information. In fact, state officials have refused to render the required answers to relevant questions by invoking “national security” issues. The Commission has thus far not used the powers invested in it by the Commission of Inquiry Act of 1948 and the Presidential Warrant to bring contempt proceedings against witnesses who refuse to provide vital information to the Commission.

**Victim and witness assistance and protection** The Commission is still functioning with an ineffective witness protection scheme which is undermined by the absence of a national victim and witness assistance and protection program and legislation. Although the Commission has created its own scheme, and has in place a Victim and Witness Assistance and Protection (VWAP) Unit, the IIGEP notes the lack of adequate training for the VWAP staff. While the IIGEP welcomes the recent visit to Australia by several senior members of the VWAP Unit to observe international practices, the members of the Unit have yet to receive appropriate training. In addition, the Commission is seriously constrained by inadequate financial and operational support from the Government. These factors have prevented the Unit from becoming operational.

A draft national witness assistance and protection Bill is currently proceeding through the official constitutional approval process. The IIGEP is not privy to the contents of the draft Bill, and is therefore not in a position to verify whether the IIGEP's earlier suggestions relating to international norms and standards have been integrated into the draft Bill.

**Public inquiries** The Commission has recently announced that it will soon begin public inquiries into the killing of the 17 Action Contre La Faim aid workers and the killing of 5 youths in Trincomalee.

Given this development, the IIGEP has sought information from the Commission on its preparedness to move to public inquiries. In particular, the IIGEP requested the Commission's workplan for the public inquiry phase; its procedures for conducting the public inquiries; its policy and procedures for non-compliance with the Commission's summons; its procedures for the calling and sequencing of witnesses; its capacity to analyse information and material from the investigation stage; its policy to exclude all or part of the public from inquiries; its witness risk assessment criteria; its procedures to safeguard confidential information; its planned measures to publicly announce and report on inquiries; its measures to ensure the rights of families of victims to be informed and have access to hearings; and its procedures for assessing compensation for victims.

In particular, the IIGEP has sought assurances that vulnerable, at-risk witnesses will not be called before public inquiries, until effective witness protection measures are in place. The Commission has, however, postponed public inquiries pending an amendment to the Commissions of Inquiry Act by Parliament that would enable the members of the Commission to conduct public inquiry sessions in smaller groups and thus speed up the process. The IIGEP, however, is of the opinion that the Commission should not delay the commencement of inquiries on this basis. The IIGEP notes that the present Act does not have a quorum rule.

#### Conclusion

The above issues reinforce the IIGEP's prior assessment that the Commission of Inquiry's process falls short of international norms and standards. The Commission's work also lacks transparency. For instance, all sessions conducted by the Commission have been held to the exclusion of the public, the victims and their families and, on occasions, the IIGEP. In addition, there continues to be a lack of full and timely disclosure of information to the IIGEP. The IIGEP reiterates its concerns regarding the Commission's lack of independence, ineffective witness protection measures and shortcomings in the investigations.

At its November meeting, the IIGEP concluded that the persistent disregard for its observations and recommendations by the Government of Sri Lanka and the Commission of Inquiry tends to render the IIGEP's continued role irrelevant. With the Commission's mandate extension and the imminent start of public inquiries, the IIGEP urges the Commission and the Government to take immediate steps for implementing corrective action.

END

## Annex B

NORTH EAST SECRETARIAT ON HUMAN RIGHTS  
NESOHR  
KARADIPPOKU JUNCTION  
KILINCHCHI  
021 2285986 e-mail : nesohr@hotmail.com  
www.nesohr.org

### **NESOHR Case Report issued on 14th January 2006 Destruction of life, property and community in Pesalai, on December 23rd 2005**

#### 1. Claymore attack

On Friday December 23rd, at 1.30 pm, the second vehicle of the three vehicles carrying Sri Lankan Navy sailors back to their base in Talaimannar was hit by a claymore mine. The attack occurred in Pesalai when the bus was passing through the “Hundred House Scheme”. The Sri Lankan Navy camp in Talaimannar is located about two kilometres from this housing scheme. Thirteen soldiers died in the attack and many more were wounded.

#### 2. Retaliation

Uninjured soldiers in the other two vehicles immediately started spraying bullets towards the housing scheme. Panicky occupants of the houses in the “Hundred Housing Scheme” started to flee in all directions. Following account is based on the statement given to us by a family member of one of the victims and the descriptions of the attack given by several other residents who faced the Sri Lankan Navy revenge attack.

#### 3. The Statement:

##### *The fleeing*

As people started to run, Suganthy picked up her younger child aged 3, and her husband, Fernando, picked up their older child aged 5. Fernando told Suganthy, “Let us run and if we die, let us die together”. They began to run. Suganthy’s house was on the road side between the location of where the Navy vehicle got hit by the claymore and the Navy vehicle that was traveling a few metres ahead. Suganthy is an asthma patient and she found it difficult to run carrying the toddler. At this time Suganthy saw that the couple next door was still in their home, standing at their door steps. This couple next door was not about to run like everyone else. Suganthy told Fernando, “I will wait with them, you run further”. She tore her hand off from Fernando’s and ran into the house of Anthoniamma and Emanuel Cruz. That was the last time Fernando saw his wife and child.

The Cruz couple, whose house at which Suanthy took refuge, have four children, eldest of them is 14 years old. These children had gone to another house to watch television with their friends. The parents, worried about what could happen to their children did not want to run away, and they stayed in their home.

Fernando ran on and stopped about five houses further down and stayed there. After that, no one knows what exactly happened to Suganthy, her baby and the Cruz couple.

#### *The beating and the sexual assault*

One woman resident states, “The fleeing people were stopped by the Sri Lankan Navy and the women were forced to sit on the hot sand with their face to the sand. The Navy soldiers then asked the young women crude sexually motivated questions. They also dropped their trousers in front of the women. It was so unbearable”. The men were taken to another side and they were all beaten. There were all together about 42 men who were beaten. Both men and women were then forced to sit there for several hours.

Navy men came to the house where Fernando (Suganthy’s husband) had taken refuge with their older five year old boy. The Navy men picked up the five year old boy by his collar and was about to beat him. Fernando instinctively put his arm to take the blow. The Navy men had then turned to the father and said, “Are you so brave and strong that you can stop us?” They then severely attacked the father. Fernando sustained severe injuries on his arms, legs, and hips as a result of the attack. He was unable to walk.

#### *Refuge in the church and the missing people*

Around 6.00 pm the priest from the village church arrived and rescued all of the residents sitting on the sand and took them to the church. The Navy did not release nine men.

When the villagers arrived at the church they realized that several people were missing. Everyone thought the missing people would have run further and took refuge in the adjacent villages. The church priest searched for the missing people in the other villages, found some of them and brought them back to the church. Suganthy, her baby and the Cruz couple were still missing.

Suganthy’s relatives looked among the injured civilians admitted to the hospital for the missing four people. There they saw a pregnant mother who was hit in the stomach with a gun by the Navy men.

#### *The nine men*

On the second day, Saturday December 24th, the Bishop of Mannar (Bishop Rayappu Joseph), talked to the Navy and got the nine detained men released. It was around 12.00pm on Saturday when they were released. Residents said those nine men, when they returned, did not look like they were humans, they were attacked so severely, their skulls were broken, their hands and legs were broken. The state in which they came back was beyond belief.

#### *Search for the four people*

On Saturday, no one was allowed to go back into the village. The Navy however, allowed the Assistant Government Agent (AGA) for the district to go through the village but she was not allowed to go inside any houses. The Navy stopped them from stepping off of the road. The Navy only allowed the AGA to go down the road to the adjacent villages to look for the missing people. The AGA looked through the other villages and came back and said the four missing people were not to be found.

The residents encouraged the AGA to ask for permission from the Navy to go inside houses to look for the missing people. The AGA took three more of her officials and went to look in the houses. Those who came described what they saw as follows, "It's hard to describe what we've seen, it's really cruel. There is a lot of blood that has run from inside a house, outside, and down the front steps of the house. The verandah is covered in blood. Because there was so much blood, we couldn't step into the house. The blood on the steps is still there. We found the hands of a small child just outside the house and a chunk of flesh inside the house among the ashes".

#### *Among the burnt remains*

Everyone by now realized that the four people are no more. The Navy did not allow anyone into the houses for sometime and they must have cleared out the place during that time. They have just missed to remove the child's hand and the chunk of flesh that the AGA and her three officials saw on Saturday.

The third day, Sunday December 25th, which was Christmas day, the Sri Lankan Navy pulled back, and allowed the people to go to their homes. Fernando was the first one to be there with his younger brother. The others soon joined him. The ashes in the house were still there. The hand and the chunk of flesh had been removed. They could see that some attempt had been made to wash up the blood. They searched among the ashes.

Fernando immediately recognized the green skirt that his wife was wearing. It was half burnt. In one area there was dried blood in a puddle, which the Bishop took pictures of. Only the bishop was allowed to take a camera. They found Suganthy's national ID (Identity Card), her army ID, and her bank account book as she must have run with her purse and these things were in her purse. Her homeowner's identity card was also there. They submitted all of these things to the police. The National ID of Emanuel Cruz was also there.

#### *Theft and burning*

The people were also saying that there had been some theft. The Navy actually stole jewels from the women and there was 25,000 Rupees missing from one home. About seven houses had been burnt badly. Furniture and mattresses were heaped in these houses and were set alight. They completely burnt one of the large shops in the village.

#### *Monday*

By Monday, December 26th, the entire village had collected the remains of their belongings and left the village. Fernando was also admitted to the hospital on Monday. On Tuesday, the family members of Fernando took some offerings to the house, as part of the funeral ritual. They placed the food at the steps and within two minutes of doing this, the Navy men were there. The family members felt threatened. People were absolutely scared at the time of the incident. On the second or third day after the incident the Navy was still carrying out its search operations and the entire village was in a state of fear.

## 4. The Inquiry

On Sunday, December 25th, two officials from the Sri Lanka Monitoring Mission (SLMM), the Bishop of Mannar Rev. Rayappu Joseph, and Rev. Fr. Wincent Parick, the parish priest from the church where resident took refuge, visited the house where the burnt human remains were found. Mannar Police were given the job of conducting investigations.

It is revealing to note that none of the people who faced the Sri Lankan Navy attack on December 23rd expect anything to come out of the police investigations.

Dr N Malathy  
(NESOHR Secretary)

Annex C

**NORTH EAST SECRETARIAT ON HUMAN RIGHTS**

**NESOHR**

KARADIPPOKU JUNCTION

KILINCHCHI

021 2285986 e-mail : [nesohr@hotmail.com](mailto:nesohr@hotmail.com)

[www.nesohr.org](http://www.nesohr.org)

10th January 2006-01-05

**An Open Letter from NESOHR**

**To all people with Humanitarian/Human Rights concerns  
about Northeast of Sri Lanka:**

Over the last six to seven weeks atrocities by the Sri Lankan armed forces and paramilitaries against civilians in Northeast have escalated to alarming levels. Due to staff shortage and reasons of security of the NESOHR field officers, we have not been able to visit the affected families and obtain their complaints directly from them. Our field staff in Jaffna, however, has visited the family of a woman who was raped and killed on 16 December 2005. We have issued a report on this. As you may already know, our senior founding member Mr Joseph Pararajasingam was murdered in Batticaloa on 25 December 2005 by paramilitaries inside a church. Witnesses have said that large number of Sri Lankan military was stationed outside of the church until the shooting occurred.

There are other violations, which include attacks on peaceful protest on the university community in Jaffna during the month of December 2005, the burning of four members of a family in Pesalai in Mannar on 23 December 2005, and the shooting and killing of five high school students in Trincomalee on 2 January 2006, that we have confirmed through our field staff.

We have collated some of the human rights violations as reported in the local media. According to this statistics Sri Lankan armed forces so far have been responsible for at least 45 deaths and more than 100 disappearances and innumerable shooting/beating and injuring of civilians who were going about their daily lives. A table of what we have collated is included below.

It is alarming that this is happening in the presence of the Sri Lanka Monitoring Mission and other international NGO staff. It is also disheartening and tragic that the international community has not realized that the Sri Lankan armed forces must be withdrawn from the residential areas in Northeast in order to secure lasting human rights for the people of Northeast.

We appeal to you to take all possible actions to bring an end to the atrocities of the Sri Lankan armed forces in Northeast.

Sincerely,  
Dr N Malathy (NESOHR Secretary)

*\*Note collated list of violations against civilians is available upon request*