

Info Note 4

Report of the OHCHR Investigation on Sri Lanka, September 2015

Unlawful killings

Chapter VI of the report (paragraphs 209-325) documents extensive patterns of unlawful killings allegedly committed by all parties between 2002 and 2011.

These range from indiscriminate attacks on civilians by the LTTE to targeted assassinations and extra-judicial killings by all parties. The report says victims of extrajudicial killings included humanitarian workers, journalists and politicians who may have been perceived as critics or supporters of different parties to the conflict (231-232).

It points out that more than 1,000 cases of alleged assassination were reported to the Sri Lanka Monitoring Mission between 2002 and 2008 (216).

The chapter examines emblematic cases, some of which remain unsolved, illustrating the obstacles to accountability (213).

Alleged unlawful killings by security forces and paramilitary groups:

OISL says there are reasonable grounds to believe that the Sri Lankan security forces and paramilitary groups linked to them were implicated in the unlawful killing of civilians, conducted “in a widespread manner”. Some of these, it says, could amount to war crimes, and / or crimes against humanity (1116).

Some of these killings occurred after unlawful arrests or “white van” abductions by the security forces. Others were “motorcycle killings”, drive-by shootings usually conducted by two men on a motorbike. This tactic was allegedly used by both the security forces and paramilitary groups (229). People were targeted at their homes, their offices, or on the way to work. The report points to a pattern of civilians being killed in the vicinity of police checkpoints and SLA bases in some areas (228).

The report says killings by all parties intensified after the emergence of the Karuna paramilitary group, which split from the LTTE in April 2004 (218, 1117). OISL says the nature and extent of the collaboration between paramilitary groups, particularly the Karuna Group, and different branches of the security forces, “is of great concern, and must be further investigated”. It further recommends that “persistent, but unverified” allegations that killings and disappearances were ordered by senior government officials should be part of that investigation (1117).

Alleged unlawful killings by the LTTE:

Information gathered suggests the LTTE also individually targeted a wide variety of people from all communities. These included Tamil, Muslim and Sinhalese people who it suspected of cooperating with the government, or regarded as unsympathetic to its cause. It assassinated Government ministers and officials, along with moderate Tamil academics and

politicians, and members of rival political parties and paramilitary groups. In 2006, the Special Rapporteur on extrajudicial executions, Philip Alston, noted that many civilians were killed as a result of the LTTE's "low intensity conflict" with the Karuna Group in some parts of the country (220, 1118).

The LTTE also killed many civilians in "indiscriminate" suicide bombings and claymore roadside mine attacks. In June 2006, it was accused of detonating two claymore mines close to a crowded bus carrying around 150 passengers near the town of Kebethigollewa, killing 64 people and injuring 70 others (276).

During the final stages of the conflict, LTTE cadres also allegedly shot and killed some Tamil civilians who were trying to flee the conflict zone. This issue is covered in more detail in Info Note 6.

OISL states that if confirmed by a court of law, many of these incidents may amount to war crimes and / or crimes against humanity (1118).

Unlawful Killings: emblematic cases

Politicians

The report highlights a number of killings of high-profile politicians, including the assassination of Foreign Minister Lakshman Kadirgamar in 2005, a crime blamed on the LTTE, and the assassination of Tamil MP Joseph Pararajasingham, shot dead in a church full of worshippers in the same year (243-8).

OISL says that there are reasonable grounds to believe that Mr Pararajasingham was killed by the Karuna Group, aided and abetted by security forces and army personnel. It says a report by a Sri Lankan Commission of Inquiry says his death was not investigated due to "non-availability of witnesses and time constraints" (245).

Aid workers

At various points during the period under investigation, Sri Lanka had one of the highest rates of killing of humanitarian workers and journalists in the world (233, 257).

The report highlights the killing of 17 workers from the aid agency Action Contre la Faim in August 2006 (234-238).

Their bodies, lined up execution-style with bullet wounds to the head, were left decomposing outdoors, with no effort made to secure the crime scene.

OISL says there are reasonable grounds to believe that these killings were carried out by members of the Sri Lankan security forces. However, the security forces accused the LTTE of being responsible. Evidence was either not collected, was tampered with or disappeared from the police investigation. A magistrate and forensic pathologist assigned to the case were threatened and harassed, as were witnesses testifying before the Commission of Inquiry to Investigate and Inquire into Alleged Serious Violations of Human Rights Occurring since 1 August 2005 (236-8). As yet, no-one has been prosecuted.

Journalists

The report says that attacks against journalists were widespread and appeared systematic, repeatedly targeting media known for being critical of the Government. In several instances, it says, media workers were offered insufficient protection, despite recurring attacks against them and there has been little progress in the investigation of their killings (260).

The report highlights the killing of Sunday Leader editor Lasantha Wickrematunge, an outspoken critic of the government, killed in the street in 2009 on his way to work. He had received numerous death threats. In an editorial, published posthumously, he wrote “when finally I am killed, it will be the Government that kills me” (266-8).

OISL also documents the multiple attacks against the Uthayan newspaper in Jaffna, including the killing of three of its employees (262-4).

Allegations of extra-judicial executions in the final phase of the armed conflict

Paragraphs 285-322 examine allegations that unarmed members of the LTTE and others may have been killed after surrendering to, or being captured by, Government forces at the end of the armed conflict. They include Balachandran Prabhakaran, the 12 year old son of the LTTE leader (311-13), senior military and political cadres (288-310) and a well-known LTTE newsreader (314-16).

In all of these cases, the report says, witness testimonies, high resolution photographs, video and other material collected by OISL indicate that these individuals were killed after being captured or detained. The material collected indicates that, in some cases, they were blindfolded, had their hands bound and were shot from close range. Such acts, it says could amount to extrajudicial executions, a clear violation of the right to life. Depending on the circumstances, if established by a court of law, such killings could amount to war crimes and / or crimes against humanity (322, 1119).

The report also refers to “shocking” commentary on a video viewed by OISL, apparently taken on soldiers’ mobile phones. Soldiers can be heard laughing and making very graphic, lewd and offensive sexual comments as they lingeringly film the breasts and genitals of naked female corpses. OISL says it appears that the dead bodies of some of these women were desecrated (315, 323-325).

ENDS

The full report can be found at:

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx