

NESOHR Appeal to UN High Commission on Human Rights

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**Seek Justice for Tamils Outside the Sri Lankan System**

In the year 2000, Bindunuwewa was one of three rehabilitation camps run by the government for surrendered LTTE members and child soldiers with substantial foreign aid. It operated for seven years. Inmates had cordial relationships with the villagers in the surrounding Sinhala village and took part in the village festivities.

Within a period of 24 hours, animosity of the villagers towards the inmates was inflamed and the camp was attacked by a mob on October 25, 2000. 26 inmates were murdered and another 14 were seriously injured. During the attack no attempts were made to stop the invading crowd, although 60 police officers were stationed around the camp to protect the inmates. Not a single arrest was made during the attack.

The Commission of Inquiry appointed by the president to investigate the incident submitted its report in November 2000. Even while the commission was hearing evidence the Criminal Investigation Department, following its own investigations, indicted 41 suspects including 19 policemen. They were charged in Colombo High Court. The High Court passed a death sentence on five of the accused, including two police officers, in 2003. The case went to appeal court and all five were acquitted in 2005.

The outcome of the Bindunuwewa trial is part of a continuing pattern of justice handed out to the Tamils. The history of human rights violations against Tamils in Sri Lanka at the hands of the state's security forces is long and dates back to the 1950's. Only a handful of the serious violations against Tamils by the Sri Lankan security forces have been subjected to investigations by the government. The chronological order in which these investigations were conducted is listed below.

The Sansoni Commission investigated the 1977 communal violence and submitted its report in 1980. The report recommended compensation to the victims. It said, "incidents which occurred during the specified period were of such an extreme nature and so widespread that an exception should be made as regards the payment of compensation." The committee appointed by the government on this recommendation to assess the compensation never sat.

The court case on the Krishanthi mass rape and murder in 1996 in Jaffna was completed in 1998. Five low-ranking soldiers are in prison awaiting their death sentence and a further six soldiers were sentenced to life imprisonment. This is the **only** case in which the Sri Lankan courts have ever found persons from the state security force guilty for crimes against Tamils. This was due to the extreme

pressure brought on the government by local and international human rights organizations. There was also criticism that the resulting high profile of this case has marred many other equally gruesome cases of rape and murder of Tamil women by the state security forces.

During 1996 large-scale disappearances of Tamils took place within a period of a few months. The Presidential Commission of Inquiry into the disappearances in the North between 1990-1998 started its work in 1995 and issued its final report in 2003. This investigation has failed to investigate the cases of disappearances in Mandaitivu in Jaffna altogether. Also, no substantive steps have been taken following the issue of the report.

The Chemmani mass grave was identified as a place where many of those who had disappeared may be buried. The existence of this mass grave was first revealed in the courts by one of those convicted of Krishanthi's rape and murder. Under heavy international pressure, exhumation of a few of these graves was conducted in the presence of foreign experts. Four army personnel and a police officer were arrested in March 2000 on suspicion. The five were released on bail in June 2000. The case is still ongoing five years later.

The outcome of all these investigations indicates a continuation of a pattern. Even when investigations are initiated under heavy pressure, they are being stalled at every stage.

NESOHR sends an urgent appeal to the UN High Commission on Human Rights and the human rights community everywhere to seek justice for the Tamils beyond the Sri Lankan system that has so abysmally failed them.

Fr M X Karunaratnam, Chairperson