

A child's doll with a yellow face and a blue shirt is lying on its back in a red, rocky landscape. The doll's eyes are closed, and its mouth is slightly open. A blue bag is lying next to the doll's head, and a black shoe is lying next to its foot. The background is a textured, reddish-brown surface with some small rocks and debris.

CHEMMANI
MASS GRAVE:
'WE ARE
STILL
SEARCHING'

JULY 2026

INTERNATIONAL
TRUTH
AND JUSTICE
PROJECT

**‘I WOULD BE SHATTERED IF THE
REMAINS OF MY SON WERE FOUND
BURIED AT CHEMMANI, AND I WOULD
BE SHATTERED IF THEY WERE NOT.
THE ONLY WAY I CAN BE HAPPY IS
IF MY SON RETURNS TO ME ALIVE.’**

**PARAMANATHAN SELVARAJAH,
1999**

**CHEMMANI
MASS GRAVE:
'WE ARE STILL
SEARCHING'**

JULY 2026

EXECUTIVE SUMMARY

‘We are still searching,’ is how the statements of the families typically end. It has been thirty years of waiting for a body to mourn, let alone justice.

Chemmani mass grave in the northern Jaffna Peninsula is just one of countless mass graves that dot the island.¹ But it stands out for the sheer scale of the cover up of crimes against humanity committed by the Sri Lankan military during the civil war.

It has been thirty years since it was first discovered but despite enormous publicity and two phases of excavation, one still in progress, no commander has yet been held criminally accountable for the crimes committed by the Sri Lankan Army over many decades in the Jaffna Peninsula connected to this grave. What is most astonishing is that the Army continued to use the site as a dumping ground for bodies even after an initial excavation. Nothing speaks to the level of impunity more than this.

The mass grave first came to light after the rape and murder of schoolgirl Krishanthi Kumaraswamy in 1996. An irrigation worker informed the girl’s mother of her abduction, only to be later arrested himself by the Army and disappeared. For safe measure even the person who witnessed his arrest was also later disappeared. Meanwhile, Krishanthi’s mother, brother and a neighbour rushed to the area and were themselves murdered, stripped naked and buried in a shallow grave. These were not uncontrolled acts of violence, but hours of brutality, reinforced by systematic killing of the witnesses.

A murder and gang rape case was brought by Krishanthi’s sister, her only surviving sibling. In 1998, death sentences were given to four junior soldiers and a policeman, as well as a sixth accused who absconded from justice and has never been found. A Lance Corporal told the court up to 400 bodies had been illegally buried in the area – saying almost every evening corpses were delivered and soldiers

disposed of them. There were attempts to silence him. He and his family were threatened by prison officials and feared for their lives. One evening he was beaten unconscious by a guard who wanted him to sign a letter recanting in return for a lighter sentence.

Procedural obstructions by the Government and military delayed the start of excavations at Chemmani. This led to concerns that flood water would damage the forensic evidence but inaction continued. A few inconclusive soil samples were collected from the wrong area, without the guidance of the convicted soldiers who had actually buried the corpses. The magistrate reprimanded the Army for interference, while the Attorney General’s office tried to prevent the convicted soldiers appearing in court in Jaffna on security grounds. Despite this, in 1999, 15 skeletons were excavated from multiple burial sites during the first phase of excavation, many with hands tied behind their backs and blindfolds indicating summary

execution. In 2000, four higher ranking Army officers were arrested along with a police interpreter, but their case was transferred to the capital Colombo on the questionable grounds that the soldiers feared for their lives in Jaffna. Almost at once all the suspects were bailed. For a year no funds were made available to send forensic samples abroad, contravening the order of the magistrate.

Meanwhile soldiers named and accused in habeas corpus cases flatly denied all the facts and quibbled over the precise titles of Army camps. By 2004, lawyers for the respondents in these habeas corpus cases refused to appear on the grounds they hadn’t been properly briefed. In their absence, it was ironically the complainants who found themselves being challenged in court. Then the investigation stalled as the war intensified. Nevertheless, hundreds of families whose loved ones had disappeared continued to speak out and demand action. Their accounts were terrible. One man had been arrested by the Army even though he had a different

name from the man they were seeking. It was a callous and random substitution. Another mother couldn’t find her son, then 158 days later, out of the blue, he whistled at her from a passing Army truck. It was the last time she saw him.

In 2025 building work unearthed jumbled human remains and soon the second phase of excavation at Chemmani began. By the end of the year, a total of 239 skeletons had been excavated and removed, while by the end of June 2026, the number of excavated skeletons had risen to 409 in work that is due to continue. Original estimates stated that there might be as many as 600 bodies illegally dumped there. In the intervening decades the Army officers alleged to be in charge at the time of crimes against humanity have been promoted and protected.

On 19 June 2026, the current Minister of Justice and National Integration, Harshana Nanayakkara, visited Chemmani, where he made statements implying both that his government had no information on suspected

perpetrators, and that this lack of information had prevented the start of any criminal enquiries. He also implied that the already protracted and hampered Chemmani excavations had to be completed before forensic and criminal investigations could begin. These positions are inconsistent with an extensive documentary and judicial record, accumulated over nearly three decades, and they risk perpetuating longstanding patterns of delay and obstruction, by successive administrations, when faced with efforts to secure truth and accountability for the crimes associated with Chemmani.

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TIMELINE

1995	End of the year The Army retakes Jaffna after several years of LTTE control.
1996	4 July A suicide bomber kills Jaffna’s Town Commandant: the Army responds with mass arbitrary reprisals. 19 July 24 victims disappear after a single round-up by the Army at Navatkuli. 7 Sept The rape and murder of Krishanthy Kumaraswamy at Chemmani checkpoint. 22 Oct Arrest of various security personnel on duty at the Chemmani checkpoint in September.
1997	Amnesty International estimates 600 disappeared in the Jaffna region the year before.
1998	3 July The conviction of Somaratne Rajapakse and others in the Krishanthy case leads to the revelation of a mass grave at Chemmani. Mid Aug After implicating senior officers in crimes associated with multiple burials at Chemmani, Rajapakse is assaulted twice by prison guards and beaten unconscious.
1999	5 March Attorney General initiates a small, unproductive excavation at Chemmani. 16 June Jaffna Additional Magistrate institutes a more serious excavation that will unearth 15 skeletons.
2000	14 March Four further Army officers and a policeman charged in Jaffna with multiple crimes associated with the Chemmani mass graves. July After the cases of the four Army officers are transferred to Colombo, they are bailed.

2002	Ceasefire agreed between Government and the LTTE.
2003	Human Rights Commission of Sri Lanka’s ‘Committee on Disappearances in the Jaffna Region’ publishes the testimony of over 300 families of the disappeared. Across the next two years, many families record habeas corpus applications.
2006	Ceasefire starts to break down: resumption of all-out war. New disappearances in the Jaffna region in escalating numbers.
2007	After persistent non-compliance by members of the military, indefinite postponement of the habeas corpus cases.
2009	Civil war ends.
2025	13 Feb Human remains found at Ariyalai Sinthubathi Hindu Cemetery in Chemmani. 25 June Visit to Chemmani by UN High Commissioner for Human Rights, Volker Türk. May-Sept New excavations identify 240 skeletons. Oct and Dec A memorial to Chemmani victims is vandalised twice.
2026	19 June Visit to Chemmani of Justice Minister, Harshana Nanayakkara. 23 June The total of bodies identified at Chemmani reaches 412. Excavations scheduled to resume in July.

INTRODUCTION

The Chemmani mass grave is one of many uncovered in the Tamil North and East of Sri Lanka. These illegal burial sites result from a long history of ethnic and political conflict. To this day, building works across the region continue to reveal unrecorded human remains, some of which have been hidden away again under new constructions.² Among all these many graves, Chemmani, outside Jaffna, has become emblematic in part because of the sheer scale of the clandestine burials discovered within its salt flats, and the crimes these burials represent, with estimates of up to 600 victims. By late June of 2026, the number of skeletons exhumed there over the previous thirteen months already stood at 409, and included those of very young children. With excavations set to resume shortly after publication of this report, that number is expected to rise.

Chemmani also stands out because there was a brief phase in the late 1990s when the government of the day, under President Chandrika

Kumaratunga, presented itself as actively willing to seek justice for victims buried there. But despite candid perpetrator testimony, the uncovering of skeletal remains, and statements by families of the disappeared, the opportunity for justice was very quickly subverted by the highest political and legal authorities. And justice has been obstructed by their various successors ever since.

This prolonged and deliberate failure constitutes a form of punishment in itself, not of the perpetrators, but of the families of the disappeared. They have been condemned to suffer for years in a state of agonising suspension, with no answers about the fate of those they have lost, and no remains returned to them to bury and mourn. Furthermore, the failure of an emblematic case like Chemmani has inevitably had a discouraging effect on families who have suffered comparable losses elsewhere, but in cases that have received less public notice.

Nevertheless, the half-steps of the stalled Chemmani

excavations of 1999, now referred to as Chemmani 1, did leave important evidence on record. A rare trial at the time saw the conviction of a handful of the direct perpetrators of one notorious crime at Chemmani. And crucially, these low-ranking soldiers then recorded voluntary statements that implicated senior figures, in the chain of command above them, in hundreds more crimes. Many of those senior officers are still alive, free and exercising influence today.

Starting in 2025, there is a new investigation underway: Chemmani 2. This was spurred by the accidental unearthing of multiple skeletal remains during building works in February 2025 at Ariyalai Sinthubathi Hindu Cemetery in Chemmani, an event that brought the mass graves there back to widespread consciousness. The new excavations, continuing in 2026, have inspired many suffering families to record new legal affidavits with details of the unexplained disappearances of their relatives, in the painful hope that this time they

might receive some of the answers they still desperately seek. These affidavits also highlight the fact that the Chemmani 1 investigation did not halt the phenomenon of local disappearances: roughly half refer to relatives who were abducted in the years after the first, brief exhumations of 1999.

Outlined in this report are many tragic stories of people arbitrarily detained in Jaffna and its surroundings, and disappeared ever since, whose bodies may well be those buried in Chemmani’s graves. These accounts, given by relatives of the disappeared, establish reasonable grounds to believe that numerous crimes have been committed, including crimes against humanity. The accumulated testimonies expose not only the scale of past atrocities, but also a pattern of denial, delay and impunity that for nearly three decades has characterised Sri Lanka’s official response. As this report demonstrates, that institutional response, which frustrated accountability when these crimes were first uncovered, still, to this

day, obstructs effective investigation, criminal accountability, and the right of victims and their families to truth and justice.

1. 1996: THE CRIMES

THE JAFFNA REGION

The civil war in Sri Lanka took place between 1983 and 2009, principally opposing the Sri Lanka Army (SLA) and the Liberation Tigers of Tamil Eelam, or LTTE. Amid atrocities on both sides, the SLA allegedly arbitrarily detained and disappeared tens of thousands of Tamils, including countless civilians. Families of the disappeared, unable to elicit any information on their fate, clung to the hope that their lost relatives were at least alive and being held in one of any number of Army camps across the region, even if this hope grew less realistic with the passage of years.

At the end of 1995, amid the shifting frontlines of the civil war, the SLA regained control of the city of Jaffna, the historic capital of Tamils in Sri Lanka, as well as of large areas of the surrounding regions, wresting them away from several years of rule by the LTTE. But if

there was any expectation of subsequent order, this began to fail after 4 July 1996, when a suicide bomber injured and killed multiple victims in Jaffna including Brigadier Ananda Hamangoda, the new Town Commandant and Commander of the SLA's 512 Brigade. This violent act helped to usher in an era under Hamangoda's successor, Brigadier Gamini Jayasundara, in which SLA soldiers conducted widespread arbitrary reprisals that were in hundreds of cases fatal. The following summer, after visiting the region, Amnesty International noted that in a few short months in 1996, approximately 600 people had been reported disappeared. It added: 'It is now feared that nearly all of those who remain "disappeared" after their arrest by the security forces about a year ago died under torture or were deliberately killed in detention.'³

CHEMMANI

Roughly four miles east of the city of Jaffna lies the Navatkuli Bridge. It passes over brackish lagoon waters, and carries the main Jaffna to Kandy trunk road connecting the Jaffna Peninsula to the main island of Sri Lanka. Heading from this bridge back towards the city, the road passes under a landmark concrete arch that declares 'Jaffna Welcomes You', and from here, the area is known as Chemmani. It is a flat, open, marshy landscape, paddy land, often flooded, and with stretches historically given over to salt production. In 1996, the road network here was intensively controlled by the SLA via Army camps and multiple checkpoints, and the landscape of Chemmani, largely empty of buildings apart from an isolated Hindu cemetery, formed part of a designated high security zone.⁴

DISAPPEARANCES

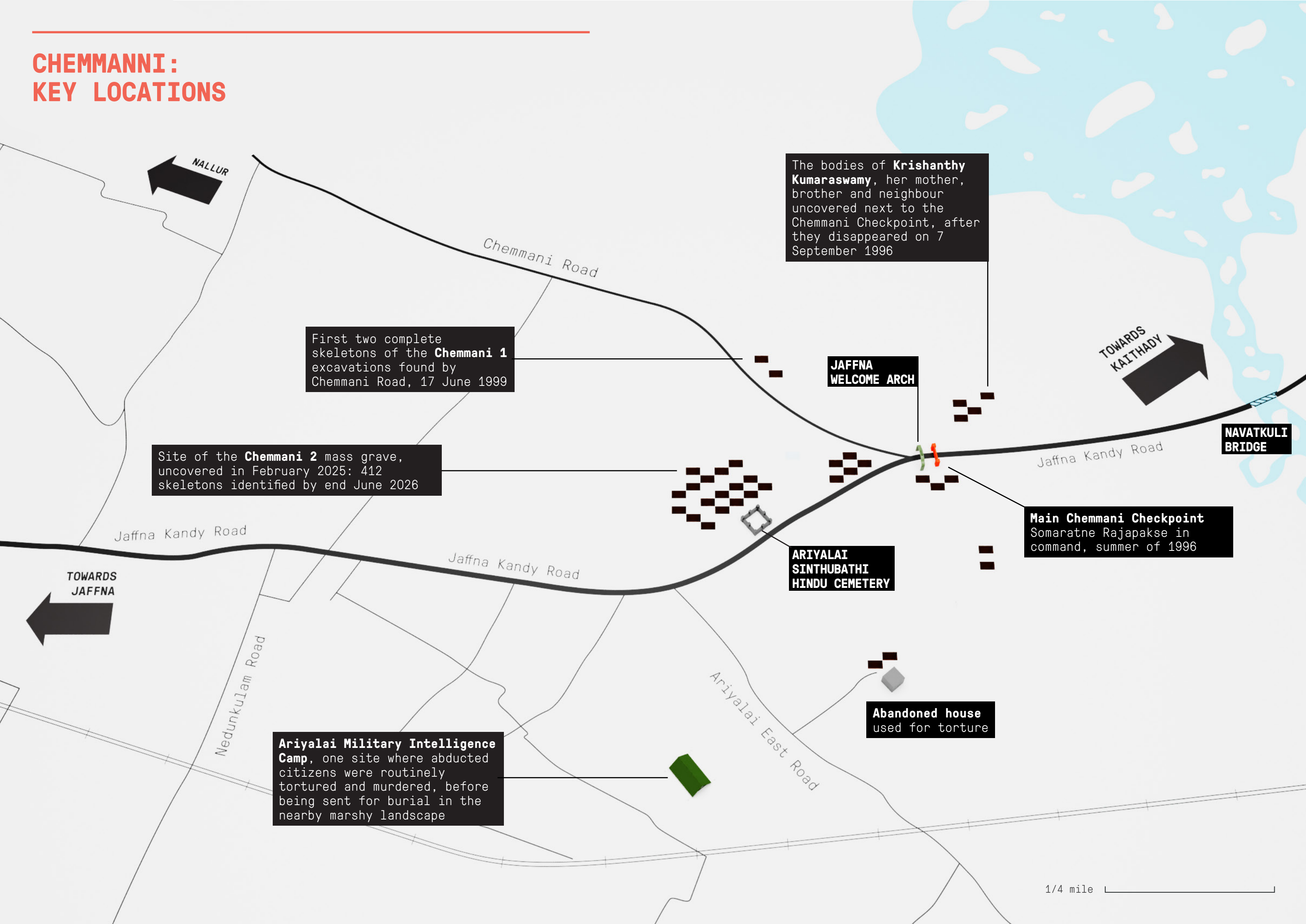
Below are just a few indicative accounts of abductions by the Sri Lankan Army from the summer of 1996. These were recorded in affidavits sworn in 2025 by families detailing the still-unresolved disappearances of their relatives from Jaffna and its surroundings. The victims were all taken away within a few short weeks of one another.

One affidavit concerns a 25-year-old Jaffna shop assistant, who, with a friend, was arrested off the road by the Army and has never been heard of since. Another young man who went missing, a 24-year-old tailor, was arrested by the Army at a junction in Jaffna, as witnessed by bystanders, and never heard of again. A young cashier, transporting groceries for his employer's business, and refusing to hand over these goods to soldiers at a checkpoint, was arrested and disappeared: afterwards, his

family made multiple efforts to locate him, but, simply, 'he could not be found'. A mother describes how her son, a student-teacher, was arrested and disappeared the day after a 'captain of the 512th Brigade, Lalithhewa' inspected their home. When she went to make enquiries at a local Army camp she was threatened with assault. Her husband subsequently visited many Army camps seeking information, but in vain. Yet another affidavit tells how a 19-year-old baker was working at midnight alongside four others when the military came in and 'beat everyone', then used a masked informant to identify any militants. When the young man was picked out, he was severely beaten 'and dragged away', leaving the other four workers as witnesses. His family asked for him at Pungankulam Army Camp east of Jaffna, and were themselves subject to 'harsh interrogation', before his bicycle and work clothes were returned to them. They kept going back, and military personnel 'kept telling us he

would be released after the investigation was concluded', but he never was, nor was he ever heard of again. Another teenager, a 19-year-old school student, was required to sign in daily at a camp of the 512 Brigade. Despite witnesses to his removal, when he disappeared at that camp the Army denied having taken him, and there has been no information since. A sister speaks of her younger brother, arrested by the Army aged 18 while on a business trip: also no information since. Another 18-year-old, a school student at a birthday party, 'was called and taken away by soldiers from the 512 Brigade', while a friend who came out with him was 'chased away'. For all the efforts of his family since then, thirty years later, 'no information about him has been found to this day'.⁵

CHEMMANNI:
KEY LOCATIONS



Site of the **Chemmani 2** mass grave, uncovered in February 2025: 412 skeletons identified by end June 2026

First two complete skeletons of the **Chemmani 1** excavations found by Chemmani Road, 17 June 1999

The bodies of **Krishanthi Kumaraswamy**, her mother, brother and neighbour uncovered next to the Chemmani Checkpoint, after they disappeared on 7 September 1996

JAFFNA WELCOME ARCH

ARIYALAI SINTHUBATHI HINDU CEMETERY

Main Chemmani Checkpoint
Somaratne Rajapakse in command, summer of 1996

Abandoned house
used for torture

Ariyalai Military Intelligence Camp, one site where abducted citizens were routinely tortured and murdered, before being sent for burial in the nearby marshy landscape

THE NAVATKULI ROUND-UP

During these weeks of mass disappearances in the Jaffna region, there is a date that stands out: 19 July 1996. The day before, some 80 miles away on the east coast, the LTTE had launched a crippling attack on the Mullaitivu Army Camp. They would go on to take down both battalions stationed there, with well over 1,000 SLA troops eventually listed as killed or missing in action.⁶ The people of the Jaffna region believed it was no coincidence on 18 July when the SLA threw up a vast cordon around at least seven villages in the ‘Kaithady Division’, land to the east of the Navatkuli Bridge.

According to multiple affidavits that were recorded in 2025 in a new drive for accountability, the next morning, the whole population of each village was made to gather by a public building. In one village, people were forced to assemble at the local church, surrounded by approximately 100 soldiers and their Army vehicles. Men and women were separated, and then made to pass slowly in lines in front of informants, the masked ‘Thalaiyatti’, who indicated, one by one, whether a person could be let go, or, with a nod, should be detained. Evidence exists to suggest that some of these informants were prisoners themselves, operating under threats of violence, and

effectively coerced into making random identifications. In fact, despite the masks, some parents later reported having recognised their own children acting as informants during SLA roundups, giving these as their own last sightings of disappeared sons.⁷

In an affidavit, the mother of a 22-year-old bicycle repair man describes how her son was first let free, but was then immediately recalled and kept with others inside the church, and was later loaded on to a truck, bound and blindfolded, and taken away.

In another village, the hundred families who lived there were made to gather at a local temple surrounded by some 300 troops. Again, the men and women were made to pass in separate lines before the nodding informants. Ultimately about 50 people were tied up, blindfolded, kept together in the temple, and then carted away. The family of a 21-year-old carpenter, one of those taken, describes how when the villagers, men and women, attempted to intervene, they were beaten back by soldiers with sticks and clubs. However, the families soon discovered that those singled out and arrested had been taken to Subramaniam rice mill, a storage facility near Navatkuli Junction. According to survivors, some 150 people were detained there, still blindfolded, still with their hands and feet tied. That night, detainee names

were called out, not all of them male, and people were questioned, leading to some releases. Screams could be heard as prisoners were beaten. The next day, family members tried to approach the mill but were kept at a distance, then forced to leave midafternoon because of a curfew at 5:00pm. One affidavit describes how, the day after that, a family walked all the way back again to Subramaniam Mill and stood there at a distance crying, while ‘The soldiers were focused on driving us away’.

The rice mill was near the Navatkuli Army Camp, where the Officer-in-Charge was Captain Duminda Keppetiwala. He would later state that as military Public Relations Officer, he had made himself ‘very much popular among the people’, sometimes giving out ‘Coca Cola and whatever thing I had’, and that, because his name was tricky: ‘I used to tell I am “Duminda”.’⁸ Consequently he was easy to identify. Certainly, his name appears repeatedly in affidavits concerning the aftermath of the Navatkuli cordon. Families of the detainees went to the Army camp, where, as they record, an officer called ‘Duminda’ told them their relatives would be released once the current investigation was concluded. According to many affidavits, a story ran rife that Duminda’s younger brother had died in the recent battle at Mullaitivu, and that ‘everyone had been

taken away in anger because of this’. Although many detainees were released after interrogation, on the third day, families were told that any still being held had been sent north to Palaly. Wherever they were, 24 never came back.

The families of the 24 searched all relevant ‘Army camps, police stations, prisons, and detention centres’. They again asked for information from Duminda, and from 51st Division Commander, Major General Janaka Perera.⁹ They petitioned the leader of the EPDP political party, Douglas Devananda, who took some of them to meet President Chandrika Kumaratunga, but to no avail. They also filed individual complaints and attempted legal measures, but as one relative later explained: ‘We were attending the case proceedings. But the military and the intelligence services threatened us many times, telling us not to come to the court and to withdraw the case.’ The sister of one of the disappeared, an eyewitness, was not allowed to testify due to the extent of the threats. Displacement and fear deterred many other families from attending the hearings they initiated, and often they discovered that, ‘all the documents related to the case were lost’.

According to Jaffna’s University Teachers for Human Rights (UTHR [J]), by the middle of 1997, any hope of finding what were by

now hundreds of disappeared in the region had ‘largely vanished’. But this was perhaps to underestimate the tenacity of families who pressed on with their searches as best they could.¹⁰

THE MURDER AND RAPE OF KRISHANTHY KUMARASWAMY

Among the upsurge of disappearances and killings in 1996, one case became, as it remains today, notorious. On 7 September, in the middle of the day, a few weeks after the Navatkuli roundup and the rice mill abductions, a bright, 18-year-old schoolgirl, Krishanthi Kumaraswamy, in her white school uniform and red tie, was heading home from Jaffna to Kaithady on her bicycle. That morning she had sat a Chemistry ‘A’ Level paper. Then she had paid her last respects to a schoolfriend killed the day before by an SLA truck. It was noon when she attempted to pass through the Chemmani Security Checkpoint west of the Navatkuli Bridge. The men on duty, soldiers and policemen, ordered her to stop, took her down into a bunker, tied her hands and taped her mouth shut, then waited to interrogate her about supposed LTTE activism. Either her capture, or their later loud questioning and her shouts for help, alerted Tamil neighbours and witnesses to her detention as they passed through the checkpoint, and word soon reached her family. At 3:00pm, Krishanthi’s 59-year-

old mother Rasamma, a teacher and a vice-principal of Muthu Coomarasamy School in Kaithady, and Krishanthi’s 16-year-old brother Pranavan, also a bright student, as well as Siddambaram Kirubamoorthi, aged 38, a family friend and neighbour, went to the checkpoint to find her. When they refused to be put off by the men on duty, they too were taken to a bunker and forcibly detained. That evening, sometime after 8:00pm, Krishanthi’s brother and neighbour were killed, one strangled with a length of wire, the other, after the wire broke, killed with blows to the head and chest. Next the men on the checkpoint took Krishanthi herself to a nearby salt flat. One of them afterwards described her as ‘filled with sorrow’, and recalled that she had ‘pleaded with her sixth rapist to let her rest for five minutes’. Later legal documents would refer to her having been ‘raped continuously’. When the men were done, they strangled Krishanthi and her mother. They stripped all four victims, bundled their clothes into a pit, and buried the naked bodies in shallow graves behind the checkpoint.

These four blatant disappearances led to immediate public unease, and inspired a petition demanding answers as to where the missing subjects were. Under Lt. Col. Kalinga

Gunaratne, a unit of the military police conducted a swift investigation that found none of the four had passed through the Chemmani checkpoint. However, further public agitation, and a question in parliament on 16 September, drove the arrest on 22 October of all security personnel who had been on duty at the checkpoint at the time of the disappearances. Despite being questioned separately, these suspects told substantially the same story and were independently able to point out the burial place of the victims. An exhumation revealed four decomposing bodies, as well as indicative remnants of their possessions.¹¹

One more 2025 affidavit dating to this period records the disappearance of a 35-year-old irrigation worker, a father, who had been among the witnesses to inform Krishanthy’s mother of her daughter’s abduction. He himself was subsequently arrested by the Army at a different checkpoint, a fact communicated to his family by a friend who had been with him at the time, who in turn would disappear himself. The military denied all of it. But the family, in their anxious searches, spotted their father’s motorcycle inside the nearest Army camp. When they approached with questions, soldiers ‘smashed it, threatened us at gunpoint, and chased us away with death threats’. Their

affidavit ends by saying that they continued to search for him everywhere, and thirty years later: ‘We are still searching.’

THE TRIAL OF SOMARATNE RAJAPAKSE AND OTHERS

The Krishanthy Kumaraswamy case first reached the High Court in Colombo in November 1997. Despite being accused of complicity by others among the defendants, two Tamil interpreters from the Chemmani checkpoint were allowed to turn Crown witness: Reserve Police Constable Punchi Appuhamilage Samarawickrama and Reserve Police Constable Abdul Hameed Nazar. This left nine men indicted. Of these, two, Probationary Privates Pathiranalage Nishantha and Dehigaspathiye Muthubanda, were eventually acquitted, while a third, Probationary Private Wijeananda Alwis, died in the course of the trial, possibly of meningitis, ‘amidst accusations of neglect by the prison authorities’.¹² A fourth man, Indrajith Kumar, successfully absconded the following March. He and Lance Corporal Somaratne Rajapakse, the senior officer on the Chemmani checkpoint, escaped together during a visit to the court lavatory, and only Rajapakse was successfully re-apprehended.¹³

Four men had been manning the checkpoint when Krishanthy tried to pass through. These were: Lance Corporal Somaratne Rajapakse,

Probationary Private JM Jayasinghe, Probationary Private ASP Perera, and Reserve Police Constable Pradeep Priyadarshana. The final suspect, Lance Corporal DM Jayatilake, had been positioned a short distance away on what constituted the Forward Defence Line of the nearby Ariyalai Military Intelligence Camp.

Sentencing took place on 3 July 1998. Three of the four men on the checkpoint were found guilty of having abducted Krishanthy. All five men were found guilty of raping and murdering her. Between them, the five were also found variously guilty of the further murders of her mother, brother and neighbour. Along with fines and fixed terms of rigorous imprisonment, all received the death sentence, though an effective moratorium on judicial executions in Sri Lanka, then and after, have made this functionally a sentence of life imprisonment. For murdering Krishanthy’s brother and neighbour, Indrajith Kumar was awarded the death penalty in absentia.¹⁴ He has never been caught.

To pass death sentences on six security personnel at this time seemed ‘unprecedented’. In summing up, the Judge presiding commented that the men had ‘attacked this young girl like a pack of savage animals’. Even so, as UTHR(J) later pointed out, their savagery was not an example

of instant, uncontrolled madness, but instead came after several hours of ill-concealed detention of the victims. The case implied perpetrators who were completely confident that the SLA would ‘turn a blind eye’. The actions of the men found guilty, in conjunction with the oversight of officers all the way up the chain of command, had broadcast to the world a form of ‘institutionalised depravity’.¹⁵

2. 1998: THE SCALE EMERGES

REVELATION OF A MASS GRAVE

Legal proceedings in the case had been initiated by Krishanthy’s sister, her only surviving sibling, aided by Tamil political figures, help from family abroad, and much press agitation.¹⁶ Commentators believed that in the face of unwelcome international attention President Chandrika Kumaratunga meant to use the Krishanthy case to demonstrate ‘the return of justice to Jaffna’. In turn, and although the unusual trial was welcomed, Human Rights organisations feared that focus on this one case was partly designed to distract observers from a prolific upsurge in the Jaffna region of rape, torture, murder and enforced disappearances by the Sri Lankan security forces. If so, Lance Corporal Somaratne Rajapakse, the ‘first accused’ in the Krishanthy case, balked at the part he was being expected to play.¹⁷ At the conclusion of the trial, after sentencing, when

offered a chance to address the court, he made the startling assertion that he, along with others, and under supervision, had helped to bury countless Tamil victims in the salt flats around the Chemmani checkpoint, perhaps as many as 400. He said that he could point out numerous illegal grave sites, and added, ‘almost every evening, dead bodies were brought there and the soldiers were asked to bury them’.¹⁸

VICTIM FAMILY ANGUISH

The impact of Rajapakse’s statement on Tamil families of the disappeared was immense and agonising. Within six weeks of the trial, organisers of a petition demanding a proper investigation of his claims had collected over 10,000 signatures.¹⁹ One father whose son had disappeared in August 1996 later articulated what must have been felt by many: ‘I would be shattered if the remains of my son were found buried at Chemmani, and I would be shattered if they

were not. The only way I can be happy is if my son returns to me alive.’²⁰ Any prospect of offering closure to victim families, no matter how terrible that closure might be, now depended on timely and thorough excavation of the Chemmani site, conducted according to international standards, and followed by rigorous scientific analysis of any findings. But as time elapsed, it became apparent that the Sri Lankan Government had no desire to facilitate such a process.

STATEMENTS BY THOSE CONVICTED IN THE KRISHANTHY CASE

Rajapakse and those convicted with him asked from prison to be able record voluntary statements giving further information about the crimes at Chemmani. These statements were recorded with the oversight of the Human Rights Commission (HRC).²¹

LANCE CORPORAL RAJAPAKSE DEWAGE SOMARATNE RAJAPAKSE:

On 20 July 1998, Somaratne Rajapakse gave a statement in Welikada Prison, Colombo. He said he was 29 years old. He had joined the SLA in 1990, and had deserted in 1992, but had soon surrendered again to the authorities and resumed his military career, now attached to the 7th Light Infantry. With the SLA takeover of the Jaffna Peninsula, he had been deployed as a ‘Civil Administration Officer’ working under Captain Lalith Hewa of Kopay Army Camp, ‘B’ Group. Rajapakse was stationed first at Kopay, north of Jaffna city, then, along with some 30 other soldiers, at the Thavalkada Junction Army Camp, and finally as the senior officer at the main Chemmani Security Checkpoint east of Jaffna.²²

As well as Captain Lalith Hewa, Rajapakse had worked with Lieutenant Tudugala and Lieutenant Saveendra Wijesiriwardena, under the command of Major Amal Karunasekara, who ran the

Intelligence Unit at Ariyalai Military Intelligence Camp. After a strategy outlined to them by the incoming commander of the 512 Brigade, Brigadier Gamini Jayasundara, their principal ‘intelligence’ task was that of hunting down supposed LTTE suspects, going house to house in and around Jaffna. While stationed at Thavalkada Junction, Rajapakse had been aware of ‘about 100 to 150’ detainees ‘assaulted and killed’ there. His statement gave details of the fate of three victims taken to ‘a building constructed near the sea’. He had, he said, witnessed one named employee of the Education Office, along with seven others, being held naked and then left ‘hanging by his feet’ while being assaulted by a Captain Jayawardena in the presence of Lt. Tudugala and Lieutenant Udayakumara. Subsequently, the victim had been stabbed in the chest, and Lt. Tudugala later told Rajapakse that Capt. Jayawardena had come in drunk and had killed the man by administering blows to his head with a club.

Rajapakse referred to two further victims as Parthipan and Suthakaran from the Ariyalai area, an eastern suburb of Jaffna. He had been required to bring them in. Parthipan was ‘hung up’, implicitly upside down, and questioned about a pistol ‘while being assaulted’ by Lt. Wijesiriwardena. Then an assailant filled a shopping bag with chilli powder and tied this over Parthipan’s head, after which he was assaulted further. Parthipan continued to protest that he had no answers and eventually died from blows to the head. Suthakaran was also killed by blows to the head. While they were tortured and killed, 15 more prisoners were there ‘waiting to be assaulted’.

Rajapakse’s statement explained that it was because he had ‘requested a change of duties’ that he came to be assigned to the main Chemmani Security Checkpoint, working there as the senior officer, with one 10-day break, from the start of August to the end of

September 1996. Capt. Lalith Hewa and Lt. Tudugala issued him with a list of about 25 people to be detained if they attempted to pass through. A masked LTTE informant from the Ariyalai area called ‘Kitchiya’ identified supposed suspects who were then interrogated, with Reserve Police Constables Samarawickrama and Nazar acting as interpreters.²³ As Rajapakse explained: ‘The suspects taken into custody at this Chemmani Check Point were either taken to the main Camp and killed, or killed at the Chemmani Check Point.’

Bodies brought to the checkpoint from elsewhere were sent either from a different checkpoint or were ‘sent by Major Karunasekera’ from Kopay Army Camp. Bodies were first ‘handed over to Captain Lalithhewa’, then usually, ‘it was Corporal Bandara of the 7th Infantry who brought dead bodies’, up to 50 at a time. ‘Those who were thus killed were buried in the area opposite the Chemmani Check Point. Such burials were done by me and the other officers working with me’, and numbered, ‘about 250 dead bodies’. Some corpses were ‘dumped’ in what had been LTTE bunkers. Others went into deep wells that were eventually filled with earth. Sometimes a victim’s bicycle was also buried.

In his 20 July statement, Rajapakse also gave specific details of the fate of a

married couple from the Ariyalai area, parents of a young child. The two interpreters, Samarawickrama and Nazar, masquerading as members of the LTTE, took the pair into custody and, with Rajapakse, brought them to the Chemmani checkpoint. Rajapakse then summoned Capt. Lalith Hewa and Lt. Tudugala, and the couple were taken out to the salt flats where the husband was killed. Rajapakse witnessed police interpreter Samarawickrama raping the wife. ‘Thereafter,’ Rajapakse stated, ‘Captain Lalithhewa dealt a blow with the mamoty on her head and killed her’, a mamoty being a large construction spade. The pair were buried near the checkpoint: ‘Their two bodies were put inside one grave and buried by me.’

On 22 July, two days after his first statement, Rajapakse listed incomplete details of the further arrests, leading to deaths and burials around Chemmani, of another 15 specified victims. He added that although ‘some’ dead bodies were buried clothed, the instruction from Capt. Lalith Hewa, generally observed, was that the bodies should be buried ‘without clothes’.²⁴

LANCE CORPORAL DISSANAYAKE MUDIYANSELAGE JAYATILAKE:

On the day Rajapakse recorded his second statement, Jayatilake, aged 28, and convicted alongside him, also provided a statement. It was Jayatilake who had

been positioned close to the Chemmani checkpoint on the Forward Defence Line of the Ariyalai Army Camp, under the command of Major Karunasekara. On top of his normal duties, Jayatilake found himself required to bury dead bodies ‘sent there by the 7th Light Infantry’. During his time in this posting, he believed these bodies to have numbered ‘about 300’. These were people arrested locally at night by intelligence officers, placed in ‘lockups in Ariyalai Camp’, then killed in a building in ‘Charlie Camp’ where ‘C’ Group was located.

Those actually perpetrating the killings, Jayatilake stated, ‘to my knowledge’, included Chief Officer Capt. Jayawardena, Capt. Lalith Hewa, Lt. Tudugala and Lt. Wijesiriwardena. Bodies were brought by tractor to the Chemmani checkpoint at night, after curfew, to be buried by torchlight. Capt. Lalith Hewa, Lt. Tudugala, ‘and 20 officers from the Intelligence Unit’ would come, Jayatilake said, while he and others were called from their posts to dig pits, burying the bodies either individually, ‘or in large pits several bodies together’. He recorded that, ‘On most occasions I could see injuries and scars all over such bodies’. They appeared to have been killed by assault or by shooting, and the dead included women. He noted that there were other, similar burial places elsewhere under the control

of Captain Bandara of Group ‘D’, and Captain Perera of Group ‘A’.

An hour after giving this information, Jayatilake recorded a second statement in which he protested his innocence in the Krishnanthy Kumaraswamy case, and declared: ‘Lieutenant Tudugala is the person responsible for the offence for which I have been convicted.’²⁵

PROBATIONARY PRIVATE AMBAGAWATTAGE SURANJITH PRIYASHANTHA PERERA:

On 22 July, ASP Perera, aged 23, stated that he had served with the 7th Light Infantry in various locations as a radio operator, and had worked closely with Lt. Tudugala and Lt. Udayakumara. Late in May of 1996 he was posted to the Chemmani checkpoint as both a radio operator and a night guard. There, Rajapakse was in charge. Capt. Lalith Hewa would show up on a motorbike, load people detained there into a truck, and take them away. Lt. Tudugala brought bodies back at night by tractor, and various intelligence officers also attended. Perera helped with digging out shallow graves. He and his fellows were ‘always’ asked to remove the clothing of the victims. After the bodies had been stripped, their clothes would be put in a separate pit and burnt. The dead seemed to be aged between 20 and 40. ‘On the bodies I could see

assault marks,’ he said. Some weeks, bodies were brought there every night.

Perera added that Lts. Tudugala and Udayakumara had explained to him that when, previously, the checkpoint had been manned by Group ‘A’ officers under Capt. Perera, those officers had thrown bodies into a deep well behind the checkpoint. This well had been capped with a metal plate and thinly covered over with earth, but Private Perera was ordered to heap more earth on top. In all he had buried, he thought, ‘about 40 or 50 bodies’. While in service, he said, he ‘had seen people being murdered’.²⁶

POLICE CONSTABLE GUNASEKARAGE PRADEEP PRIYADHARSHANA AND PROBATIONARY PRIVATE JAYASINGHE MUDIYASELAGE JAYASINGHE:

Priyadharshana, aged 23, and Jayasinghe, aged 24, both recorded statements on 31 July. The details they gave substantially mirrored what had been said by the other men, and they gave the names of the same superior officers. Jayasinghe said he had worked on the checkpoint for about a month, during which time he help to bury ‘50 or 60 LTTE-ers’; then he alone noted that Lt. Tudugala kept a book containing the names and identity numbers of all those taken into custody at the Chemmani checkpoint. Priyadharshana stated that he had been attached to the Kopay police station, from

where he had been posted to the Chemmani checkpoint for two or three months. He described how the people detained at the checkpoint were initially kept in bunkers, blindfolded and with their hands tied, and said he had helped to bury scores of bodies behind the checkpoint ‘in a sandy stretch’, these burials going unrecorded.²⁷

3. 1999: CHEMMANI 1 EXCAVATION

EARLY FEARS OF A COVER-UP AT CHEMMANI

With the Human Rights Commission (HRC) supervising officers back in the prison on 31 July 1998, Somaratne Rajapakse asked to record further particulars. He and his fellow detainees had so far refused to detail the exact locations of any burial sites, for fear that they would then be swiftly destroyed. But a cousin of his in the 7th Light Infantry had informed him that ‘an Army Chief’, later clarified as the ‘Military Officer in charge of the Ariyalai Camp’, was demanding to have the Chemmani burial locations identified by others, not as a prelude to an investigation, but because ‘the Government had asked that the bodies be removed’. Rajapakse believed that this removal process had already begun. Under subsequent questioning he pointed out that if he was correct then the Brigade Commanders of Jaffna, and of Kilinochchi, to where the 7th Light Infantry had now been

transferred, must necessarily be involved.²⁸

THE CONVICTED SOLDIERS AND THEIR FAMILIES THREATENED

On 22 July, ASP Perera had added to his statement about Chemmani that he had received threats from prison officials: ‘I live in fear of my life’.²⁹ Similarly, DM Jayatilake reported that members of his family had been threatened ‘by officers in civil dress’. He felt unsafe too, and ‘prison officers abuse me’.³⁰

From late July, Rajapakse, speaking for all five convicted men, attempted to request ‘steps to protect our lives’ and the lives of family members. In jail, he alleged ‘recently recruited’ prison officers in distinct uniforms were making threats. Rajapakse began to try to bargain. If he and his four fellows were returned to Chemmani to identify burial sites, they demanded that there should be international Human Rights observers present at all times, including in the vehicles with them as they travelled,

and supervising what they were given to eat and drink. He stated: ‘We reject protection by the Police and the Army’. They were willing to go to Jaffna just once, he said. On 1 August, Rajapakse pushed his demands further. In return for their own compliance in Chemmani, the five requested ‘that the Human Rights Commission must discuss (with the relevant authorities) and get us pardoned’.

On 20 August Rajapakse was attacked inside the prison. Four days later he was able to tell the HRC what had happened. A guard, Namal Bandara, had come at night and passed him a letter to sign, supposedly sent by an MP or minister, stating that his declarations about mass graves at his trial and in subsequent statements had been ‘a total lie’ arising from his mind being temporarily disordered. In return for his compliance, the death penalty would be dropped and his sentence reduced to 20 years, with release promised after seven. When Rajapakse refused either

to sign or to return the letter, Bandara assaulted him, soon joined by four other guards, who beat him until he lost consciousness. His subsequent demands for accountability and adequate medical treatment were ignored. Bandara told him afterwards that he would ‘not be allowed to go out of jail’ and that he would be killed.³¹

On the outside, an undated note sent to Rajapakse’s wife and signed ‘Some members of the Army’ warned that if her husband travelled back to Chemmani, his family ‘should get ready to pay a big price by sacrificing the lives’. Any such trip would cast ‘big stigma’ on the Sri Lankan Government and Army, and would be a ‘big booster’ for the LTTE. Similar threats were delivered in person to Rajapakse’s mother and siblings.³²

FEARS THAT A CHEMMANI EXCAVATION WAS BEING THWARTED

The attack on Rajapakse was reported in the press leading to intensified calls for excavation of the Chemmani

site to begin. Some feared that further intimidation might succeed in silencing him, a worry that can only have increased with publicity given to the death threats to his wife and children.³³ Others feared that Rajapakse would be killed before he had had a chance to locate the graves.

Although the five men convicted in the Krishanthi Kumaraswamy case would survive these threats, other concerns swiftly arose in the public mind. Though there were calls for the Government to secure presumed burial sites, there was an equal fear that such security measures might facilitate tampering, with the possible contamination of evidence, or its destruction. The story told to Rajapakse by his cousin of hasty exhumations by the Army was echoed in the press, with reports of families deeply worried by unexplained nighttime activity around Chemmani. And these fears only increased when local citizens reported smoke arising in the area and the smell of burning bodies.³⁴

International pressure continued with October demonstrations in Tamil Nadu in India that led to more than 2,000 arrests.³⁵ But although the Sri Lankan Government flagged that it was trying to solicit oversight by international authorities of its own local investigators,³⁶ who were widely understood to lack the necessary expertise and institutional independence for the task ahead, this was undermined by a failure to provide unfettered access and credible security guarantees to foreign personnel.³⁷ Nor did the Sri Lankan legal system grant foreign experts the legal standing to give evidence in trials, an impediment the Government made no effort to overturn.³⁸ Fears were raised in parliament that a mishandled investigation of what constituted a crime scene might bring with it irreversible destruction of vital evidence.³⁹ And with all this, some potential investigators were said to be backing out ‘due to

fear psychosis’.⁴⁰ In the days and weeks after the Krishanthi Kumaraswamy trial, accusations grew ever louder that the Government and the military were exploiting procedural loopholes to delay excavation at Chemmani until monsoon floodwaters could irreparably contaminate buried remains and associated forensic evidence.⁴¹ When the rains duly came, and with no obvious progress, fears only increased of a coverup by design.⁴² Government inaction began to look like a ‘damage limitation exercise’.⁴³

MARCH 1999: FIRST INVESTIGATIVE STEPS A ‘POLITICAL STUNT’

Early in 1999, onlookers found their doubts increasing. In February, military spokesman Brigadier Sunil Tennakoon declared that excavations would begin on 5 March, and that interested local and foreign parties might observe.⁴⁴ Tussles broke out between the Attorney General in Colombo and competing legal authorities in Jaffna.⁴⁵ In the event, the ‘excavation’ was dismissed by local newspaper Uthayan as a ‘political stunt’. Colombo overrode the local authorities and collected a few soil samples in a location said by commentators to be implausibly close to the trunk road through Chemmani, all without the guidance of prisoner Somaratne Rajapakse, who

was still strategically withholding the exact details of burial locations.⁴⁶ Some 70 families of the disappeared gathered to witness this first investigative step, and to protest against what they called ‘an eyewash drama’: an ineffective process designed merely to look good. Mrs Sriskaran, the wife of a teacher of accountancy, told a reporter that her husband had been taken from their home by soldiers in 1996 even though the man they sought was called ‘Sritharan’, and even though her husband’s identity card proved that this was not his name. He remained missing, she said, and their three-year-old son who had wept and clung on as his father was pulled away, was still ‘crying for his father to this day’.⁴⁷

These same families must have had mixed feelings when, in April, a group of 15 CID officers came to Jaffna for 10 days seeking to record statements by relatives of anyone suspected to be buried in Chemmani. Even those who felt able to speak were likely to have feared that this would lead to nothing: police investigative activity, such as it was, struck observers as being marked by highly counterproductive disorganisation.⁴⁸ Amid much uncertainty, including the refusal of the Chief Magistrate of Jaffna to

collaborate,⁴⁹ an additional magistrate sent by Colombo to Jaffna ordered that Rajapakse should be brought to Chemmani on 15 June, with digging to start the next day.⁵⁰

CHEMMANI 1: BRIEF EXCAVATIONS YIELD 15 FULL SKELETONS

Faced with a return to Chemmani, Rajapakse made new demands for independent protection, not least if he was to be temporarily lodged in a Jaffna jail. He also suggested that other, unconvicted SLA officers should be made to point out the burial places they knew. In May, a letter was sent from ‘responsible persons’ warning him that if he revealed the graves sites, his entire family would be murdered, and if he disclosed the warning itself, ‘you will also be murdered’.⁵¹

Despite these threats and demands, a pilot excavation began as scheduled on 16 June. Foreign observers included representatives of Amnesty International, Physicians for Human Rights, and The Asian Human Rights Commission, and the work was overseen by a second, replacement Jaffna Additional Magistrate, Manickavasagam Ilanchelian. After the false start with his predecessor, Ilanchelian’s oversight in Jaffna of the Chemmani investigation was destined to endure.⁵² Remains were found within two hours. Rajapakse was said by the press to know

STATE LEGAL DUTIES:

After the revelation of mass burials at Chemmani, Government actions came to be widely interpreted not as genuine efforts toward accountability, but as a calculated exercise in damage control, designed to contain the political fallout rather than to fulfil Sri Lanka’s obligations to victims under international law.

Death threats made against the accused and their family members in the Krishanthi Kumaraswamy case: this directly engaged Sri Lanka’s obligations under international human rights law to protect witnesses and whistle-blowers involved in the reporting of serious human rights violations, including under Articles 2 and 7 of the International Covenant on Civil and Political Rights (ICCPR).

Fears of contamination and deliberate destruction of evidence: any such tampering would be contrary to internationally recognised standards governing the preservation of mass-grave sites as protected crime scenes. Under international law, including the Minnesota

Protocol on the Investigation of Potentially Unlawful Death (2016), States are under a duty to secure suspected burial sites promptly, independently, and transparently, in a manner that safeguards forensic integrity rather than undermining it.

Suspected removal or burning of bodies: if substantiated, this too would constitute a grave violation of the State’s duty to preserve evidence of gross human rights violations, and might amount to obstruction of justice under international criminal law.

Delayed investigation: accusations grew that the Government and the military exploited legal and procedural loopholes to delay excavation until onset of the monsoon season, when the rains made progress impossible and floodwaters threatened irreparable contamination of buried remains and associated forensic evidence. Such delay tactics, if deliberate, would be incompatible with the obligation of good faith in the investigation of serious international crimes and could give rise to State responsibility for denial of the right to truth and justice.

Failure to offer free access and safety guarantees to foreign personnel: this was inconsistent with Sri Lanka’s obligation to ensure effective, impartial, and independent investigations into allegations of extrajudicial killings and enforced disappearances, as required by customary international law and treaty obligations. Failure to provide legal standing to foreign legal and forensic experts that would have allowed them to give evidence in domestic proceedings further undermined confidence in the Sri Lankan legal system.

of 18 grave sites, of which he thought he could locate ten and roughly indicate five. There were calls for the excavations to be ‘dramatically widened’.

The next day, under Rajapakse’s direction, and after a mandatory check for mines by an Army bomb-disposal squad,⁵³ excavators unearthed two whole human skeletons buried in their work clothes beside Chemmani Road, one with hands tied. Partly by their oil-stained garments, relatives were able to confirm the identity of the pair. They were Rasaiah Satheeskumar, 28, and Mahenthiran Uthaskaran, 23, mechanics who had been taken by the SLA from their garage workplace in Ariyalai on 19 August 1996 and never heard of since.⁵⁴

Following these proofs, in July, Additional Magistrate Ilanchelian attempted to recall Rajapakse, along with the four men convicted alongside him, to continue the investigation with a widened scope. Ilanchelian scheduled a new dig for September. Despite the Counsel for the Attorney General’s office trying to block this, on the grounds that Chemmani was a security area,⁵⁵ on 30 August, all five men were brought back to Jaffna. In court, Rajapakse revealed that police investigators who had questioned him about the Chemmani graves had refused

to record the names of SLA officers when he tried to provide to them.⁵⁶ In a single day, he pointed to the burial places of an estimated 40 to 50 victims, some of whom he identified by name.⁵⁷ His fellow convicts identified further burial sites, containing, they believed, scores more victims. One indicated grave, in the form of an ex-LTTE bunker, was said to contain some 50 bodies.⁵⁸

New field investigations were set to begin on 6 September. When the day came, Ilanchelian ‘severely reprimanded’ SLA top brass for attempting to interfere, and pushed on despite this. Not every site would yield results, though it is unclear whether this was because of faulty recall, or a wilful prior destruction of remains buried there. However, across several days, investigators did indeed unearth further skeletons in ones and twos, including one, bound and with its skull stove in, that was found nearby an abandoned house itself apparently rigged with ropes for the exercise of torture.⁵⁹ On 9 September, three skeletons were unearthed ‘about a hundred yards’ from the Chemmani checkpoint, identified by Rajapakse as belonging to a married Ariyalai couple and one other. He reported that he had seen the woman naked after she had been raped, and that under orders from a Lieutenant Dunuwila he had brought a mamoty, or spade,

with which Dunuwila ‘had beaten the woman and her husband to death’.⁶⁰ Irregular body positions alone, as each skeleton was unearthed, conclusively excluded legal or ritual burial.⁶¹

Altogether the Chemmani excavation of 1999 revealed 15 complete human skeletons from eight different burial sites. The victims were a young adolescent boy, one woman, and 13 men. Of these skeletons, 12, including that of the woman, showed signs of fatal injuries, predominantly blows to the head and chest that suggested the victim had been clubbed to death. The mechanics Rasaiah Satheeskumar and Mahenthiran Uthaskaran were later determined to have died, respectively, from a skull fracture resulting in traumatic brain injury, and from injury to brain and lungs consequent upon assault with a club.⁶² Several had their hands tied behind their backs, and several were found in blindfolds, strongly implying execution. Despite these shocking findings, and despite Rajapakse’s court statement declaring that the number of victims ran into the hundreds, after this dig, the wider Chemmani area was destined to lie unexamined for the next 25 years.⁶³

THE IMMEDIATE AFTERMATH OF CHEMMANI 1

On 25 October 1999, The Missing Persons Guardian Association (MPGA) of Jaffna threatened a hunger strike

if the Government failed to account for the whereabouts of arrested people missing in the northern peninsula.⁶⁴ A month later, on 30 November, the Secretary of the Ministry of Defence issued letters of regret to 355 families, declaring that it had proved impossible to trace their absent relatives, and implying that receipt of such a letter meant ‘case closed’. The MPGA responded with a furious denouncement of a supposed investigation that must have been ‘perfunctory, utterly inefficient and ridiculous’. Apart from anything, two of the regret letters had been sent to the families of the garage mechanics Rasaiah Satheeskumar and Mahenthiran Uthaskaran, recently exhumed and identified at Chemmani. Meanwhile other families who had previously received letters assuring them that their disappeared relatives were detained, either in prison or in SLA ‘rehabilitation camps’, but alive, now demanded to know, if that previous information had been true, exactly what had happened to them since. The continuing evasiveness and bad faith of official responses to these questions of the whereabouts and fate of the disappeared acted as a slow-motion assault on the desperate hopes of victim families. On 5 December, 250 parents and relatives did indeed protest with a hunger strike.⁶⁵

FURTHER CHEMMANI PROSECUTIONS STALL

Legal processes also began to lag. Despite court orders by Jaffna Additional Magistrate Ilanchelian demanding progress, not least in conclusively identifying the remains recently exhumed at Chemmani, representatives for the Government now instituted endless stalling and delays.⁶⁶ In October 1999, State Counsel Yasantha Kothagoda announced that interviews would begin of 20 SLA officers whom ‘key witnesses’ had named as being directly involved in the arrest, torture and murder of Tamil civilians in Jaffna.⁶⁷ In February 2000, Ilanchelian ordered that these SLA officers, and also various police who were also implicated, should be arrested, to be produced in court on 14 March.⁶⁸ When the day came, the CID produced just five suspects from this roll call: Capt. Lalith Hewa, Lts. Udayakumara and Wijesiriwardena, Capt. Shashika Perera, and PC Samarawickrama, the interpreter who had turned Crown witness for the Krishanthi trial. Samarawickrama’s fellow interpreter, PC Nazar, could not be located, and two others on the arrest list were said to have died.⁶⁹

By June 2000, the case had been transferred to Colombo: the detained SLA officers had argued in the Court of Appeal that they feared for their lives in Jaffna. State

Counsel Kothagoda applied for the case records to be transferred to Colombo as well. Then in July 2000, the five were bailed. A year after M. Ilanchelian had ordered action in the case, the Government had still not allocated funds towards sending skeletal remains from Chemmani for forensic analysis abroad.⁷⁰ More than a year after that, the Government’s own analyst had still not produced a report either.⁷¹ With no incentive for interested parties to comply, it began to seem that the Chemmani investigation was likely to be indefinitely ‘pending’, though in Colombo, ineffective court procedures would in fact be performed until at least 2010.

4. 2003: FAMILIES GO ON RECORD

COMMITTEE ON DISAPPEARANCES: REPORT OF 2003

In 2002, a ceasefire agreement between the Sri Lankan Government and the LTTE established a shaky new status quo, and victim families were offered an opportunity to speak out. With the support of the Human Rights Commission (HRC), a ‘Committee on Disappearances in the Jaffna Region’ took evidence for a lengthy report. The Committee’s mandate was simply to enquire into complaints regarding removals or disappearances. It aimed to discover whether an absence was involuntary; to uncover the missing person’s present condition or whereabouts; and to pursue evidence for who might be responsible for an alleged disappearance. It also considered any relief to be offered, especially for those ‘in severely distressed circumstances’.

When the Committee published its report in 2003, many of its questions remained unanswered. And some families

were said to have been too fearful or broken-hearted to come forwards. Nevertheless, willing relatives of a large number of Jaffna’s disappeared did give names and details. Among those named were over 200 victims from 1996-1997, many of them plausibly linked by time, location and modus operandi to the illegal Chemmani burials.⁷²

Voices of the families

Some of the Report’s accounts of these disappearances were starkly brief. For example: ‘The victim was a cultivator and was taken away by the Army at Chemmani Check Point on his way to Jaffna by bus with his mother on 29th July 1996. Inquiries were made but there is no news of him’ (no. 177); or: ‘There is evidence that the victim was a brilliant student and was taken in by the Army from close to his home on 15.08.96. No news of him thereafter’ (no. 200). Others had a little more detail. One concerned a victim who ‘wore much gold jewellery’ (no. 62). She was trapped in the

Navatkuli cordon on 19 July 1996, but ‘was not identified by the masked men’. However, ‘later she was arrested by the Lt. Col. Duminda Keppetiwala’, then Officer-in-Charge of Navatkuli Army Camp, perhaps on account of her jewellery. Despite all attempts to find her, ‘she could not be found’, then or after.

The wife who in 1999 had spoken out about the 1996 arrest and disappearance of her husband Mr Sriskaran, even though the man sought was called ‘Sritharan’, also gave evidence to the Committee. Her testimony (no. 55), matching that of others, must have contributed to provoking the reflection elsewhere in the Report that it was, ‘indicative of callous disregard for human life’ that some victims were evidently arrested simply because they, ‘stood in the way or were readily available substitutes for the person targeted but who could not be found’.⁷³ There were also multiple instances of people arrested seemingly for the

fault of having been witness to the arrest of someone else (e.g. no. 20). A further repeated basis for arrests was the fact of a victim carrying scars, often medical or arising from an accident, but leading to a ready accusation of membership of the LTTE (e.g. no. 30). Material losses indicated a ‘practice of appropriating the personal possessions with the victims at the time of arrest’, often jewellery of value, or vehicles used by the victims, anything from bicycles to tractors. In addition to every other harm, as detainees were mostly young men, ‘frequently it was the disappeared who had been the mainstay of the family economy’.⁷⁴

As well as its record of hundreds of disappeared, the Report’s authors made observations on those family members who were willing to testify. They said a ‘large majority’ seemed ‘not only depressed but also in need of social and economic rehabilitation’. In fact ‘many’ appeared to be in

‘dire poverty’. At other points, a note said that, six or seven years later, ‘The victim’s father is mentally affected now’ (no. 81), or, ‘Victim’s mother has been mentally upset since then’ (no. 106). Yet further notes gestured to family members who had themselves died since a disappearance, never to receive any answers. Evidence given regarding Rasaiah Satheeskumar, one of the two mechanics whose remains had been identified after Chemmani 1, ended with displacement: ‘His family had left for India after the horrible incident’ (no. 97).

Army Responses

Duminda Keppetiwala, a Captain in 1996, now promoted to Lieutenant Colonel, was a rarity in appearing before the Committee. Other military figures whose names had arisen in the mass of family testimony were said by the Army to be untraceable or dead. At the same time, Duminda stuck to military convention by giving evidence full of dissembling and

evasion. On 10 February 2003, he provided the Committee with an array of contradictory reasons for why he bore no guilt for any Jaffna disappearances, despite having been mentioned repeatedly by victim families. He suggested that his immediate superior during the summer of 1996, Colonel Pradeep Jaysooriya, was responsible if there had been any wrongdoing, which Duminda failed to admit there had, but at any rate: ‘For somebody else’s fault, I am not there to allow myself to be penalised.’ He said cordons such as the relevant Navatkuli cordon had covered enormous areas, requiring multiple battalions to enforce, so who could assign specific responsibility for anything anyway? He also asserted that the Army ‘never arrests’, except when it did arrest using intelligence officers; but regardless, all suspects detained by the Army had at once been handed over to the police, meaning the SLA bore no responsibility for the subsequent fate of disappeared detainees. He

said that being a military Public Relations Officer at the time, he had been well known, and well liked too, and that his popularity as ‘Duminda’ had led to people identifying him wrongly as being present at any contentious event, when in truth: ‘I am having a clean sheet in the Army’. As for any records that might support his claims, ‘Off hand I did not have anything’.

General Lohan Gunawardena, speaking to the Committee in his role as the current (2003) Chief of Staff of the Army, asserted more specifically, using a standard excuse, that all military arrest records dating from before 1997 had been destroyed during attacks on SLA camps by Tamil militants. Another figure, Lieutenant General Lionel Balagalle, current (2003) Commander of the Army, responded to the Committee by letter. He reported that steps had been taken to trace 35 implicated military personnel sought by the Committee, but explained, with demonstrable untruth (not least given that the Committee had themselves traced Duminda) that in all cases these steps had failed because ‘the details furnished is insufficient, and also because names of individuals provided are incomplete/nicknames’. Nor could information on various military camps be given, he wrote, ‘due to its temporary nature in having

to shift camps periodically in response to existing situations’. Balagalle too referred to the destruction of documents and records in LTTE attacks, though he sought to assure the Committee of his ‘highest consideration’.⁷⁵ Unmentioned here was the fact that, as a Major General, Balagalle had succeeded Janaka Perera to the position of Commander of the 51st Division in Jaffna on 24 December 1996,⁷⁶ heading the very brigades whose ranks were accused of the 1996–1997 disappearances in the Jaffna region.

STATE LEGAL DUTIES:

The 2003 report of the Committee on Disappearances in the Jaffna Region was produced in partial fulfilment of Sri Lanka’s obligations under international human rights law to investigate enforced disappearances and provide victims with access to truth, despite a context marked by pervasive fear, intimidation, and the absence of effective judicial remedies. International jurisprudence recognises the severe and continuing psychological suffering inflicted on families of the disappeared, which itself constitutes a violation of the prohibition of cruel, inhuman or degrading treatment.

The 325 brief testimonies recorded in the 2003 report: these engage Sri Lanka’s continuing obligations under customary international law and treaty law, including the International Covenant on Civil and Political Rights (ICCPR), to account for the fate and whereabouts of the disappeared. The structural denial of information by state authorities is a characteristic of

enforced disappearance under international law. Such accounts meet the constitutive elements of enforced disappearance, involving deprivation of liberty by state agents, followed by a refusal to acknowledge the fate or whereabouts of the victim.

Identification of named commanding officers: this directly engages principles of command responsibility under international criminal law, as well as obligations to investigate and prosecute superior responsibility for enforced disappearance.

Arbitrary and opportunistic arrests: the arrest of witnesses constitutes a grave violation of the prohibition on arbitrary detention under international human rights law, and underscores the systematic nature of the violations and the deliberate silencing of potential witnesses. Arrests linked to physical scars constitute a form of profiling and collective punishment that is prohibited under international humanitarian and human rights law.

Forced displacement of victim families: this final rupture reflects the cumulative impact of enforced disappearance, encompassing loss of life, denial of truth,

economic devastation, and psychological trauma, harms which international law requires States not only to acknowledge, but to remedy through truth, justice, reparations, and guarantees of non-recurrence.

LOCATIONS OF KEY
ARMY CAMPS



2003–2005 APPLICATIONS FOR WRITS OF HABEAS CORPUS

Despite all the obstacles faced by victim families, starting in 2003, many in the Jaffna region made applications for Writs of Habeas Corpus. A habeas corpus application is an attempt to persuade a court to demand that someone in detention must be bodily produced. The court can then decide if their detention is legal. A standard clause in this set of applications stated that, ‘although almost seven years have elapsed since the arrest and detention of the Corpus, up to now the Corpus has neither been charged nor brought before any court of law’. Another stated that after all this time, ‘I believe the life of the Corpus may be in danger’. In truth, everyone mentioned in these applications was a candidate for burial at Chemmani. Excavation of the mass graves there had barely begun in 1999 when investigations ceased, yet Chemmani’s salt flats were suspected to hold up to 600 victims.

A 2010 study of the use of habeas corpus legislation in this period in Sri Lanka identified an ‘overwhelming trend’ of applications being dismissed. The study concluded that, ‘as a remedy’, habeas corpus in Sri Lanka had ‘failed’.⁷⁷ But an application was still a potential lever for

publicity. Paramanathan Selvarajah, President of the Missing Persons’ Guardian Association (MPGA) of Jaffna, made an application in 1998 concerning the disappearance of his son Prabhakaran, who had permanently vanished at the Chemmani Junction on 31 July 1996. The MPGA said at the time that it hoped the application might, ‘eventually compel the authorities to examine the area in Chemmani where it is alleged that many civilians killed by the SLA are buried in a mass grave’.⁷⁸

Habeas corpus applications also gave families another way to put information on record. Each one contained a brief statement describing an unexplained disappearance from 1996. The applications also listed a set of ‘respondents’: those held responsible for taking the disappeared person into custody, and cited in a chain of command.

Some of the first or second ‘respondent’ names in this set were well known. They included Somaratne Rajapakse, convicted of the rape and murder of Krishanthi Kumarasamy; Captain Lalith Hewa,⁷⁹ his immediate superior at the time; and Duminda Keppetiwala, said to have presided over multiple disappearances from Navatkuli Army Camp on or after 19 July 1996. Also featured in some applications was Brigadier Gamini Bandara Wijeratne

Jayasundara of 512 Brigade Headquarters, Gnanam’s Hotel, Jaffna. Given that it was standard in 1996 for SLA soldiers to tell families their missing relatives had been sent to ‘Palaly Army Camp’,⁸⁰ a further, unidentified figure appearing up the chain of command in all the lists of respondents was: ‘The Commandant, Army Camp, Palaly’. Next appeared Lieutenant General Lionel Balagalle, listed in his current (2003/ 2004) role as Army Commander, Army HQ, Colombo; after Balagalle in each list sat the current Attorney General.

HABEAS CORPUS APPLICATIONS NAMING LANCE CORPORAL SOMARATNE RAJAPAKSE AND CAPTAIN LALITH HEWA

* On 14 June 1996, a 57-year-old planning officer was travelling with his sister-in-law past the Pungankulam Army Camp in Chemmani’s Ariyalai area, when Somaratne Rajapakse arrested him in front of Captain Lalith Hewa. Rajapakse afterwards came to the house and inked out the detainee’s name on an identity card previously issued by the military. No more was heard of the victim.

* On 28 June, the father of a 21-year-old recorded that Rajapakse confiscated his son’s identity card at a checkpoint and ordered him to return for it the next day. His son went to an Ariyalai Army camp, where he

disappeared. Rajapakse denied all knowledge of the case.

* The wife of a 47-year-old labourer who was the sole breadwinner for his family, heard from witnesses on 10 July that her husband, out shopping, was arrested and taken to an Ariyalai Army camp under the command of Capt. Lalith Hewa. That was the last she knew.

* The father of a 32-year-old clerk recorded that Rajapakse and others arrested his son at a checkpoint on 15 July as he passed through on his lunch break. The next day, the father caught sight of his son at Pungankulam Army Camp. That was his last contact.

* On 19 July 1996, a 21-year-old worker with the Department of Commerce, his family’s sole breadwinner, went to work and never came home. Witnesses saw Rajapakse arrest him at a road junction. No more was heard of him.

* On 24 July, a 19-year-old volunteer with the Red Cross was on her way to work when Army officers presumed to be under the command of Captain Lalith Hewa arrested her. She vanished, never to be heard of again.

* On 19 August, Rajapakse and others at a checkpoint arrested a 23-year-old worker with the Department of Commerce when he was

returning from work, as witnessed by a relative. Nothing further was ever heard of him.

* On 20 August, Army officers at a checkpoint, including Rajapakse, arrested a 31-year-old driver, sole breadwinner for his family and father of five, as witnessed by a relative. No word has been heard of him since.

HABEAS CORPUS APPLICATIONS NAMING CAPTAIN DUMINDA KEPPETIWALANA

* 19 applications linked Duminda to arrests during the Navatkuli cordon of 19 July 1996. Those disappeared included a 26-year-old fisherman and father of three. Immediately after his detention, his wife was refused permission to see him at Navatkuli Army Camp, under Duminda’s command, and she was soon told that he had been sent to Palaly Army Camp in the North, never to be heard of again. Others who disappeared alongside him were a 24-year-old driver; a 21-year-old print worker; a 23-year-old unmarried man, sole breadwinner in his family; a 31-year-old sole breadwinner and father of one; a 22-year-old son; a 21-year-old son; a 19-year-old school student; a 32-year-old carpenter and married father of one; a 32-year-old carpenter; a 22-year-old fisherman; a 31-year-old driver and sole

breadwinner in his family; a 22-year-old farmer; a 42-year-old electrician; and a 32-year-old fisherman and father of four. The mother who had earlier told the Committee on Disappearances that her 19-year-old daughter was abducted by Duminda perhaps for her jewellery, also registered a habeas corpus application, saying Duminda told her that her daughter ‘would be released after investigations’: in fact, she was never seen again. The wife of a 32-year-old fisherman who was the sole breadwinner for his family said Duminda had told her he would shoot anyone following a truck filled with detainees going to Navatkuli Army Camp. The father of a disappeared 21-year-old fisherman said that when villagers nevertheless went there to seek their relatives, Duminda ‘threatened to shoot all of us if we come again to the camp’. The father of a 21-year-old carpenter said officers at Navatkuli Army Camp told him if his son was a member of the LTTE ‘he would be killed’.

Three further applications mentioning Duminda concerned subsequent ‘cordon and search’ operations in 1996:

* On 4 August, Duminda and other Army officers arrested and removed a 35-year-old fisherman and father of three. His wife subsequently saw her husband blindfolded, inside Navatkuli Army Camp, and

saw his motorcycle outside it. The two of them were not allowed to speak. She was chased away and never saw him again.

* In the same 4 August operation, another fisherman, aged 20, was arrested in the same way and disappeared.

* Duminda was also listed as ‘3rd respondent’ in the case of the disappearance of a 25-year-old labourer on 10 December 1996 in yet another roundup. His wife described how her husband was eventually taken to Navatkuli Army Camp and vanished from there.

HABEAS CORPUS APPLICATIONS NAMING THE OFFICER IN CHARGE OF CHINNAKADAI ARMY CAMP, AND CAPTAIN THISSANAYAKA BANDARA, OFFICER IN CHARGE OF PASSIYOOR ARMY CAMP

* On 14 July 1996, a 27-year-old labourer and sole breadwinner for his family was arrested at home, during curfew hours, by policemen and soldiers from Chinnakadai Army Camp, two of whom locals knew by their first names from playing football. At the nearest checkpoint, soldiers chased his wife away with a knife. When she sought her husband at Chinnakadai camp, officers denied the arrest.

* On 20 July, a 32-year-old postal worker, sole breadwinner of his family, was arrested at the Chinnakadai Army Camp

checkpoint as he returned to work after lunch. The family priest made enquiries at the camp and was told the detainee would be released after questioning. But there was no release.

* On 20 July, late at night, ten officers from Chinnakadai camp including a Captain Bandara arrested a 25-year-old baker. When his parents asked for him at the camp they were told he would be released after questioning. That was the last they ever heard.

* On 1 August, an officer of the Chinnakadai camp arrested a 24-year-old fisherman in front of his neighbour. When his sister-in-law asked for him at the camp, she was made to surrender his identity card, which the soldiers refused to return to her. Nor could her husband or their family priest elicit any answers, then or after.

* On 1 August, officers attached to the Chinnakadai camp arrested a 25-year-old fisherman, after which his father sought him in vain.

* On 27 August, a 21-year-old fisherman was caught up in a cordon and search operation by soldiers of the Chinnakadai Army Camp and arrested. Soldiers at the camp sent his wife to 512 Brigade HQ at Gnanam’s Hotel in Jaffna. Soldiers there sent her back again. She received no answers anywhere, and all her efforts since to find her husband had ‘not been successful’.

* On 14 July 1996, soldiers of the Passaiyoor Army Camp, including Captain Bandara, arrested a 27-year-old tailor at his home in the night. They told his father to report to an Army camp the next day that seemed not to exist. On 11 November 1999, the family received one of the ‘letters of regret’ from the Secretary of the Ministry of Defence, RK Chandrananda De Silva, informing them that authorities were ‘not in a position to trace’ the missing young man.

* On 21 July, in the night, soldiers of the Passaiyoor Army Camp including Captain Bandara arrested a 34-year-old cameraman at home. The cameraman’s wife was ‘never allowed to see him’ again.

SUBSEQUENT LEGAL COMPLEXITIES AND EVASIONS

In February 2004, Sri Lanka’s Supreme Court dismissed an appeal by the five convicted soldiers in the Krishanthi Kumarasamy case against their death sentences. The men presented several objections and claimed that their confessions should be ruled inadmissible, but their arguments were deemed insufficient, and their guilt remained legally proven beyond all doubt.⁸¹

Four months later, Somaratne Rajapakse appealed to the High Court in Jaffna to be cited as a witness rather than a respondent when it considered over 40 habeas corpus applications ‘pending for inquiry’, including some in which he was listed as ‘1st Respondent’. He offered to point out more yet burial sites in Chemmani, and to name the officers responsible for what he called the ‘killings’ in the designated habeas corpus cases.⁸²

The Jaffna court system had started to consider this set of habeas corpus applications in October 2003.⁸³ However, in all cases other than Rajapakse’s, the process was frustrated by the repeated non-appearance of the ‘respondents’ when summoned, across months, including Duminda Keppetiwala.⁸⁴ By July of 2004, some of the legal representatives of the superior officers were also

declining to appear, on the grounds that they had not been properly briefed.⁸⁵ The courts resorted to holding preliminary hearings in the absence of the respondents, and ironically it was the petitioners who found themselves being challenged.⁸⁶

One habeas corpus application is given here as an example. A pair of letters disputed the application of a father whose 21-year-old son, the driver of a three-wheeler, ‘never involved in illegal, criminal or subversive activities’, had been caught in a cordon and search operation in August 1996 by officers attached to 512 Brigade HQ at Gnanam’s Hotel in central Jaffna. After arrest, the victim had been moved from Jaffna to Palaly Army Camp, and since then there had been no communication. A letter sworn in December 2004 by the ‘1st respondent’, in this case, Brigadier Jayasundara of 512 Brigade HQ, (but by 2004 promoted to Major General), asked that the father’s ‘application be dismissed’. Jayasundara’s letter simply denies the truth of anything relevant averred in the habeas corpus application, and argues that its untruth makes the application void. Further, it states that, ‘according to the records available’, no such person as the three-wheeler driver was ever arrested. It also adds ‘respectfully’ that, regarding the ‘2nd

respondent’ listed: ‘there is no designation as “The Commandant”, Army Camp “Palaly”’. Quibbling over the accuracy of ranks or names was a well-worn legal tactic of the SLA. In fact, Palaly, then as now, was the location of a major military hub, more usually called the ‘Palaly Cantonment’. If this hair-splitting served to invalidate any habeas corpus application, then all were set to fail, as the designation ‘Army Camp Palaly’ was the only information applicants had been given. A second sworn statement, by Lieutenant General Kottegoda, Commander of the Army, agreed fully with the various objections provided in the first.⁸⁷

As a ‘respondent’, Somaratne Rajapakse had been told by the courts to file his own objections by the start of January 2005. He was forced to do this without the help of a lawyer, as none would agree to represent him. Because of this, on 5 January 2005, Judge Mr. K.P.S. Varatharajah was forced to ‘put off the inquiry’ until an unknown ‘later date’. The other habeas corpus cases in this group were also slowly suspended.⁸⁸

5. 2006: DISAPPEARANCES RESUME

In January 2006, the Asian Human Rights Commission (AHRC), whose representatives had observed the Chemmani 1 excavations in 1999, issued a press release on the current status of the Chemmani investigation. It noted a CID statement given to the courts saying that with ‘no instructions forthcoming from the Attorney General’s department’, police work had stalled. There was no public explanation for this, but the AHRC took the view that ‘responsibility for the lack of progress in the last six years lies solely with the Attorney General’.⁸⁹

In the immediate aftermath of the Krishanthi Kumarasamy case, Amnesty International had formed the impression that steps taken by Government against her attackers had served to ‘curb’ disappearances in the Jaffna region.⁹⁰ But civil war in Sri Lanka was intensifying again. In October 2006, the media reported on ‘alarming escalations in the disappearances near Chemmani’

which had ‘raised the spectre of the infamous Chemmani mass graves’,⁹¹ a fear that victims were again being illegally buried in the Chemmani salt flats. On 6 December, the Government reintroduced its Prevention of Terrorism Act, previously suspended with the ceasefire in 2002. Once again, the SLA had powers to arrest, imprison and torture those it suspected of terrorism, and to use any confession obtained under torture against the suspect.⁹²

DISAPPEARANCES, JAFFNA REGION 2006–2008

Some of the Chemmani affidavits collected in 2025 relate to disappearances in the Jaffna region between 2006 and 2008, and reflect an intensification of the Sri Lankan civil war before its end in May 2009.⁹³ The losses described by surviving family members range in time from January 2006, with an account of a vegetable farmer aged 20 who set off on a short bus ride and was never heard of again; to June 2008, when a young jeweller, who had

spent days at home for fear of being picked up by the SLA, finally went out on his bicycle saying he would be back ‘in a little while’, and, again, simply never returned.

Other accounts in the affidavits are equally abrupt: a 26-year-old carpenter, arrested when travelling to work one day in November 2006, never heard of again; a 20-year-old mason who went out to buy milk in March 2007, trapped in a military roundup, never heard of again; a 20-year-old day labourer, the father of a baby son just 38 days old, taken away for questioning in October 2007 by two men on a motorbike, who said they would return him afterwards, never heard of again; and a 32-year-old fisherman arrested on his way to the sea in March 2008, never heard of again.

Some accounts in these affidavits, though no less desperately abrupt for the victim families, are more detailed. One wife, searching

for her husband, a 29-year-old driver, who was picked up in November 2006, went to the Army camp by the junction where he had last been seen, and after a long wait, was sent away again with denials that he had ever been there. The next day, when she went back again, she encountered the father of another young man who had gone missing at the same time. He offered to fetch her something to drink but soon came back crying. He had just heard that his son had been shot dead and left at a nearby playground, naked. ‘We later learned that he had been severely tortured, with his neck broken, his back burned with an iron box, and his body covered in bruises.’ As for her own husband, the father of her two children, this young wife could only say: ‘We are still searching.’

In another case, in December 2006, the mother of a 25-year-old van driver was in hospital in Jaffna when SLA soldiers, their faces wrapped in black cloth, came to her house and took her son. After beating him they ‘stuffed a cloth in his mouth, and tied his eyes, hands and legs, before dragging him away’. Other family members tried to intervene, but were beaten by soldiers; her nephew to the point that he was unconscious. Remarkably, 158 days later, the mother of the missing son was waiting at a junction to catch a bus when she heard someone whistle,

and saw him trapped amid SLA soldiers in a passing truck in a military convoy. ‘As soon as I saw him, I started screaming and crying. The truck passed me and went away.’ No word of him since.

Many families of the disappeared in these documents describe the initial, anguishing searches they undertook in the days and weeks after an involuntary detention, going from one military camp to another, desperately seeking information, and being endlessly sent away. But some were too scared even to try. Late in 2006, for example, a 25-year-old Jaffna bus conductor and father of two, on learning that the Army was searching for him, attempted to hide among his relatives away from home. The last family member to see him would be his sister. After he left her house in the night and headed for the seashore, she heard gunshots. That was it. His young wife, living with their children in a large joint household, filed no complaints for fear of drawing the attention of the military to her surviving family: ‘they might do something to us’. Also, she said, ‘I believed he would come back’.

2007: ACTION AGAINST HABEAS CORPUS ‘RESPONDENTS’ AGAIN INDEFINITELY POSTPONED

In April 2007, the Jaffna High Court ordered the Jaffna

Magistrates Court to resume the Chemmani inquiry, and once more pursue the drifting habeas corpus cases. This prompted the SLA to file two petitions in Sri Lanka’s Court of Appeal requesting that all these legal matters should be transferred away from Jaffna down to a court in the South, on the basis that hearings in Jaffna ‘would endanger the lives of Army personnel and State counsel appearing for them’. Accused SLA officers filed nineteen similar, individual petitions for transfer of their cases.

Once more, this was a standard tactic. Lawyers for the victim families noted that if these cases were moved from Jaffna, Tamil applicants and witnesses would themselves hardly be able to travel to the South ‘under the prevalent restrictions’, and would face impossible hurdles if they wished to try, ‘due to cost and threats of violence’. On 26 April, when the named SLA officers were called to appear in the Jaffna court, not one of them appeared, ‘causing indefinite postponements of the cases’.⁹⁴

2010: NO ACTION IN THE CASE AGAINST LALITH HEWA AND FOUR OTHERS

On 21 July 1998, three weeks after Somaratne Rajapakse’s courtroom revelations, the Inspector General of Police brought a complaint ‘regarding kidnapping persons

secretly and killing and burying them’ that led to the arrest in February 2000 of five new suspects. These five were from a list of 20 military and police officers named by Rajapakse and the soldiers convicted alongside him. They were: Capt. Lalith Hewa, Lts. Udayakumara and Wijesiriwardena, Capt. Shashika Perera, and PC Samarawickrama. In October 2025 extremely restricted paperwork on their court appearances came to light.

The record shows that they were arrested in 2000, then rapidly had their case moved to Colombo, where they were bailed. Up until 2009 the five men intermittently presented themselves at the Chief Magistrates Court of Colombo. Then in 2009 Wijesiriwardana, Lalith Hewa and Perera were all granted permission to go to India for 3 months of military training as Junior Commanders, at which point the court appearances ceased.⁹⁵

As late as March 2010, the CID informed the court that the Murder Investigation Unit was still awaiting advice from the Attorney General in response to a report it had filed back on 18 October 2001, ‘investigations having been completed with regard to this incident’. Another fifteen years later, the Attorney General’s Department is still supposedly considering whether to file a case against these suspects. Meanwhile, the four soldiers continued their

careers with impunity and were all promoted (for more detail, see Annexe 1 and 2, below).⁹⁶

2016: AN ‘OFFICE ON MISSING PERSONS’

In 2016, the Sri Lankan Government established an Office on Missing Persons (OMP), mandated to investigate cases of enforced disappearance. But in practice the OMP’s focus has been the distribution of government funding, and its protocols have remained extremely unclear. In order to receive financial support up to 250,000 rupees (roughly 800 USD) family members of the disappeared are required to provide the OMP with a ‘certificate of absence’. But families fear that by accepting a payout, they will trigger the closing of any official file on their case, blocking future avenues to discovering the fate of their disappeared relatives. According to the International Commission of Jurists in 2025, the OMP ‘has long suffered from politicization, limited independence, and a lack of public trust’.⁹⁷

STALLED FORENSIC INVESTIGATIONS FROM CHEMMANI 1

Various samples from the remains unearthed during Chemmani 1 were sent abroad for bone analysis, but given that in time the case was relegated to the status of being suspended, these remains have never been

returned. And despite several identifications of Chemmani 1 skeletons based on scraps of clothing, no remains have yet been returned to any victim families, denying them the possibility of traditional rituals and burials.

ASSASSINATIONS

2000 ASSASSINATION OF KUMAR PONNAMBALAM

Kumar Ponnambalam, Tamil politician and Human Rights campaigner, was assassinated in Colombo on 5 Jan 2000. Amid a complex picture, commentators highlighted the fact that he had helped to bring the Krishanthi Kumarasamy case to trial in 1997, causing the Government ‘severe international embarrassment’. He also subsequently offered to try to help Somaratne Rajapakse turn state witness. Rajapakse has said that he limited his identification of illegal grave sites after losing faith in the ostensible protections offered by Ponnambalam.⁹⁸

2007 ASSASSINATION OF S.T. GANANATHAN

S.T. Gananathan was shot dead near an SLA Army camp outside Jaffna in February 2007. His daughter Thayananthi had been a schoolfriend of Krishanthi Kumarasamy, and it was Thayananthi who was killed by an SLA Army truck the day before Krishanthi’s murder. Krishanthi paid her last respects to Thayananthi on the way to the Chemmani checkpoint where she would be murdered. Gananathan

became another prominent figure in the fight to expose Krishanthi’s case, and there was a ‘common perception’ in 2007 that this had contributed to his murder.⁹⁹

2008 ASSASSINATION OF JANAKA PERERA

Major General Janaka Perera, a graduate of Sandhurst in England, commanded the 51st Division of the SLA in Jaffna during a period in 1996 that saw hundreds of disappearances linked to the mass grave at Chemmani. He was never charged with any crime, and despite Tamil protests, was appointed Sri Lanka’s High Commissioner to Australia in 2001, and to Indonesia in 2005. Perera and his wife, previously an SLA officer herself, were among an estimated 27 people killed in a suicide bombing in October 2008.¹⁰⁰

2017 ATTEMPTED ASSASSINATION OF MANICKAVASAGAM ILANCHELIAN:

One-time Additional Magistrate, later Jaffna High Court Judge, Manickavasagam Ilanchelian, who pressed so hard for due process in investigating the Krishanthi case, the Chemmani mass graves and many habeas corpus applications, narrowly escaped an assassination attempt when he was shot at from a motorbike in July

2017. Intruders into his home had also killed a visitor there in 2011.¹⁰¹

6. 2025/2026: NEW EXCAVATIONS

AN ACCIDENTAL DISCOVERY

On 13 February 2025, contractors building a new electric crematorium at the isolated Ariyalai Sinthubathi Hindu Cemetery on the road through Chemmani unexpectedly unearthed what appeared to be human remains. As the land in question lay next to a graveyard dedicated to Hindu burials, skeletal fragments constituted an anomaly. Moreover, the cemetery sits near to the mass graves that were excavated in 1999. A multidisciplinary team representing several authorities, including the Jaffna Judicial Medical Officer, was dispatched to investigate. Its members readily recovered multiple pieces of bone from the site, 41 of which were subsequently found to be human.

A NEW DETERMINATION OF AN ILLEGAL MASS GRAVE

This discovery of human remains led to funding being allocated for the digging of a test pit, and work

began on 15 May. By the sixth day of excavating, 19 complete skeletons had been unearthed from shallow and apparently haphazard burials, three belonging to children. Perpetrator testimony in 1999 had described Chemmani victims being buried naked and their clothes being burnt, evidently to impede later identification, and these newly recovered remains were likewise unclothed. Given their location, condition and apparent manner of burial, lawyers representing families of the disappeared applied for the site to be declared a mass grave and a crime scene, and on 8 June, the Jaffna Magistrate granted this application. The site was formally recognised as both a mass grave, and a crime scene, and excavation was authorised for a further 45 days.

According to a letter of July 2025 transmitted to the Government of Sri Lanka by the UN Special Procedures mandate holders, after this, reports relating to the 1999 investigations did ‘not appear

to have been made available’ to the Magistrate, raising concerns that they had been misplaced, withheld or lost. Subsequent administrative and funding delays across successive phases of excavation also risked undermining the effectiveness of the investigation.

A VISIT BY VOLKER TÜRK

On 25 June 2025, UN High Commissioner for Human Rights, Volker Türk, visited Chemmani, remarking afterwards: ‘At the site I had a chance to meet a family who are still searching and still grieving for a loved one; they hope that his remains may be unearthed there even after all these years. Like thousands of others, they want closure after 30 years of not knowing.’¹⁰²

240 SKELETONS IDENTIFIED

At the end of June, a few short days after Türk’s visit, excavations resumed, and they continued intermittently until early September. By the close

of this phase, the total number of whole skeletons identified at Chemmani had risen to 240, with 239 of them sufficiently intact to be exhumed, cleaned, and removed to the Department of Forensic Medicine at the University of Jaffna. Contemporaneous media reports from the excavation site described indicators consistent with unlawful, ‘execution-style’ killings, including ‘hands bound’, and skeletal ‘fractures’, as well as bodies being recovered in overlapping, irregular burials, ‘heaped together in piles’. Reporting from the site also recorded the recovery of multiple child and infant skeletons. In one instance, when workers unearthed the remains of an adult cradling a child, this provoked painful questions about the circumstances in which they had died, and all these observations underscored the importance of comprehensive forensic examination to reach definitive conclusions on causes and manner of death.

The Human Rights Commission of Sri Lanka (HRCSL) issued a report that September stating that some 90 percent of the remains exhumed to date had been unclothed, which, along with the irregular nature of the burials, indicated ‘reasonable likelihood’ of extrajudicial killings. The Commission further concluded that Sri Lanka lacked the specialised equipment and forensic expertise required for reliable radiocarbon dating, or for DNA recovery

and genetic analysis of the remains. And it noted ‘disturbing’ allegations of ‘law enforcement officials intimidating persons involved in the excavation and exhumation work’, which it said threatened to ‘prejudice the outcome of the investigation’. It further observed, despite the scale and complexity of proceedings at Chemmani, that many who worked there were serving as unpaid volunteers.¹⁰³

FAMILIES OF THE DISAPPEARED

Across the summer of 2025, with these findings at Chemmani, many families swore new affidavits detailing the unexplained losses of their relatives years before, both hoping for and fearing the discovery of evidence of their fate. Some of these accounts speak of years of searching for answers. One, relating to the Navatkuli cordon of 19 July 1996, records: ‘I was going to court until 2023’. Two years later, in 2025, the same account concludes: ‘I do not know the current status of the case.’ In another affidavit, a brother who has also spent years battling for information, let alone justice, also describes proceedings dragging on and on: ‘military and intelligence officers repeatedly threatened us not to come to court and to withdraw the cases,’ despite which, he continued. But his mother and sister, both eyewitnesses, were unable to testify ‘due to the extreme

intimidation’. When, on account of old age and poor health, he stopped attending court after 2017, a younger family member stepped in. And he too was ‘threatened by intelligence officers in court’. This affidavit, like so many others, ends with the words: ‘We are still searching.’ In fact, many accounts from this period finish similarly: ‘We do not know the current status of the case, and we have no documents related to it’, but: ‘We are still searching.’¹⁰⁴

In October of 2025, a member of the Sriskaran family, now living abroad, spoke again of their family loss. It was Mr. Sriskaran, a teacher of accountancy, who on the evening of 10 August 1996 was arrested by the SLA, even though they sought a man with a different name. Mr. Sriskaran was one of 30 people arrested locally at this time. After almost a week, his pregnant wife, searching along with other families, caught sight of him at the nearby Kopay Army Camp being loaded into a van. She has never seen him again. Her two sons, one born after the arrest, suffered a fate that left them feeling very alone: ‘It really is a deep pain losing your father this way without knowing what happened in the end.’

In 2015, a man long counted among the disappeared turned up in Vavuniya Hospital 90

miles from Jaffna suffering a bone fracture. Tamil staff alerted his relatives who came to fetch him. He was deeply traumatised and unwilling to say much at all. Nevertheless, he communicated that he had been kept prisoner all this time somewhere unknown in the jungle, in the house of an Army commander, with perhaps fifteen other workers also reduced to forced labour. Dreadful as this story was, the news of his dramatic reappearance led many families locally to hope for news of their disappeared men, not least the Sriskaran family, whose home lay in a neighbouring village. Although the Sriskaran family spoke to the man, they could elicit no helpful information in their own case. Within three months he had recanted his entire story and seemed afraid, and his family moved with him away from the area. That same year, 2015, officials told Mrs. Sriskaran she must either accept her husband’s death certificate, or forfeit the government payments she had been receiving in his name. She refused to accept his death, and so the payments ceased. A DNA match from Chemmani would ‘shatter her hopes’. Even now, family members have performed none of the religious rituals that would come with acceptance of his death. Like many others, in the absence of definitive proof to the contrary, they cling to the hope that their

husband and father is still alive.¹⁰⁵

A MEMORIAL IN CHEMMANI

The terrible case of Krishanthi Kumaraswamy in 1996, followed by the 1998 revelations of Somaratne Rajapakse, one of her rapist killers, has provoked victim families into repeated demonstrations, vigils, petitions, pickets, hunger strikes and sit-ins. Lacking a functional justice system, to this day they persist in acts of civic resistance. For those who fear their relatives may lie in the salt flats of Chemmani, or now perhaps in a numbered box in a laboratory, far too little has changed. There has been no justice, truth recovery, or reparations. When UN Human Rights Commissioner Volker Türk visited Chemmani in the summer of 2025, he arrived in the middle of a three-day Anaiya Vilakku or ‘Imperishable Lamp’ protest there, and laid flowers before the memorial flame. The next day he remarked: ‘I am encouraged that there is a growing space for memorialization of victims – as I saw in Jaffna yesterday.’ But overnight on 8 October, the plinth holding that symbolic flame was vandalised and left as rubble on the ground. After locals rebuilt the memorial, in early December 2025 it was vandalised a second time, illustrating both the State’s failure to guarantee non-recurrence, and persistent

hostility to memory and truth-telling.¹⁰⁶

2026: EXCAVATIONS RESUME AFTER FLOODING

Images and film recorded at Chemmani depict extremely oppressive working conditions including intense heat and high winds, with at best only rudimentary cloth canopies providing shelter for those carrying out the excavations. After a halt in early September 2025, and with monsoon rains looming, work there stalled. By January 2026, the burial pits had become heavily flooded with stagnant water, placing fragile forensic evidence at risk of deterioration. Though the authorities attempted to drain the site in February, it remained too waterlogged for excavation to restart, prompting renewed drainage efforts from late March. An already lengthy hiatus was compounded by complications in the release of funding. A press report noted that: ‘Tamil civil society observers have described the funding delay not as an administrative oversight, but as a form of obstruction.’

The third phase of excavation finally began on 27 April 2026. It ran for 12 days, ending on 9 May, then resumed the following month, running till 23 June. Once again, investigators uncovered multiple disarticulated ‘skeletal assemblages’, with various remains, according to media reports, found in

a ‘fragmented condition’, raising the possibility that some bodies had previously been disturbed or relocated in an effort to conceal the crimes they represented. Reporting from the site also described bones seemingly burnt, the finding of metal fragments, and skeletal evidence of ‘extensive trauma’. The possibility also lingered that some victims might have been buried alive, given years-old testimony by occasional survivors who had escaped after being left for dead in pits or latrines.¹⁰⁷

Although the authorities have not yet released an official tally of child victims, the 2026 excavations have unearthed a growing number of child and infant skeletons at Chemmani. On 9 June alone, of nine skeletal remains uncovered, seven clearly belonged to children and an eighth to an infant. Meanwhile, among the more than 100 artefacts so far recovered, workers have found a small sandal, a schoolbag, a squeaky toy, a tiny bead bangle and a baby’s feeding bottle, underscoring the presence of very young victims among those buried at the site.

During June 2026, Chemmani passed two grim milestones. On 17 June, when the number of identified skeletal remains exceed 376, Chemmani became what is to date the largest documented mass grave in Sri Lanka. Four days later, on 21 June, the number of skeletal

remains identified there since 2025 surpassed 400.¹⁰⁸

A VISIT BY THE JUSTICE MINISTER

Between those two milestones, on 19 June 2026, Sri Lanka’s Minister of Justice and National Integration, Harshana Nanayakkara, visited Chemmani. Addressing Civil Society Organisations, he spoke of a requirement for “two public requests” by family members “to come forward to identify” any given body, based, he suggested, on a recovered “particular item” associated with the victim. He added, “And they have to tell [identify] the perpetrator.” He said the Government “will do whatever necessary to bring closure if a perpetrator can be found with available evidence according to law”, but also declared that family informants were, not coming forward, and people don’t remember; some of them are not even living.” These remarks would appear to place responsibility on victim families to come forward and identify perpetrators, notwithstanding the State’s independent obligation to investigate serious crimes, and notwithstanding the existence of extensive historical evidence, going back years, including sworn affidavits, habeas corpus proceedings, judicial findings and perpetrator testimony that identifies multiple individuals and military

units allegedly implicated in the disappearances associated with Chemmani.

When the Minister arrived at Chemmani, he confirmed that Somaratne Rajapakse had offered in 2025 to provide new information on the burials in exchange for his freedom, including giving ‘the names of all high ranking military officers involved in the relevant war crimes’. Rejecting this lead, the Minister remarked, “let’s see if it’s true or false separately”. However, on his proposed ‘separate’ steps, he stated that the Government no longer possessed the forensic findings resulting from analysis of the remains uncovered following Rajapase’s original revelations, nor the records relating to the wider investigation conducted at the time. He observed: “We don’t have the information for 1998.” Meanwhile, in response to the repeated demands of victim families for international assistance to ensure a ‘credible’ investigation, he maintained that, “The criminal law in our country is quite sufficient,” with the caveat that, “this investigation has not reached that level yet. It is still at the excavation stage.” These statements appear difficult to reconcile with internationally recognised standards governing the investigation of mass graves, under which forensic

recovery, identification of victims and criminal investigations ordinarily proceed in parallel rather than sequentially.

On 25 June, the Minister informed parliament that the government did intend to seek international assistance for DNA identification ‘once excavations are completed’. Again, delaying forensic identification and broader criminal investigations until the faltering extended excavations reach a close risks further prolonging accountability for crimes that have remained unresolved for nearly three decades: with more than 400 sets of remains already exhumed, forensic, investigative and prosecutorial steps could, and under international best practice should, proceed concurrently. The HRCSL report on Chemmani of September 2025 described in summary ‘an overarching gap in capacity and will among law enforcement authorities to ensure accountability for the deaths of the persons found at the site’. Nine months later, the Minister’s various comments indicated that this conclusion remained valid.¹⁰⁹

JULY 2026

As of early July 2026, when this report was going to press, the excavations at Chemmani had identified 412 sets of skeletal remains, of which 409 had been exhumed.

With the 15 victims unearthed in 1999, that total reached 427. Excavation was scheduled to resume on 15 July, with the expectation of further recoveries.

The growing scale of the mass grave now leaves little doubt that Chemmani represents one of the most significant crime scenes associated with Sri Lanka’s armed conflict. Besides the matter of how many victims remain buried there, two points stand out. The first is the question of whether, with so much evidence already to hand, the Government of Sri Lanka will take credible steps to establish the truth of what occurred, and to identify the dead. The second is whether, in accordance with its obligations under domestic and international law, it will investigate and prosecute those responsible for the hundreds of crimes represented by the Chemmani dead. On 19 June this year, Harshana Nanayakkara, Sri Lanka’s Minister of Justice and National Integration, seemed to imply that his ministry lacked sufficient information to begin. But as this report shows in abundant detail, any such suggestion is simply untrue.¹¹⁰

7. LEGAL ANALYSIS

INTERNATIONAL LEGAL FRAMEWORKS

International Human Rights Law (IHRL)

a. Primary Rights

The Chemmani mass grave reflects a wide range of serious violations of international human rights law, including arbitrary arrests and detention, enforced disappearance, torture and sexual violence, forced labour/enslavement, and extrajudicial executions.

From witness testimonies and human remains uncovered during the exhumation process, it is clear that the victims were arbitrarily and forcibly deprived of liberty by the Army, whether through large-scale military round-ups or targeted individual abductions. While in unacknowledged and unlawful detention, they were subjected to torture and other cruel, inhuman or degrading treatment or punishment, including beatings, strangulation,

reverse hanging, cigarette burning, stabbing, and asphyxiation with plastic bags filled with chilli powder or petrol. Some were subjected to forced labour, amounting in certain circumstances to enslavement under international law. Sexual violence, such as that perpetrated in Krishanthi’s case, was pervasive and formed part of the coercive environment of detention. Ultimately, many victims were summarily executed – shot, beaten to death, or in some cases buried alive. The failure to acknowledge the detention, provide information on the fate of victims and their whereabouts, or return their remains also constitutes enforced disappearance, a continuing violation under international law.

These violations infringe upon the most fundamental human rights to life, liberty and security of person;¹¹¹ to be free from slavery or servitude;¹¹² to be free from torture or cruel, inhuman or degrading treatment or punishment;¹¹³ to be free

from arbitrary arrest and arbitrary or secret detention;¹¹⁴ to be free from enforced disappearance;¹¹⁵ and to legal due process.¹¹⁶

Moreover, ‘[t]he dignity of a person and the respect to his or her body and human remains do not cease with death’.¹¹⁷ The deliberate desecration of the victims’ bodies – transporting them covertly, burying them en masse in shallow graves without clothes, contrary to cultural and religious practices, and burning their clothing to conceal their identities constitutes a direct affront to human dignity, and violates the families’ rights to know the truth and to mourn in accordance with their religious beliefs and traditions. Such actions formed part of a deliberate ‘cover-up’ integral to the enforced disappearances of these individuals that continue to the present day as the families of the deceased remain without access to the truth regarding the fate

or whereabouts of their loved ones. The unrecorded and unlawful mass burials only further obfuscate and obstruct the identification, accountability, and dignified burial of victims, prolonging the suffering of families.

Furthermore, these violations were committed in the context of the wider ethnic conflict between the Sinhalese majority and the Tamil minority and were carried out with discriminatory intent. This contravenes the prohibition of discrimination articulated in multiple international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and underscores the persecutory character of these crimes.¹¹⁸

b. Secondary/Remedial Rights

The subsequent lack of prompt, thorough, effective, impartial, and independent investigative and accountability efforts by the Government further violates the State’s non-derogable responsibility to investigate serious human rights violations, including unlawful killings, torture, and enforced

disappearances.¹¹⁹ It also breaches victims’ rights to report or submit a complaint and to obtain effective remedies and full reparation,¹²⁰ as well as the rights of victims and any other persons with a legitimate interest to access information regarding any deprivation of liberty.¹²¹ The continued concealment of the fate and whereabouts of the disappeared violates the victims’ right to the truth, which is recognised across international human rights jurisprudence.¹²² The persistent difficulty to advance judicial processes also implicates the violation of the right to equality before and equal protection of the law.¹²³ The Sri Lankan government’s cursory, politicised, and performative investigations in the past three decades clearly do not meet international standards of effectiveness. Even in the Krishanthi case, only low-level operatives were held to account, thereby obscuring the widespread and systematic nature of the human rights violations, patterns that could only have occurred with the acquiescence, complicity, or direct orders of senior military officials and political authorities. This is not an isolated crime committed by a few ‘bad apples’; it constitutes a state-sponsored and directed campaign of persecution against an ethnic minority in the name of national security.

In addition to binding

human rights treaties, the International Law Commission’s Articles on the Responsibility of States for International Wrongful Acts (ARSIWA), adopted by the UN General Assembly (including Sri Lanka) in 2001, further provides that a responsible State must cease the internationally wrongful conduct, offer assurances and guarantees of non-repetition, and make full reparations to the victims.¹²⁴ ARSIWA further affirms that a responsible State cannot invoke its internal laws as a justification for the internationally wrongful act and breach of international obligations.¹²⁵ Hence, Sri Lanka’s national laws such as the Emergency Regulations cannot be used as the legal basis to justify violations of international human rights law (or international humanitarian law – see section below).¹²⁶

Moreover, the rights to life, freedom from slavery and servitude, freedom from torture or other cruel, inhuman or degrading treatment or punishment, and freedom from enforced disappearance are jus cogens norms that cannot be breached under any circumstances.¹²⁷ Serious breaches of jus cogens norms – i.e., a gross or systematic failure to fulfil the obligation – give rise to obligations erga omnes owed to the international community as a whole, in which all States have a legal interest¹²⁸ and shall cooperate to bring such

serious breaches to an end.¹²⁹ Several international human rights treaties, including CAT and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), also explicitly provide for international assistance and cooperation in this regard.¹³⁰

Additionally, there are well-established international standards governing investigations of unlawful killings, torture, disappearances, and mass graves. For example, in 2016, the UN Office of the High Commissioner on Human Rights (OHCHR) published the revised UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (or The Minnesota Protocol on the Investigation of Potentially Unlawful Death) which sets out the legal and methodological standards for investigating extrajudicial executions.¹³¹ With respect to enforced disappearance and missing persons, the International Commission on Missing Persons (ICMP) adopted the Paris Principles in 2018.¹³² In 2019, the UN Committee on Enforced Disappearance further issued Guiding Principles for the Search for Disappeared Persons.¹³³ As for mass graves, while no single treaty governs this area, the Bournemouth Protocol on Mass Grave Protection and Investigation, developed in 2020 by Bournemouth University in partnership with the ICMP,¹³⁴ now provides

the most authoritative guidance and has been recognised by the Special Rapporteur on extrajudicial, summary or arbitrary executions in her 2020 report on the topic.¹³⁵

It is clear that none of the above international laws and standards have been followed by successive Sri Lankan administrations. Sri Lanka’s domestic legal framework and institutional framework remain structurally incapable of conducting effective investigations into cases of enforced disappearances, mass graves, proper exhumations, or conflict-related human rights violations. While the national legislation incorporating the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) was passed in 2018, the law fails to criminalise widespread or systematic practice of enforced disappearance as a crime against humanity, contrary to the ICPPED.¹³⁶ Existing criminal procedural laws provide no adequate guidance for investigating suspected gravesites or conducting post-mortem examinations.¹³⁷ The exhumation team lacks the necessary forensic expertise, equipment, and operational independence to conduct full investigations;¹³⁸ the judicial officers and magistrates may similarly lack training and expertise in excavation.¹³⁹ As previously noted, the OMP also lacks resources, as well as sufficient independence and legal authority, to carry out its mandate.¹⁴⁰

In fact, the entire state apparatus – including the Army, the Ministry of Defence, the police, and the Attorney General’s office – has consistently obstructed investigations and judicial processes, including through intimidation of witnesses as well as their legal representatives and harassment of exhumation personnel, tampering with or destroying evidence, and even the attempted assassinations of judicial officers (e.g., Judge Ilanchelian). As observed by the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and UN Working Group on Enforced or Involuntary Disappearances (WGEID), Sri Lanka has demonstrated a persistent unwillingness to conduct effective investigations, prosecutions, and sanctioning of human rights violations.¹⁴¹

INTERNATIONAL HUMANITARIAN LAW (IHL)

As the acts of arbitrary arrests and detention, enforced disappearance, torture and sexual violence, forced labour/enslavement, and extrajudicial executions occurred during the Sri Lankan civil war and were clearly closely connected to the non-international armed conflict (NIAC) at the time, international humanitarian law (IHL) is directly applicable. Under Common Article 3 of the

Geneva Conventions of 1949 (to which Sri Lanka has been State Party since 1959), as well as customary IHL, all persons not taking active part in the hostilities shall in all circumstances be treated humanely, without any adverse distinction based on race, ethnicity, colour, religion or faith, sex, birth or wealth, or any other similar criteria.¹⁴² Common Article 3 categorically prohibits violence to life and person against those not participating in the hostilities, in particular murder of all kinds, mutilation, cruel treatment and torture, which is prohibited at any time and in any place.¹⁴³ Extrajudicial executions and outrages upon personal dignity (in particular humiliating and degrading treatment) are likewise prohibited.¹⁴⁴ The International Committee of the Red Cross (ICRC)'s Customary IHL Study confirms that in NIACs, the prohibitions of enforced disappearance, forced labour, and sexual violence are established rules of customary international law.¹⁴⁵ Customary IHL also requires parties to the conflict to account for missing persons, to search for and recover the dead, and to ensure the respectful handling, identification, and disposal of human remains.¹⁴⁶ The concealment of bodies and the creation of mass graves violate these fundamental obligations. Additionally, serious breaches of IHL

constitute war crimes under customary international law.¹⁴⁷

The Chemmani mass grave is a direct and compelling manifestation of the Sri Lanka security forces' serious violations of IHL. The sheer scale of killings, the pattern of torture and sexual violence, and the secret disposal of bodies demonstrate conduct that meets the threshold for war crimes, including violence to life and person (murder, torture, and cruel treatment), outrages upon personal dignity, and the passing of sentences or executions without due process, all prohibited under Common Article 3 and customary IHL. The systematic concealment of the dead, the number of victims as well as the extent of the violence, further breaches customary obligations to account for and properly handle human remains, reinforcing the gravity of these violations.

International Criminal Law (ICL)

As mentioned above, serious breaches of IHL constitute war crimes, which are international crimes that entail individual criminal responsibility. This is also reflected in the statutes and case law of the international criminal tribunals and courts.¹⁴⁸

Moreover, the SLA's conduct also clearly meets the threshold for crimes against

humanity. Although Sri Lanka is not a State Party to the International Criminal Court, crimes against humanity have been long recognised as crimes that the international community and States have a shared responsibility to protect under paragraphs 138 and 139 of the 2005 World Summit Outcome Document (adopted by the UN General Assembly which includes all UN member states).¹⁴⁹ They have been identified as jus cogens offenses by the International Law Commission,¹⁵⁰ and have been included in every international criminal court and tribunal Statute established since the Nürnberg tribunal with the sole exception of the Special Tribunal for Lebanon.¹⁵¹ Art. 7 of the Rome Statute has also been "increasingly seen by international and national courts and tribunals, including the ICTY [International Criminal Tribunal for the former Yugoslavia], the European Court of Human Rights, the Inter-American Court of Human Rights, U.S. federal courts, and the UK House of Lords, as codifying the customary international law of crimes against humanity".¹⁵² The ICCPED, which Sri Lanka signed in 2015 and ratified in 2016, also specifically states that widespread or systematic practice of enforced disappearance constitutes a crime against humanity.¹⁵³ Accordingly, the Convention reinforces the applicability of crimes against humanity standards in the context of Sri Lanka.

Crimes against humanity require the commission of certain prohibited acts as part of a systematic or widespread attack directed against any civilian population.¹⁵⁴ The prohibited acts that are directly relevant to the Chemmani mass graves include murder, extermination, imprisonment (or other severe deprivation of physical liberty in violation of fundamental rules of international law), torture, rape (and other forms of sexual violence of comparable gravity), persecution (based on ethnicity), enforced disappearances, enslavement, and other inhumane acts.¹⁵⁵ These prohibited acts were committed in a widespread and systematic way by the SLA: hundreds of victims across the entire Jaffna region; uniform patterns of abduction, detention, torture, sexual violence, execution, and clandestine burial; and an organised cover-up across multiple military units. The scale, organisation, repetition, and intent underlying these violations, as well as the SLA soldiers' use of mass graves to conceal the crimes in an organised, collective manner for many years, satisfy the chapeau elements of crimes against humanity and establish the individual criminal responsibility of members of the SLA.

On the basis of the evidence and legal

analysis set out above, the following findings summarise the principal violations arising under international human rights law, international humanitarian law, and international criminal law

FINDINGS

1. Nature of the Violations

The evidence relating to the Chemmani mass graves establishes reasonable grounds to believe that members of the Sri Lankan security forces committed enforced disappearances, torture, extrajudicial executions, and the secret disposal of bodies. These acts constitute serious violations of international human rights law and international humanitarian law, and when assessed cumulatively and in their broader context may amount to crimes against humanity.

2. Continuing Violations

Enforced disappearance constitutes a continuing violation under international law. Sri Lanka's failure to clarify the fate and whereabouts of the disappeared, to return remains, or ensure accountability for those responsible constitutes an ongoing breach of its obligations under

international human rights law, including the ICCPR and CAT.

3. State Responsibility and Command Responsibility

The evidence implicates not only direct perpetrators but also military superiors and civilian authorities who knew, or who should have known, of the crimes and who had failed to take necessary and reasonable measures to prevent or repress individual criminal responsibility and State responsibility under both customary international law and the Rome Statute doctrine of command responsibility.

4. Failure to Investigate and Obstruction of Justice

Sri Lanka has failed to conduct prompt, independent, impartial, and effective investigations as required by international law. Persistent delays, procedural obstruction, intimidation of witnesses, interference with judicial processes, and failure to preserve mass-grave sites are incompatible with the State's duty of good faith and violate the right to an effective remedy.

5. Denial as a Driver of Impunity

State-sponsored denial, minimisation of crimes, and attacks on victims and civil society actors, and independent institutions undermine the right to truth and in certain circumstances may themselves amount to

cruel, inhuman or degrading treatment of families of the disappeared. Such denial has functioned as a structural mechanism entrenching impunity.

6. Rights of Victims and Families

Families of the disappeared are recognised as victims in their own right under international law. They are entitled to truth, justice, reparation, and guarantees of non-recurrence. Sri Lanka’s failure to provide these measures constitutes an additional and continuing breach of its international obligations.

7. Legal Consequences

Sri Lanka remains in ongoing breach of its binding international obligations. These breaches engage international responsibility and warrant continued international scrutiny, including through evidence-preservation measures, targeted accountability initiatives and appropriate conditionality in international cooperation.

8. CONCLUSION

The Chemmani mass grave represents one of the clearest and most documented instances of enforced disappearances and extrajudicial killings in Sri Lanka’s recent history. The material set out in this report, including the sworn victim affidavits, contemporaneous judicial records, perpetrator admissions made under supervision, forensic findings from two phases of excavation, and the conduct of State authorities themselves, establishes reasonable grounds to believe that members of the Sri Lankan security forces committed serious violation of international human rights law and international humanitarian law, amounting to crimes under international criminal law.¹⁵⁶

The evidence further demonstrates that these violations were not isolated or spontaneous acts, but formed part of a broader and systematic pattern of arbitrary detentions, torture, executions and enforced disappearances as well as the secret disposal of bodies in the Jaffna

Peninsula across 1996-1997.¹⁵⁷ The scale of the crimes, the repeated use of the same sites and methods, the targeting of civilians, and the involvement of multiple units operating under identifiable chains of command, engage the responsibility not only of direct perpetrators, but also of military and civilian superiors who knew or should have known of these crimes and failed to prevent or repress them.¹⁵⁸

Equally grave is the Sri Lankan State’s sustained failure, over nearly three decades, to meet its international legal obligations in response to these crimes, as set out in the findings, despite early and credible perpetrator testimony implicating senior officers; despite judicial findings and court-ordered investigations; and despite the recovery of human remains bearing clear indicators of execution, the authorities failed to conduct prompt, independent, impartial, and effective investigations, as required under international law.¹⁵⁹ Instead, investigations were delayed,

fragmented, transferred, or rendered ineffective through procedural obstruction, resource deprivation, and witness intimidation.¹⁶⁰

This pattern of inaction and interference constitutes a continuing violation of Sri Lanka’s obligations under international human rights law: as recognised under international jurisprudence, the duty to investigate enforced disappearances and extrajudicial killings is not extinguished by the passage of time; it persists for as long as the fate and whereabouts of the victims remain unknown and those responsible remain unaccountable.¹⁶¹ The State’s failure to preserve crime scenes, protect witnesses, secure forensic evidence, and pursue prosecutions in good faith has directly undermined victims’ rights to truth, justice, and an effective remedy.¹⁶²

Central to this failure has been a deliberate and sustained strategy of denial, by successive Sri Lankan governments having sought to obscure or minimise the crimes associated with

Chemmani through public misrepresentation, the discrediting of victims and civil society actors, and resistance to international scrutiny.¹⁶³ International jurisprudence is clear that such denial – particularly when accompanied by obstruction of investigations – may itself constitute a distinct violation of victims’ rights, including the right to truth, and may amount to cruel, inhuman or degrading treatment of surviving family members.¹⁶⁴ In this sense, denial has operated not merely as rhetoric, but as a mechanism through which impunity has been entrenched.

The harm suffered by victims’ families has therefore been cumulative and ongoing, as recognised under international law. Families of the disappeared have endured decades of uncertainty, fear, intimidation, and psychological suffering, compounded by the State’s refusal to provide reliable information or return remains for burial. Under international law, relatives of the disappeared are themselves recognised as victims, entitled to protection and reparation.¹⁶⁵ Sri Lanka’s failure to acknowledge this status or to provide meaningful reparations constitutes an additional breach of its obligations. The renewed excavations

at Chemmani since 2025 underscore both the magnitude of the crimes and the depth of earlier State failure. That hundreds of remains are only now being exhumed – decades after credible evidence first emerged – stands as an indictment of prolonged bad faith. Without independent investigations, prosecutions of those most responsible, and comprehensive victim-centred reparations, further exhumations risk becoming another cycle of exposure without accountability, in violation of international standards governing mass-grave investigations.¹⁶⁶

In sum, Chemmani is not only a site of past atrocity; it is a continuing crime scene in terms of international law. Sri Lanka remains in breach of its international obligations to investigate, prosecute, provide reparations, and guarantee non-recurrence. Until the State confronts the truth of Chemmani openly, holds perpetrators accountable at all levels of command, and places victims’ rights at the centre of its response, the suffering of families will persist – and the State’s responsibility under international law will continue to accrue.¹⁶⁷

Chemmani bears striking parallels to other mass-grave contexts where State denial and delayed accountability have entrenched impunity and prolonged victim suffering –

most notably in Argentina’s ‘disappeared’ cases, Bosnia and Herzegovina’s post-Srebrenica graves, Guatemala’s counter-insurgency mass burials, and Peru’s conflict-era disappearances. In each of these contexts, early obstruction and denial by State authorities delayed truth-recovery and exacerbated harm, while later breakthroughs – driven by forensic science, judicial independence, and sustained international pressure – demonstrated that accountability remains possible even decades after the crimes.

The central lesson from these experiences is clear: denial does not stabilise societies emerging from mass violence; it corrodes institutions, perpetuates trauma, and deepens divisions. Conversely, credible investigations, prosecutions of those most responsible, and victim-centred reparations are not acts of political concession, but legal obligations and essential conditions for non-recurrence.

Chemmani now stands at the same crossroads, with accountability and victim-centred justice remaining the decisive test of Sri Lanka’s compliance with its international obligations.

9 . RECOMMENDATIONS

At Chemmani on 25 June 2025, victim families and their representatives presented Volker Türk with a list of six demands grounded in international law obligations:

- 1. UN Monitoring of Excavations
- 2. Unhindered Access for Evidence Collection
- 3. Victim Representation and Technical Assistance
- 4. Expedite Local Funding Requests
- 5. Re-examination of Known Mass Graves
- 6. Referral to International Criminal Court.¹⁶⁸

As well as this list, many civil society organisations and international experts have repeatedly pointed to the need for a clear, binding standard operating procedure (SOP) at Chemmani. This should be fully aligned with international standards for investigating mass graves, including the Minnesota Protocol and ICRC guidelines.

They also asked for the presence of independent international experts, both to assist, and to ensure the independence, credibility and integrity of the process. There have also been repeated calls for comprehensive psychosocial, legal and material support for victims and their families, as required under international human rights law. A Committee considering the establishment of an ‘Office for the Investigation and Prosecution of Serious Crimes by State Officials’ is yet to report, prolonging an accountability vacuum incompatible with Sri Lanka’s international obligations.

ADDITIONAL RECOMMENDATIONS TO THE GOVERNMENT OF SRI LANKA

- 1. Acknowledge responsibility for enforced disappearances and extrajudicial killings associated with Chemmani, and publicly recognise families of the disappeared as victims with enforceable rights under international law
- 2. Ensure prompt independent, thorough and impartial

criminal investigations into the Chemmani crimes that encompass command and superior responsibility, by the CID of every alleged perpetrator named by surviving victims and by families of the disappeared, taking immediate steps to secure, preserve and disclose all relevant documentary, testimonial and material evidence. Investigators should be supported by international technical assistance and have prosecutorial powers.

3. Suspend and remove from office any serving officials credibly implicated in Chemmani-related crimes, pending investigation, in line with international standards on non-recurrence and security-sector reform.

4. Ensure that The Office on Missing Persons is replaced by a fully independent investigative and prosecutorial body, endowed with subpoena powers, witness-protection guarantees and prosecutorial authority, in line with international best practice.

5. **Guarantee protection for victims, witnesses, judges, lawyers, and forensic personnel, including taking effective witness**

protection measures consistent with international standards and the Witness and Victims Protection Act, allowing victims and their families and witnesses to provide their testimonies, and participate fully in the excavation and investigation process.

6. **Consistency and continuity of judicial oversight and of investigative personnel,**

so that the institutional knowledge accumulated by Judges, prosecutors, forensic experts and investigators built through the Chemmani excavations and related proceedings is not undermined by arbitrary reassignment, premature rotation, or politically-motivated postings, transfers or promotions.

7. **A ringfenced dedicated annual budget allocation,**

protected from executive interference with regular, timely and transparent disbursement of funds with public reporting, sufficient to ensure the uninterrupted conduct of excavations, forensic analysis, victim and family engagement, and judicial proceedings.

8. **Upgraded forensic and technical capacity**

for osteological and archaeological analysis,

and medico-legal analysis, consistent with internationally recognised forensic standards, including reliable access to bomb-pulse carbon-14 dating, isotope analysis and other advanced techniques, enabling determination of time of death, with significantly enhanced temporal accuracy. This should include access to specialised expertise in paediatric and child skeletal analysis.

9. **Complete forensic exhumations**

at Chemmani in accordance with the Minnesota Protocol, ensuring transparency, family participation, and proper identification and return of remains.

10. **The establishment of an independent DNA lab, structurally and operationally independent from law-enforcement and political authorities,**

equipped to the highest international standards, together with a secure, credible consent-based national matching DNA database to collect and preserve family reference samples in accordance with privacy, data protection and do-no-harm principles for comparison and identification purposes.

11. **The accelerated, dignified and family-centred return of identified human remains**

to the correct families without unnecessary administrative delay, in accordance with their wishes,

including their desired forms of burial and cultural practices, as an integral component of reparations, and in fulfilment of the families' right to truth.

12. **The establishment of secure, survivor and family consulted forms of memorialisation**

of the victims, ensuring protection from vandalism, politicisation or erasure, and recognising memorialisation as a non-judicial measure of satisfaction and a guarantee of non-recurrence.

TO THE INTERNATIONAL COMMUNITY

13. **Maintain international scrutiny**

of Chemmani through UN mechanisms, including reporting, evidence preservation, and follow-up on accountability benchmarks.

14. **Apply targeted measures,**

including sanctions and vetting restrictions, against individuals credibly implicated in Chemmani-related crimes.

15. **Support victim-centred accountability,**

including funding for forensic work, legal assistance, and memorialisation initiatives led by affected communities.

ANNEXE 1: LACK OF ACCOUNTABILITY

Sri Lankan authorities have consistently failed to investigate, prosecute or discipline higher-ranking military perpetrators directly responsible for grave breaches of International Humanitarian Law (IHL), International Human Rights Law (IHRL) and International Criminal Law (ICL). This failure engages the doctrine of command or superior responsibility, under which military and civilian superiors may incur criminal and international responsibility where they knew, or owing to the circumstances should have known, that subordinates were committing or were about to commit crimes, and failed to take all necessary and reasonable measures to prevent or repress their commission, or to submit the matter for investigation and prosecution. Routine impunity, contrary to Sri Lanka's obligations under international law, has not only left perpetrators free to commit further violations, but has sometimes facilitated them doing so, both domestically and overseas.

This pattern of unchecked culpability can be traced in the known career paths of a selection of higher-ranking Army officers linked to the Chemmani mass graves. Their advancement within the military, notwithstanding credible allegations of their involvement or command responsibility for torture, enforced disappearances, and extrajudicial killings, exemplifies Sri Lanka's systemic failure to implement vetting, disciplinary action, or criminal accountability. Such promotion and retention of individuals credibly implicated in serious violations directly contravenes the preventative dimension of command responsibility, as well as internationally recognised standards on security-sector reform (SSR), which require the exclusion of such individuals from positions of authority. These failures are contrary to international standards on security-sector reform (SSR),¹⁶⁹ the UN Human Rights Due Diligence Policy (HRDDP),¹⁷⁰ and obligations under the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as under the International Covenant on Civil and Political Rights (ICCPR). In particular, Sri Lanka has persistently breached its duties to conduct prompt, independent, impartial and effective investigations; to prosecute and punish those responsible, including superiors; and to adopt institutional reforms as guarantees of non-recurrence, as required under international human rights law and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation. (For more detail, see 'Legal Analysis' above.)

In its 2003 report on disappearances in the Jaffna region, the Human Rights Commission of Sri Lanka noted: 'Special responsibility lies with those at the apex of the command structure, who permitted this state of affairs to exist, whether or not they were directly involved in the activities'.¹⁷¹ This

articulation closely mirrors international jurisprudence on command responsibility, as developed by international criminal tribunals and reflected in customary international law. In the cases outlined below, despite credible evidence of SLA involvement in arbitrary detention, torture, and enforced disappearances, the State demonstrably failed to fulfil its positive obligations under international law to prevent, repress and punish such crimes. Sri Lanka therefore remains in continuing breach of its duty to investigate and prosecute serious international crimes, in order to ensure non-recurrence, and to uphold the absolute prohibition of torture and enforced disappearance, both of which are recognised as norms of ‘jus cogens’ from which no derogation is permitted.

ANNEXE 2: SEVEN ARMY OFFICERS

After their 1998 convictions in the Krishanthi Kumaraswamy case, Somaratne Rajapakse, Dissanayake Jayatilake and two other low-ranking soldiers recorded voluntary statements in which they gave details of crimes committed at Chemmani.¹⁷² A press report a year later noted that ‘key witnesses’ had named 20 SLA officers who were ‘allegedly involved in the arrests, torture and murder of hundreds of Tamil civilians in Jaffna’.¹⁷³ This led, in 2000, to the arrest of four Army officers, along with a policeman who had earlier turned Crown witness.

Below is an outline of the careers of seven Army officers. Two of these officers, Amal Karunasekara and Gamini Jayasundara, were described in the statements of Rajapakse and Jayatilake as having overseen operations

at Chemmani. Neither was arrested in consequence. By contrast, four middle-ranking officers that they also named, Lalith Hewa, V. D. S. Perera, Sachindra Wijesiriwardena and Yatagama Udayakumara, were arrested in 2000.

Last to be included below is Duminda Keppetiwala. In his statement describing murders and burials in Chemmani, Jayatilake observed that locally deployed soldiers of the Sinha Regiment ‘also killed people in this manner’. At the time, Duminda Keppetiwala was second-in-command of the 8th Battalion of the Sinha Regiment, and was commander of the Navatkuli Army Camp a mile or so from the Chemmani checkpoint.

Gamini Jayasundara, Duminda Keppetiwala and Lalith Hewa were all also listed

as respondents in multiple habeas corpus applications made from 2003 to 2005. And Duminda Keppetiwala and Lalith Hewa are named repeatedly in the statements of victim families recorded in the 2003 report by the Committee on Disappearances in the Jaffna Region.

The career paths given below show that, alongside successive military awards and promotions, several of these officers went on to be implicated in later crimes.



1. KURUPPU ACHCHIGE DHAMMIKA
AMAL KARUNASEKARA [0/60070]

In 1998, Lance Corporal Somaratne Rajapakse identified Karunasekara (then ranked Major) as running the ‘Intelligence Unit’ at Ariyalai Military Intelligence Camp. From this camp he passed multiple corpses to Captain Lalith Hewa for disposal. Lance Corporal Dissanayake Jayatilake stated that countless detainees arrested by intelligence officers were placed in lockups in Ariyalai Camp where many were tortured and killed.

Despite credible allegations against him, from September 2004 to May 2005 Karunasekara was deployed to the United Nations Stabilization Mission in Haiti (MINUSTAH) as the commander of Sri Lanka’s first contingent of peacekeepers,¹⁷⁴ a placement that constituted a breach of Sri Lanka’s duty to vet peacekeepers, and potentially engaged State responsibility towards the UN. A subsequent UN internal investigation found that from

late 2004 to mid-October 2007, multiple Sri Lankan peacekeepers organised and committed systematic acts of sexual exploitation and abuse (SEA).¹⁷⁵ Karunasekara’s position of command placed him under international legal obligations to prevent and discipline SEA committed by his Sri Lankan subordinates. But these ‘allegations of sexual abuse by Sri Lankan peacekeepers echo those of the country’s generation-long civil war’,¹⁷⁶ and they were no impediment to his advancement within the Sri Lanka Army. In 2018 he was arrested by the Sri Lankan Criminal Investigations Department (CID) in connection with the abduction and torture in May 2008 of Keith Noyahr, an editor at the newspaper The Nation,¹⁷⁷ and was then released on bail.¹⁷⁸ He was also reportedly investigated for involvement in the 2009 killing of Lasantha Wickrematunge, editor of The Sunday Leader.¹⁷⁹

1981

Joins Sri Lanka Army as an Officer Cadet ¹⁸⁰

1984

Second Lieutenant, Sri Lanka Light Infantry (SLLI) ¹⁸¹

Feb 1994 – April 1997

Major, Commander 7th SLLI ¹⁸²

Sep 2004 – May 2005

Contingent Commander, United Nations Peacekeeping Operations Battalion, Haiti ¹⁸³

Nov 2006 – July 2009

Director, Military Intelligence ¹⁸⁴

May 2007 – July 2009

Colonel of the SLLI ¹⁸⁵

By 2008

Brigadier,¹⁸⁶ and briefly acting Director of Operations of the SLA ¹⁸⁷

Dec 2009 – Jun 2010

Deputy Chief of Mission, Embassy of Sri Lanka in Cairo, Egypt ¹⁸⁸

By Feb 2013

Commander of the reserve strike force, the 53rd Division.¹⁸⁹

May 2013

Major General ¹⁹⁰

Aug 2013 – Jan 2014

Master General Ordnance,¹⁹¹ and again, Colonel of the SLLI ¹⁹²

Jan 2014 – Feb 2015

Military Secretary, Sri Lanka Army ¹⁹³

Oct 2015 – Jan 2017

Commander Security Forces HQ, Kilinochchi ¹⁹⁴

Jan 2017 – Jul 2017

Commandant Defence Services Command & Staff College ¹⁹⁵

July 2017 – March 2018

Chief of Staff, Sri Lanka Army ¹⁹⁶

Mar 2018

Retires from the Army ¹⁹⁷

Mar 2018 – Mar 2023

Major General (Retd), Commandant National Defence College Sri Lanka ¹⁹⁸

Apr 2018

6 April: arrested by the CID in connection with the May 2008 abduction and assault of journalist Keith Noyahr; released on bail 10 September 2018. Also reportedly investigated for involvement in the 2009 killing of Lasantha Wickrematunge, editor of The Sunday Leader.¹⁹⁹



2. GAMINI BANDARA WIJESUNDARA JAYASUNDARA

In 1998, Rajapakse described how Jayasundara (ranked Brigadier at the time) had personally instituted the aggressive new ‘intelligence’ regime in Jaffna from July 1996 that led to widespread arbitrary detention, extrajudicial killings and secret burials at Chemmani. Rajapakse also implicated him in efforts in 1998 to unearth and destroy human remains in the Chemmani graves once excavation was proposed.

Jayasundara was in command of the 51st Division on 19 October 2000 when Tamil journalist Mylvaganam Nimalarajan was assassinated in a highly militarised security zone in Jaffna, overseen by the 512th Brigade under the 51st Division. Nimalarajan’s reporting on the civil war, including for the BBC, as well as his reporting on the Chemmani mass graves, was seen as a threat to the interests of politicians and the security forces.²⁰⁰

Jayasundara was a respondent in multiple habeas corpus

applications sworn between 2003 and 2005.

Despite his command responsibility for troops convicted of crimes relating to the Chemmani mass graves, and despite the State’s heightened duty under international human rights law to investigate attacks on journalists,²⁰¹ Jayasundara has never been investigated for crimes committed in this period of his career, or suspended pending investigation. Rather, the Sri Lankan government allowed him to advance through the ranks, in violation of a state’s obligation to prevent recurrence, which requires, among other things, the non-promotion of officials implicated in gross violations. Following retirement from military service, and despite all allegations against him, in 2021 Jayasundara was seen publicly at a book launch alongside senior commanders Kamal Gunaratne and Sarath Fonseka as well as other Sri Lankan Army officials, themselves allegedly implicated in war crimes during the civil war.²⁰² In addition to human rights violations, Jayasundara has also allegedly been implicated in corruption, reportedly giving false evidence to the Presidential Commission to Investigate Serious Corruption and Fraud in 2015 while he was the General Manager of the state-owned Rakna Arakshaka Lanka private security firm.²⁰³

1971 Joins Army ²⁰⁴

Sept 1994 Colonel, relinquishes appointment of Commandant, Regimental Centre, Vijayabahu Infantry Regiment, appointed as Colonel, General Staff, HQ, Task Force 3 ²⁰⁵

Nov 1994 – Jan 1995 Temporary Centre Commandant, SLLI ²⁰⁶

July 1996 Brigadier, Town Commandant, Jaffna ²⁰⁷

July 1999 Deputy Commander, Operations Command, Colombo, to be attached to Army HQ ²⁰⁸

Jan 2000 – Oct 2001 Major General, Commander 51st Division ²⁰⁹

Oct 2001 – Jan 2003 Major General, General Officer Commanding, 21st Division ²¹⁰

Oct 2004 – Dec 2004 Colonel of the Vijayabahu Infantry Regiment ²¹¹

Jan 2005 – April 2005 Quarter Master General, Sri Lanka Army ²¹²

2005 – 2013 Director of the National Cadet Corps ²¹³

2015 Once retired, becomes General Manager, Rakna Arakshaka Lanka, attached to the defence ministry. Allegedly implicated in corruption and sacked after giving false evidence during presidential inquiry ²¹⁴



3. DUMINDA KEPPETIWALANA

In 1998, Jayatilake stated that in 1996 soldiers of the Sinha Regiment were implicated in Chemmani killings. Duminda Keppetiwala was then second-in-command of the 8th Battalion of the Sinha Regiment, and was commander of the Navatkuli Army Camp, roughly a mile from the Chemmani checkpoint. He was also 1st respondent in multiple habeas corpus applications sworn between 2003 and 2005,²¹⁵ most relating to the 1996 Navatkuli cordon disappearances.²¹⁶

In 2007, the US Embassy in Colombo noted that Keppetiwala was denied US-funded training because of these pending cases, even though he was one of several officers ‘who have since been promoted and are now in key positions in MoD’. The Ambassador wrote: ‘If the 1996 case is quashed, it will be an indication that Sri Lanka is making little

headway on accountability.’²¹⁷ From August 2007 to September 2008, he was the Deputy Chief Military Officer at MINUSTAH Force Headquarters.²¹⁸ As in the case of Amal Karunasekara (see above) who served in Haiti before him, Duminda Keppetiwala’s appointment constituted a breach of Sri Lanka’s duty to vet peacekeepers, while he himself failed in his international legal obligations to prevent SEA committed by his Sri Lankan subordinates, a failure for which he has never been held accountable. He also served as a military assistant to General Sarath Fonseka,²¹⁹ the commander who led the Army as it committed mass human rights violations and international crimes during the final phase of the war.²²⁰

In December 2021, Duminda Keppetiwala faced a two-day court hearing into the enforced disappearances, in July 1996, of 23 young men and one young woman from Navatkuli Army Camp. The case had come back to public attention in 2017 following a ruling by Judge Ilanchelian on three habeas corpus applications filed in the Jaffna High Court. In 2018, Deputy Solicitor General Goonesekere urged the Court to dismiss the case on grounds including both the passage of time, and an assertion that documents presented in evidence were forgeries. In 2020, when this pressure failed, the case was transferred to the Chavakachchery Magistrate

Court. A newspaper report on the December 2021 hearing stated: ‘The Northern media institutions both print and electronic have been strictly controlled and prevented by the Army, police and intelligence from reporting the case and nobody allowed to the location.’ There have been no further updates since.²²¹

May 1984
Officer Cadet ²²²

Mar 1994 – Apr 1995
Company Commander, 4/7th Battalion Sri Lanka Sinha Regiment, Mullaitivu

Apr 1995 – Jan 1997
Lieutenant Colonel, Commander of the Navatkuli Camp,²²³ Second in Command, 8th Battalion Sri Lanka Sinha Regiment

Jan 1997 – Jul 1998
Commanding Officer, 12th Sri Lanka Sinha Regiment

Jul 1998 – May 2000
Commanding Officer, 8th Battalion Sri Lanka Sinha Regiment

May 2000 – Feb 2003
General Staff Officer I, Directorate of Staff Duties, Army HQ

Feb 2003 – Apr 2004
General Staff Officer I, Security Forces HQ, Jaffna

Apr 2004 – Jul 2005
Colonel General Staff, Security Forces HQ, Jaffna

Jul 2005 – Feb 2006
Colonel General Staff, Office

of the Chief of Defence Staff (OCDS), Colombo

Feb 2006 – May 2007
Military Assistant to the Commander of the Army, Army HQ, Colombo

Aug 2007 – Aug 2008
Deputy Chief Military Personnel Officer (DCMPO), United Nations – MINUSTAH, Haiti

Sep 2008 – Jan 2010
Held successive commands: Brigade Commander, 112th Brigade, Colombo; Centre Commandant, Sri Lanka Sinha Regiment HQ, Ambepussa; General Officer Commanding (Divisional Command) 59th Division, Mullaitivu; Commandant, Combat Training Centre, Ampara

2010
Compulsory retirement. Indicted and arrested in connection with the 2009 murder of newspaper editor Lasantha Wickrematunge: bailed ²²⁴

Oct 2010 – Dec 2010
General Manager, Damrive Foundation Sri Lanka, Colombo

Jan 2011 – May 2015
Flight Manager & Asset Management, National Air Cargo Inc, (USA) United Arab Emirates

Feb 2015 – Mar 2015
Reinstated in the Army,²²⁵ Director, Directorate of Operations, Army HQ, Colombo

Feb 2015 – Aug 2015
Director, Directorate of Infantry, Army HQ, Colombo

Jul 2016 – Apr 2017
General Officer Commanding (Divisional Commander) 66th Division, Poonakary (SFHQ Kilinochchi)

15 August 2019
Major General, retires ²²⁶



4. JAYASINGHE LALITH THUSITHA KUMARA HEWA [O/61834]

In 1998, Rajapakse accused Lalith Hewa, his immediate superior as Officer-in-Charge of ‘B Group’, 7th SLLI, Kopay Army Camp, of having issued lists of people to be detained at the Chemmani checkpoint, and further stated that Lalith Hewa oversaw multiple burials at Chemmani. Rajapakse and Jayatilake both also accused him of extrajudicial killing. He was named as 1st or 2nd respondent in several 2003 habeas corpus applications.

June 1997
Captain ²²⁷

2000
Arrested and bailed on a charge of kidnappings and secret killings and burials in the Jaffna region

June 2003
Temporary Major ²²⁸

Dec 2008
Lieutenant Colonel ²²⁹

Sept 2010 – July 2013
Commander of the 24th SLLI ²³⁰

Dec 2016
(Colonel: promotion gazetted 2019, backdated to 2016) ²³¹

2019
March, Temporary Colonel; May, promoted to Colonel, ending his tenure as General Staff Officer Grade 1 (Coordinating) at HQ 11th Division ²³²

Dec 2020
Temporary Brigadier ²³³

Nov 2021
Recognised by the University of Colombo for his contribution to the hospitality industry as a ‘guiding leader’ over the past six years ²³⁴

2024
Brigadier, retires on medical grounds ²³⁵



5. VISIDAGAMAGE DILSHAN SHASHIKA PERERA [O/62188]

In 1998, Jayatilake stated that Perera oversaw killings and ran a burial place by his base camp; and furthermore, that he had a spell supervising the Chemmani checkpoint, including overseeing burials. ²³⁶

By 1995
Lieutenant, SLLI ²³⁷

May 1997
Captain ²³⁸

2000
Arrested and bailed on a charge of kidnappings and secret killings and burials in the Jaffna region

May 2005
Major ²³⁹

Nov 2008
(Lieutenant Colonel: promotion gazetted 2016, backdated to 2008) ²⁴⁰

May 2013
Temporary Lieutenant Colonel, ²⁴¹ and Staff Officer 1 (Administrations and Quartering), HQ 51st Division ²⁴²

Oct 2013 – Jan 2017
Lieutenant Colonel, Commanding Officer, 11th Battalion SLLI ²⁴³

Nov 2018
(Colonel, Temporary Brigadier: promotion gazetted 2021, backdated to 2018) ²⁴⁴

Nov 2019
Colonel ²⁴⁵

By Feb 2020
Commander 574th Brigade ²⁴⁶

March – Aug 2021
Brigadier, Commander 642nd Brigade ²⁴⁷

May 2024
Temporary Major General, relinquishes command of the 232nd Infantry Brigade; appointed General Officer Commanding, 59th Infantry Division ²⁴⁸

Oct 2024
General Officer Commanding of the 64th Infantry Division ²⁴⁹

Jan 2025
General Officer Commanding of the 52nd Infantry Division ²⁵⁰

2025
Major General, retires ²⁵¹



6. SACHINDRA WIJESIRIWARDENA
[O/62421]

In 1996, Wijesiriwardena (then Lieutenant) worked with Rajapakse searching the houses of LTTE suspects and identifying them to intelligence officers. In 1998, both Rajapakse and Jayatilake accused him of torture and extrajudicial killing.

- 1996
Lieutenant, involved in intelligence operations
- Nov 1999
Temporary Captain, SLLI 252
- 2000
Arrested and bailed on a charge of kidnappings and secret killings and burials in the Jaffna region
- Nov 2003
Temporary Major 253
- 2007
Major 254
- 2011
(Lieutenant Colonel: promotion gazetted 2017, backdated to 2011) 255
- Aug 2012
Commander of the 23rd SLLI 256
- May 2013
Temporary Lieutenant Colonel 257
- Nov 2018
(Colonel, Temporary Brigadier: promotion gazetted 2022, backdated to 2018) 258
- Sept 2020
Lieutenant Colonel, Temporary Colonel 259

- May 2021
Brigadier 260
- March 2024
Brigade Commander, 641st Infantry Brigade 261
- Aug 2025
Director Movement of the Directorate of Movement at Army HQ 262



7. YATAGAMA GAMEGE ATHULA
UDAYA KUMARA [O/63083]

In 1998, Rajapakse accused Udayakumara (then Lieutenant) of being complicit in torture and killings in Chemmani. Jayatilake stated that Udayakumara supervised mass burials.

- 1996
Lieutenant
- 2000
Arrested and bailed on a charge of kidnappings and secret killings and burials in the Jaffna region
- 2013
Captain, retires on medical grounds 263

ENDNOTES

1 Mass Graves, ITJP, 2023, <https://itjpsl.com/reports/mass-graves>

2 See e.g. TamilNet, 4 June 2002: <https://www.tamilnet.com/art.html?catid=13&artid=7022>

3 Sri Lanka: Government’s response to widespread ‘disappearances’ in Jaffna: AI Index: ASA 37/24/97, pp1–2; see also University Teachers for Human Rights (UTHR), Jaffna: Report No.12, 28 April 1999, ppi-iii, 1, 19.

4 TamilNet, 13 July 1998: <https://www.tamilnet.com/art.html?catid=13&artid=1759>

5 Affidavits sworn in 2025, source on file. The identities of the families have been made anonymous in this report.

6 AI Index: ASA 37/24/97, p7.

7 In 1997, Amnesty International interviewed one of the ‘Thalaiyatti’, a former LTTE member detained by the SLA, who reported that, ‘the Army started taking him against his will on cordon and search operations, with his head covered by a blindfold provided with a little opening’. His orders were: ‘to nod his head to point out members of the LTTE’, and he said that failure to point out any suspects would earn informants a beating: AI Index: ASA 37/24/97, p8. For parents recognising their sons as informants, see Report on the Committee on Disappearances in the Jaffna Region, Human Rights Commission of Sri Lanka, October 2003, eg no. 153, p181, and no. 227, p194.

8 Report of the Committee on Disappearances in the Jaffna Region, HRCSL, Oct 2003, p138; evidence before the Committee on Disappearances of Lt Col Duminda Keppetiwala of 8 Sinha Regiment, SLA, 10 Feb 2003, pp1–9.

9 Perera had taken over from Major General Neil Dias on 13 September 1996: see <https://alt.Army.lk/sfhqj/51-division>

10 UTHR(J) Report No.12, 28 April 1999, p2.

11 See <https://www.lawnet.gov.lk/wp-content/uploads/2016/10/Law-Report-part-5-3.pdf>, pp113–123; summarised account: <https://lankalaw.net/wp-content/uploads/2024/12/009-SLLR-SLLR-2010-V-2-SOMARATNE-RAJAPAKSE-OTHERS-v.-HON.-ATTORNEY-GENERAL-KRISHANTHI-KUMARASWAM.pdf>; TamilNet, 2 Nov 2002: <https://www.tamilnet.com/art.html?catid=79&artid=7745>; UTHR(J) Report No.12, 28 April 1999, pp2, 6–9, 11; SL Government response to widespread ‘disappearances’ in Jaffna: AI Index: ASA 37/24/97, p2.

12 UTHR(J) Report No.12, 28 April 1999, p6.

13 TamilNet, 18 March 1998: <https://www.tamilnet.com/art.html?catid=13&artid=1132>

14 See <https://www.lawnet.gov.lk/wp-content/uploads/2016/10/Law-Report-part-5-3.pdf>, pp113–123; TamilNet, 5 July 1998: <https://www.tamilnet.com/art.html?catid=13&artid=1714>; TamilNet, 31 August 1998: <https://www.tamilnet.com/art.html?catid=13&artid=3859>; Somaratne Rajapakse, 20 July 1998: Statement (A), (source on file).

15 UTHR(J) Report No.12, 28 April 1999, pp2, 7–8, 10, 13.

16 TamilNet, 2 Nov 2002: <https://www.tamilnet.com/art.html?catid=79&artid=7745>. (Their father had died some time before.)

17 See TamilNet, 6 July 1998: <https://www.tamilnet.com/art.html?catid=79&artid=7394>; and TamilNet, 02 November 2002: <https://www.tamilnet.com/art.html?catid=79&artid=7745>. Apparently the Army had refused to supply the men with lawyers: see UTHR(J) Report No.12, 28 April 1999, p13.

18 TamilNet, 6 July 1998: <https://www.tamilnet.com/art.html?catid=79&artid=7394>; Somaratne Rajapakse, 20 July 1998: Statement (B), (source on file).

19 The petition was circulated by the group, ‘Parents of Disappeared Persons’: TamilNet, 17 Aug 1998: <https://www.tamilnet.com/art.html?catid=13&artid=1895>

20 Tamil Times, 15 Sept 1999, p6, quoting Paramanathan Selvarajah, aged 62.

21 Source on file.

22 Reports suggest that people detained around Jaffna tended to be processed first at Pungankulam Army Camp to the east before being distributed to other camps. See UTHR(J) Report No.12, 28 April 1999, pp2, 17.

23 On 27 July 1998, Rajapakse indicated two further informants: Statement (E). (Source on file.)

24 Somaratne Rajapakse, 20 July 1998: Statement (A); 22 July 1998: Statement (C); and 27 July 1998: Statement (E).

25 DM Jayatilake, 22 July 1998: Statements (J) and (L).

26 ASP Perera, 22 July 1998: Statement (K).

27 JM Jayasinghe, 31 July 1998: Statement (M), and Pradeep Priyadharshana, 31 July 1998: Statement (N).

28 Somaratne Rajapakse, 31 July 1998: Statement (F), and 3 August 1998: Statement (G). In Statement (F), Rajapakse put on record another direct killing that he now remembered. The 7th SLLI redeployed to Kilinochchi on 11 Sept 1996, four days after the Krishanthi murders, and the 11th SLLI took their place.

29 ASP Perera, 22 July 1998: Statement (K).

30 DM Jayatilake: 22 July 1998: Statement (L).

31 Somaratne Rajapakse, 22 July–25 August 1998: Statements (D), (E) (F1), (H) and (I).

32 Anonymous death threat to Rajapakse family, no date (source on file), and Somaratne Rajapakse, 20 July 1998: Statement (B).

33 TamilNet, 25 Aug 1998: <https://www.tamilnet.com/art.html?catid=13&artid=1922>; and 8 June 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3403>

34 TamilNet, 16 Dec 1998: <https://www.tamilnet.com/art.html?catid=13&artid=2504>; 8 Jan 1999: <https://www.tamilnet.com/art.html?catid=13&artid=2635>; and 16 June 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3441>

35 TamilNet, 07 Oct 1998: <https://www.tamilnet.com/art.html?catid=13&artid=2147>

36 In Sri Lanka, the Human Rights Commission had been charged with investigating the Chemmani graves, but lacked powers to compel compliance with its mandate: UTHR(J) Report No.12, 28 April 1999, piii.

37 TamilNet, 30 Oct 1998: <https://www.tamilnet.com/art.html?catid=13&artid=2247>

38 TamilNet, 19 May 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3321>; Tamil Times, 15 Sept 1999, p6.

39 See Adjournment Debate on the Allegations of a Mass Grave at Chemmani, 22 July 1998, in Neelan Tiruchelvam, *Transcending the Bitter Legacy: Selected Parliamentary Speeches*, 2000, p100.

40 Professor Niriellage Chandrasiri, 'Revelation of Chemmani Graves': report composed after Chemmani 1 (1999), and reprinted in *Torture: Asian and Global Perspectives*, Feb-April 2014, p13.

41 See *The Sri Lanka Monitor*, Sept 1998, p2; *The Sri Lanka Monitor*, Oct 1998, p3; TamilNet, 16 Dec 1998: <https://www.tamilnet.com/art.html?catid=13&artid=2504>

42 TamilNet, 08 Jan 1999: <https://www.tamilnet.com/art.html?catid=13&artid=2635>

43 UTHR(J) Report No.12, 28 April 1999, p iii.

44 TamilNet, 11 Feb 1999: <https://www.tamilnet.com/art.html?catid=13&artid=2867>

45 TamilNet, 2 March 1999: <https://www.tamilnet.com/art.html?catid=13&artid=2963>

46 TamilNet, 6 March and 1 April 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3104>, and <https://www.tamilnet.com/art.html?catid=13&artid=2981>

47 Hot Spring, Feb-March 1999, p6.

48 See Ingrid Massagé in *Himal*, 28 Oct 2025: <https://www.himalmag.com/politics/srilanka-chemmani-mass-graves-exhumations-impunity>

49 Professor Niriellage Chandrasiri, 'Revelation of Chemmani Graves': report composed after Chemmani 1 (1999), and reprinted in *Torture: Asian and Global Perspectives*, Feb-April 2014, p14.

50 TamilNet, 1 April 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3104>

51 Somaratne Rajapakse, 12 April, 22 April 1999: see Statements (O) and (Q); and death threat, 26 May 1999, (source on file).

52 Professor Niriellage Chandrasiri, 'Revelation of Chemmani Graves': report composed after Chemmani 1 (1999), and reprinted in *Torture: Asian and Global Perspectives*, Feb-April 2014, p14.

53 Professor Niriellage Chandrasiri, 'Revelation of Chemmani Graves': report composed after Chemmani 1 (1999), and reprinted in *Torture: Asian and Global Perspectives*, Feb-April 2014, p21.

54 TamilNet, 16 June 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3441>, 18 June 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3448>, and 22 June 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3461>; *The Sri Lanka Monitor*, June 1999, p3; Tamil Times, 15 Sept 1999, p6; Report of the Committee on Disappearances in the Jaffna Region, HRCSL, October 2003, p172.

55 TamilNet, 15 July 1999 <https://www.tamilnet.com/art.html?catid=13&artid=3586>

56 TamilNet, 30 Aug 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3850>

57 TamilNet, 30 Aug 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3851>

58 TamilNet, 31 Aug 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3859>

59 TamilNet, 6 Sept 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3889>, and 17 Sept 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3948>

60 TamilNet, 30 August 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3851>; and 9 Sept 1999: <https://www.tamilnet.com/art.html?catid=13&artid=3902>. Rajapakse apparently also stated that Mr S Gunaratnam, Director of Agrarian Services, was aware of what was happening at Chemmani.

61 Professor Niriellage Chandrasiri, 'Revelation of Chemmani Graves': report composed after Chemmani 1 (1999), and reprinted in *Torture: Asian and Global Perspectives*, Feb-April 2014, p24.

62 Professor Niriellage Chandrasiri, 'Revelation of Chemmani Graves, report composed after Chemmani 1 (1999), and reprinted in *Torture: Asian and Global Perspectives*, Feb-April 2014, pp26, 27.

63 Tamil Guardian, 17 Feb 2025: <https://www.tamilguardian.com/content/discovery-skeletal-remains-chemmani-reignites-fears-mass-graves-jaffna>; for a detailed map, see also: <https://cmj.sljol.info/articles/1251/files/submission/proof/1251-1-4695-1-10-20091023.pdf>

64 TamilNet, 25 Oct 1999: <https://www.tamilnet.com/art.html?catid=13&artid=4110>

65 TamilNet, 30 Nov 1999: <https://www.tamilnet.com/art.html?catid=13&artid=4268>, and 5 Dec 1999: <https://www.tamilnet.com/art.html?catid=13&artid=4295>

66 TamilNet, 24 Jan 2000: <https://www.tamilnet.com/art.html?catid=13&artid=4570>

67 TamilNet, 04 Oct 1999: <https://www.tamilnet.com/art.html?catid=13&artid=4009>

68 TamilNet, 22 February 2000: <https://www.tamilnet.com/art.html?catid=13&artid=4711>

69 TamilNet, 14 March 2000 <https://www.tamilnet.com/art.html?catid=13&artid=4801>. See also UTHR(J) Report No.12, 28 April 1999, p6; and p16: 'It has been reported that Lt. Thudugala and several members of his platoon died in the slaughter at Kilinochchi during late September 1998.'

70 TamilNet, 13 March 2001: <https://www.tamilnet.com/art.html?catid=13&artid=5856>

71 TamilNet: 28 Aug 2002: <https://www.tamilnet.com/art.html?catid=13&artid=7360>

72 See: Report of the Committee on Disappearances in the Jaffna Region, Human Rights Commission of Sri Lanka, October 2003, 'mandate', pp9, 10.

73 2003 Report as above, p160.

74 2003 Report as above, p53.

75 Evidence before the Committee on Disappearances of Lt Col Duminda Keppetiwala of 8 Sinha Regiment, SLA, 10 Feb 2003, pp1-9; and Report on the Committee on Disappearances in the Jaffna Region, HRCSL, Oct 2003, pp18, 26, 37; Balagalle's letter, 28 April 2003, p140.

76 See <https://alt.Army.lk/sfhqj/51-division>

77 LST (Law & Society Trust) Review 275-276, Sept-Oct 2010, pp10, 20: <https://lst.lk/wp-content/uploads/2024/02/Vol.21-Issue-N.-275-276-SEPTEMBER-OCTOBER-2010.pdf>

78 TamilNet, 20 September 1998: <https://www.tamilnet.com/art.html?catid=13&artid=2071>

79 In these habeas corpus applications, Captain Hewa Jayasinghelage Lalith Thusitha Kumara is identified as 'Lalith Kumara', but he was known to colleagues as 'Lalith Hewa', which this report also uses.

80 See also the Report of the Committee on Disappearances in the Jaffna Region, HRCSL, October 2003, e.g. p161.

81 See: <https://lankalaw.net/wp-content/uploads/2024/12/009-SLLR-SLLR-2010-V-2-SOMARATNE->

- 82** TamilNet, 5 June 2004: <https://www.tamilnet.com/art.html?catid=13&artid=12159>
- 83** TamilNet, 1 Oct 2003: <https://www.tamilnet.com/art.html?catid=13&artid=10011>
- 84** See e.g. TamilNet, 9 July 2004: <https://www.tamilnet.com/art.html?catid=13&artid=12384>
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- 86** TamilNet, 13 Oct 2004: <https://www.tamilnet.com/art.html?catid=13&artid=13136>
- 87** Source on file.
- 88** TamilNet, 06 Jan 2005: <https://www.tamilnet.com/art.html?catid=13&artid=13896>; and 7 Dec 2004: <https://www.tamilnet.com/art.html?catid=13&artid=13572>
- 89** AHRC, 4 Jan 2006: <http://www.humanrights.asia/news/ahrc-news/AS-002-2006/>
- 90** AI Index: ASA 37/24/97, p2.
- 91** TamilNet, 22 Oct 2006: <https://www.tamilnet.com/art.html?catid=13&artid=20005>
- 92** TamilNet: 14 Dec 2006: <https://www.tamilnet.com/art.html?catid=79&artid=20578>
- 93** Affidavits sworn in 2025, source on file.
- 94** TamilNet, 21 April 2007: <https://www.tamilnet.com/art.html?catid=13&artid=21942>, and, 26 April 2007: <https://www.tamilnet.com/art.html?catid=13&artid=21985>. (After the fall of Mahinda Rajapaksa's decade-long presidency, in 2015 a new political mood allowed 'showcase' instances of previously suppressed habeas corpus applications to return to court, but any hope arising from this change was reportedly dashed when military intelligence personnel were simultaneously deployed to harass and intimidate applicants. See TamilNet, 10 April 2015: <https://www.tamilnet.com/art.html?catid=13&artid=37724>.)
- 95** The case notes also record that it took seven years for 15 postmortem reports to be forwarded to the Attorney General, presumably concerning the 15 skeletons excavated in Chemmani in 1999.
- 96** Letter of 21 July 2025, sent under UN mandates to the Govt of Sri Lanka, Ref.: AL LKA 1/2025, p6: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30101>
- 97** Interviews, Sept / Oct 2025 9 (source on file); ICJ 27 July 2025: <https://www.icj.org/sri-lanka-icj-urges-international-oversight-and-victim-centred-investigation-into-chemmani-mass-grave-in-compliance-with-international-law-and-standards/>. See also TamilNet, 14 June 2018: <https://www.tamilnet.com/art.html?catid=13&artid=39098>
- 98** TamilNet, 8 Jan 2000: <https://www.tamilnet.com/art.html?catid=79&artid=7407>; Tamil Guardian, 19 Aug 2025: <https://www.tamilguardian.com/content/convicted-sri-lankan-soldier-reveals-more-mass-graves-and-political-cover-ups>
- 99** TamilNet, 1 Feb 2007: <https://www.tamilnet.com/art.html?artid=21102&catid=13>; Tamil Guardian, 17 Feb 2025: <https://www.tamilguardian.com/content/discovery-skeletal-remains-chemmani-reignites-fears-mass-graves-jaffna>
- 100** TamilNet, 18 June 2001: <https://www.tamilnet.com/art.html?catid=13&artid=6085>; The Guardian, 9 Oct 2008: <https://www.theguardian.com/world/2008/oct/09/srilanka>
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- 102** See: Letter of 21 July 2025, sent under UN mandates to the Govt of Sri Lanka, Ref.: AL LKA 1/2025, p6: <https://spcommreports.ohchr.org/TMResultsBase/>

- [DownloadPublicCommunicationFile?gId=30101](#); and <https://apnews.com/article/sri-lanka-grave-jaffna-chemmani-tamils-civil-war-d570beb78890405c73bd0ee75c059e69>. For funding impediments, see e.g. HRCSL report, Sept 2025: <https://www.hrcsl.lk/wp-content/uploads/2025/09/Fact-Finding-Report-of-HRCSL-on-Chemmani-Mass-Grave-Site.pdf>; and <https://www.tamilguardian.com> for 10 Feb 2026. For Volker Türk, 26 June 2025, see: <https://www.ohchr.org/en/statements-and-speeches/2025/06/turk-ends-mission-sri-lanka>
- 103** See: <https://www.tamilguardian.com> for '240' bodies: 24 June 24 2026; 'execution-style': Sept 17, 2025; 'hands bound', 'fractures', 'heaped together', 'child and infant': 10 Sept 2025; 'cradling a child': 31 July 2025. HRCSL report, Sept 2025: <https://www.hrcsl.lk/wp-content/uploads/2025/09/Fact-Finding-Report-of-HRCSL-on-Chemmani-Mass-Grave-Site.pdf>
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- 105** Sriskaran interview: source on file. On forced labour, see Report of the Committee on Disappearances in the Jaffna Region, Human Rights Commission of Sri Lanka, October 2003, pp24-6, and University Teachers for Human Rights (UTHR), Jaffna: Report No.12, 28 April 1999, p33.
- 106** Volker Türk, 26 June 2025, see: <https://www.ohchr.org/en/statements-and-speeches/2025/06/turk-ends-mission-sri-lanka>; and Tamil Guardian, 25 June 2025: <https://www.tamilguardian.com/content/un-human-rights-chief-visits-chemmani-mass-grave-site-jaffna>. See also Tamil Guardian, 29 June and 8 Dec 2025: <https://www.tamilguardian.com/content/eternal-lamp-protest-chemmani-justice-mass-graves-and-disappeared>; and <https://www.tamilguardian.com/content/memorial-lamp-tower-near-jaffna-arch-vandalised-again-unidentified-persons>; also <https://x.com/lankafiles/status/1976272628949319808?s=46&t=piF8a61GgtkMBtLw8RScJA>
- 107** For onsite conditions and flooded burial pits, as well as disarticulated 'skeletal assemblages', see images and film included in e.g. <https://www.tamilguardian.com> for 4 June 2026; also https://x.com/search?q=from%3Alankafiles%20chemmani&src=typed_query; and https://x.com/search?q=from%3Akumanan93%20chemmani&src=typed_query. See also <https://www.tamilguardian.com> for 'stagnant': 21 Jan 2026; 'waterlogged', funding 'complications': 10 Feb 2026; 'renewed drainage': 17 March 2026; 'Tamil civil society observers': 14 April 2026; 'third phase': 24 June 2026; 'effort to conceal': 15 June 2026; 'burnt', 'metal fragments': 7 May 2026; 'extensive trauma': 2 May 2026. On victims buried alive, see: TamilNet, 12 July 2001: <https://www.tamilnet.com/art.html?catid=13&artid=6145>, and e.g. AI Index: ASA 37/24/97, p12: 'When I recovered [consciousness] I found that it was dark and that I was in a lavatory pit partly covered.'
- 108** See <https://www.tamilguardian.com> for 'nine skeletal remains: 9 June 2026; 'more than 100 artefacts': 24 June 2026; for 'sandal' etc. see: <https://apnews.com/article/sri-lanka-grave-jaffna-chemmani-tamils-civil-war-d570beb78890405c73bd0ee75c059e69>; 'largest documents mass grave': 18 Jun 18 2026; 'grim milestone', 'surpassed 400': 22 June 2026.
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- 110** See <https://www.tamilguardian.com>: 24 June 2026 for '412 sets' and '15 July'.
- 111** Universal Declaration of Human Rights (UDHR), Art. 3, and International Covenant on Civil

and Political Rights (ICCPR) (Sri Lanka is a State Party since 1980), Arts. 6 and 9.

112 UDHR, Art. 4.

113 UDHR, Art. 5; ICCPR, Art. 7; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Sri Lanka is a State Party since 1994).

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115 ICPPED, Art. 1; enforced disappearances are continuing crimes, which makes the ICPPED still applicable to enforced disappearances that began before 2015 and continued until the present day.

116 UDHR, Arts. 10-11, and ICCPR, Art. 14.

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118 ICCPR, Art. 4; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Arts. 1, 2, 5, and 6; and CAT, Art. 1.

119 CAT, Art. 12, and ICPPED, Arts. 3 and 12.

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**‘IT REALLY IS A DEEP PAIN
LOSING YOUR FATHER THIS WAY
WITHOUT KNOWING WHAT HAPPENED
IN THE END.’**

**SRISKARAN’S SON,
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