



Tamil Information Centre

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Committed to Human Rights and Community Development

PRESS RELEASE

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Investigative mechanism critical for ending impunity over human rights violations

The Tamil Information Centre (TIC) is shocked and concerned over the gruesome massacre and other killings of civilians on Kayts Island, west of the Jaffna peninsula, on 13 May 2006. Information from TIC sources indicate that the Sri Lankan navy from the naval base on Mandaitivu Island was responsible for the murders.

On the night of 13 May 2006, the assailants stormed a house at Allaipiddy on Kayts Island and massacred eight people, all belonging to the same family, including two children, a woman and a 64 year-old man. Three people suffered serious injuries and one of them later died in hospital. Later that night, the attackers entered a house further north-west at Puliyanakoodal, and shot dead three people of the same family. Two of the dead were over 65 years of age. Some shops in the area were set on fire. A civilian was also killed at his home in Velanai.

A news item in the state-controlled newspaper the *Daily News* (Colombo) of 15 May 2006 said that Sri Lankan President Mahinda Rajapaksa vehemently condemned the killings of Tamil civilians and ordered a full scale inquiry into the incident. It was also reported that on the same day, Inspector General of Police (IGP) Chandra Fernando sent a special police team led by Senior Superintendent of Police Mahes Perera to Kayts for a comprehensive probe to find the perpetrators of the crime.

An important concern is the lack of monitoring and investigation of violations in the north-east. A large number of people have been killed, but none of the deaths has been probed by law enforcement agencies with the intention of finding the perpetrators. Unless these are properly investigated, there is little hope of ending the killings. Absence of investigation into crimes has led to impunity and has encouraged the perpetrators and others to carry out more crimes. This has also resulted in witnesses fearing to come forward to give evidence.

Investigations begun in a few instances have never been completed. Some investigations have been aimed solely to ensure that no blame falls on the security forces. Security force personnel have been transferred out immediately after killings, to make investigation difficult or impossible. Cases were filed relating to some massacres, but these cases have been dragging for many years, some for more than 15 years. In the Bindunuwewa case, relating to the massacre of 27 Tamil youths in the custody of the Sri Lankan State in a rehabilitation centre, all the accused were discharged or acquitted despite overwhelming evidence. This leads us to conclude that the whole State apparatus, including the judiciary, conspired to set murderers go scot-free.

The UN Secretary General has expressed concern over the violence and has called on the LTTE and the Sri Lankan government to ensure full protection of civilians. The European Parliament, in its resolution of

18 May 2006 stresses the need for an effective independent investigation into all alleged human rights violations by security forces or armed groups, bringing the perpetrators to justice in accordance with international fair trial standards, and insists that all parties should subscribe to comprehensive human rights agreements as a key element of future peace negotiations. Sri Lanka has been elected to the new UN Human Rights Council. UN General Assembly Resolution [A/RES/60/251 of 3 April 2006-Sixtieth Session] establishing the Human Rights Council says that the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinctions of any kind in a fair and equal manner, and that the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation.

- The TIC calls upon the Sri Lankan government to take all measures to protect all human rights and ensure the observance of the principles set out in the UN Resolution. There must be prompt, effective and impartial investigation into the Jaffna Island massacre as well as other killings and the safety of family members of victims and witnesses who wish to give evidence should be guaranteed.

The TIC has been constantly condemning killings by all sections and has continually called for proper investigations and punishment of offenders. As we have maintained throughout, the Sri Lankan government and the LTTE must take responsibility for investigations in the respective areas under their control and ensure that proper mechanisms are in place and the perpetrators are brought to justice.

- The TIC calls upon the international community to take necessary steps to influence the two parties to take proper and tangible action in this regard. Where the parties lack facilities and the investigative capacity necessary for proper law enforcement, the TIC urges the international community to provide required assistance in establishing mechanisms for monitoring, investigation and training.

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