



Inter-Parliamentary Union

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Sri Lanka

SRI/49 - Joseph Pararajasingham
SRI/53 - Nadarajah Raviraj
SRI/61 - Thiyagarajah Maheswaran
SRI/63 - D.M. Dassanayake

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 146th session (Geneva, 24-27 January 2015)

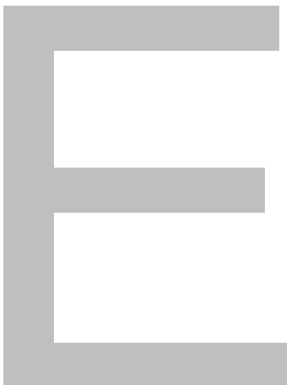
The Committee,

Referring to the cases of the above-mentioned parliamentarians, who were all assassinated between 24 December 2005 and 8 January 2008, and to the resolution adopted by the Governing Council at its 193rd session (October 2013),

Taking into account the communication from the Chief Parliamentary Protocol Officer, dated 13 March 2014, forwarding reports from police headquarters and the Attorney General's Department, and the information regularly provided by the complainants,

Recalling the following information on file with regard to Mr. Pararajasingham:

- Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 people; his wife and seven other people sustained gunshot injuries; St. Mary's Church is located in a high-security zone between two military checkpoints; at the time of the murder, additional security forces were on duty, which suggests, according to the complainants, that the culprits could have escaped only with the complicity of the security forces;
- The complainants affirm that Mr. Pararajasingham was killed by the Sri Lankan Government with the help of the Tamil Makkal Viduthalai Pulikal (TMVP, also known as the "Karuna group"), a faction led by Mr. V. Muralitharan (alias "Karuna"), which split from the Liberation Tigers of Tamil Eelam (LTTE) in 2004 over grievances that the LTTE gave priority to the situation of the Tamils in the north and disregarded the Tamils in the east; During that time, the Karuna group reportedly asked Mr. Pararajasingham to support the split; his refusal to do so became a problem, given that the Government had wanted the Tamils to divide over the north and east; the complainants affirm that in 2006 the Sri Lankan armed forces launched a major campaign to evict the LTTE from the east of the country, with the assistance of the Karuna group; they also point in this regard to a number of reports in support of the allegations of collusion between the army and the Karuna group;
- With regard to the circumstances of Mr. Pararajasingham's assassination, one of the complainants was told that those who had shot him were from the Karuna group and that their white van had gone in the direction of the army camp situated less than a mile away; the same complainant also affirmed that two of Mr. Pararajasingham's body guards had been sent to the Ministry of Defence just days before the killing and that two new guards had been sent



instead; the complainant states that when the killing took place the bodyguard who drove the car was not even on site, as he had locked the car and gone away; after the killing, the killer(s) walked out of the entrance, which was guarded by the other bodyguard; when Mr. Pararajasingham and his wife were taken to hospital, two paramilitary cadres were overheard confirming the former's death over walkie-talkie in the midst of all the people;

- According to the authorities, one of the main problems in the pursuit of justice in the case had been the question of witnesses, as the priest playing the organ at the Christmas Eve mass had been unable to identify any suspects, and witnesses had been afraid to come forward; Soon after the murder, those close to Mr. Pararajasingham had handed over to the authorities the names of three suspects, namely (a) "Ravi" in Kaluthavalai or Kommathurai, (b) Kalai (from EPDP, a political party and a pro-Government paramilitary organization), and (c) Sitha alias Pradeep, head of the Karuna group's intelligence; the authorities have affirmed that they have done everything possible to locate and identify these persons, but have been unsuccessful without their full names and addresses,

Recalling the following information on file with regard to Mr. Raviraj:

- Mr. Raviraj, a member of the TNA, was shot dead in the morning of 10 November 2006, along with his security officer, while travelling in his vehicle along a main road in Colombo, the gunman escaping on a motorcycle;
- Investigations revealed that the motorcycle had been sold by two brokers, named Nalaka Matagaweere and Ravindra, to Arul, who at the time was living at the house of S.K.T. Jayasuriya; the latter was taken into custody together with Nalaka; Jayasuriya revealed that Arul was a former LTTE member; Nalaka and Jayasuriya were later released on bail, as inquiries revealed that they had not been in Colombo at the time of Mr. Raviraj's assassination; arrest warrants were issued for Arul and Ravindra, who, according to the police progress report forwarded in April 2009, were strongly suspected of having gone to the areas then controlled by the LTTE;
- A Scotland Yard team arrived in Sri Lanka on 4 January 2007; the team took swabs of the bloodstain in the bag in which the firearm used for Mr. Raviraj's assassination had been hidden and transported, and which had been found at the crime scene; the swabs were profiled by Scotland Yard and preserved for matching if and when the suspects are apprehended;
- Since the defeat of the LTTE in May 2009, the Criminal Investigation Department (CID) has attempted to trace Arul and Ravindra among the refugees from the north and has even checked 300,000 displaced people, but to no avail; according to the authorities, a report had been sent to the Attorney General seeking advice on further investigation, and reports from non-governmental organizations, including University Teachers for Human Rights (UTHR), have been read for information about the murder, again to no avail; the complainants underscore that the UTHR's report concluded that the circumstances of the murder point to State responsibility and that the immediate purpose of Mr. Raviraj's killing appears to have been to silence the Civil Monitoring Committee, which he had set up and whose reports on abductions, killings and extortions had created significant commotion;
- The authorities stated in March 2014 that the Criminal Investigation Department (CID) had recorded statements of the family members of two of the suspects in the Gramaniladhari of Kotahena and Aluthkade areas between July 2013 to February 2014 with regard to their whereabouts, but no useful information had been revealed; further investigations were ongoing by the CID to trace the two potential suspects; the progress of the investigations was periodically reported by the CID to the Magistrate's Court,

Recalling the following information on file with regard to Mr. Maheswaran:

- The complainant in this case has from the outset emphasized that Mr. Maheswaran voted against the budget on 14 December 2007 and that, soon after the vote, the number of security guards assigned to him was cut from 18 to two; Mr. Maheswaran had openly made several statements to the effect that the reduction of his security detail had put his life seriously at risk and had repeatedly requested the Government to enhance his security, but to no avail; on 1 January 2008, he was shot while attending a religious

ceremony in a Hindu temple in Colombo and later died in a Colombo hospital; according to the complainant, the attack came after Mr. Maheswaran had said in a television interview that, when parliamentary sittings resumed on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;

- The authorities arrested Mr. Johnson Collin Valentino, alias "Wasantha", from Jaffna, who was identified as the gunman on the basis of a DNA analysis; the investigators concluded that the assailant was a LTTE activist who had been trained and sent to Colombo to kill Mr. Maheswaran; Mr. Valentino confessed to the crime and was found guilty on 27 August 2012 and sentenced to death,

Recalling the following information on file with regard to Mr. D.M. Dassanayake:

- Mr. Dassanayake was killed on 8 January 2008, along with a bodyguard, in a roadside claymore mine attack while on his way to Parliament; the subsequent arrest of a key Liberation Tigers of Tamil Eelam (LTTE) suspect operating in Colombo led to the arrest of other suspects, whose revelations resulted in the recovery of the remote-control device used to detonate the explosive that killed Mr. Dassanayake;
- According to the reports from police headquarters and the Attorney General's Department, as forwarded by the Chief Parliamentary Protocol Officer on 21 June 2013, one of the suspects, namely Mr. W. Don Hyzin Fernando, had pleaded guilty and had been sentenced on 1 August 2011 to two years rigorous imprisonment, a 10-year suspension and the payment of a fine of Rs. 30000. According to information conveyed by the authorities in 2014, two other accused, namely Mr. Sunderam Sathisha Kumaran and Mr. Kulathunga Hettiarachchige Malcom Tyrone, stood indicted in the High Court of Negombo on nine counts. These counts included conspiracy to commit murder and abetment to commit murder. The case was before the High Courts of Negombo under case No. 136/2012; the trials started on 16 September 2013 and were in progress,

Considering that, following earlier resolutions in 2012 and 2013, the United Nations Human Rights Council adopted a resolution on 27 March 2014 entitled "Promoting reconciliation, accountability and human rights in Sri Lanka", in which it requests the Office of the UN High Commissioner for Human Rights: (a) to monitor the human rights situation in Sri Lanka and to continue to assess progress on relevant national processes; (b) to undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission (2002-2009: *reference to years added...*), and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate-holders; *considering* that the results of the investigation, for which the Sri Lankan authorities at the time have refused any cooperation, will be officially presented to and discussed by the UN Human Rights Council on 25 March 2015,

Considering that presidential elections took place in Sri Lanka on 8 January 2015 and that a new Cabinet took office on 12 January 2015; *considering* that one of the complainants in the case of Mr. Pararajasingham has received indications that the Government intends to take serious steps to hold those responsible for this murder to account,

1. *Is deeply concerned* that those responsible for the murders of Mr. Pararajasingham and Mr. Raviraj, in which cases the complainants have from the outset pointed to the possible involvement of paramilitary forces, have yet to be held to account; *considers* that this regrettable state of affairs, nine and eight years respectively after those crimes were committed, should induce the new Government of Sri Lanka to do everything possible to look for fresh evidence and to re-examine carefully the existing leads and information;
2. *Sincerely hopes*, therefore, that the new authorities will give their full attention to elucidating these crimes, including by examining the allegation that the Sri Lankan army may have played a role in the murder, with the help of the Karuna group and others;

3. *Considers* in this regard that the Sri Lankan authorities stand much to gain from cooperating with the international community and making use of relevant international expertise and advice to shed full light on these crimes; therefore *calls on* the authorities to work closely with the OHCHR investigation team on Sri Lanka and to act on the recommendations that the UN Human Rights Council may adopt as a result of its work;
4. *Remains convinced* that for justice to take its course it is essential that witnesses can step forward without fear of reprisals; *trusts* that the Sri Lankan Government will give priority to finalizing, in consultation with all relevant stakeholders, including civil society organizations, an effective witness protection programme for witnesses in and outside Sri Lanka;
5. *Reiterates its wish* to receive a copy of the judgement handed down against the culprit in the case of Mr. Maheswaran, in particular so as to understand whether it takes account of the timing of his killing and the reduction of his security detail;
6. *Also wishes* to receive a copy of the judgement against the individual convicted for the killing of Mr. Dassanayake; *trusts* that trial proceedings against the two other suspects have been completed, or are otherwise near completion; *wishes* to receive detailed information on this point, including by means of a copy of the court rulings or the indictments;
7. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.