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Committed to Human Rights and Community Development

Situation Report on

Mass Graves in Tamil homeland in Sri Lanka

On 3 July 1998, five Sri Lankan soldiers were convicted of the rape and murder of 18 year-old Tamil schoolgirl, Krishanthi Kurnarasamy, her mother, 16 year-old brother and a neighbour on 7 September 1996. They were sentenced to death. The judgment, which has been referred to as a "Landmark Judgment", by human rights organisations, came in the wake of constant pressure on the Sri Lankan government by the international community to protect human rights and end the climate of impunity widely enjoyed by the security forces.

In statement in the court, one of the soldiers convicted, Somaratne Rajapakse, said that he was among those who buried bodies of Tamils murdered in custody, but did not commit the crimes. He declared that he could identify the location of graves at Chemmani in Jaffna where nearly 400 bodies were buried. Amnesty International and other human rights organisations had earlier stated that 600-700 people disappeared in Jaffna during the 18-month period following the capture of Jaffna by the government forces in November 1995.

Although Amnesty International and other organisations reported the disappearances in November 1997, and the soldier's disclosure was made in July 1998, the government made no attempt to investigate the graves. It is only after a great deal of international pressure resulting from the publicity given to the soldier's disclosure that the Government took the initial step of announcing an investigation. The Criminal Investigation Department (CID) and the Sri Lankan Human Rights Commission were reportedly making efforts towards investigations. These early reports were suggestive of a genuine attempt by government agencies to conduct an investigation. Statements were issued that the soldier will be taken to Jaffna to identify the site. However, despite these public pronouncements, very little progress has been made. Indeed, there is strong evidence that government officials at all levels obstructed the investigation. Announcements and promises were made and committees were appointed in such a manner to appease the international community, but designed to settle any investigation and hide the truth behind the mass graves.

The Tamil people of Jaffna, who have suffered human rights abuses spanning 25 years, are unwilling to place their trust in an internal investigation and have demanded the presence of international observers. The Sri Lankan Human Rights Commission wrote to the United Nations High Commissioner for Human Rights (UNHCHR) in July 1998 requesting assistance for the excavation of the site. The UNHCHR then requested permission from the Sri Lankan government which has not been granted upto now.

It has been revealed that the road leading to the alleged mass gravesite has been kept closed since the Sri army took control of Jaffna. This is the period during which the disappearances were reported. After soldier Rajapakse spoke out about the graves, people in vicinity of the area reported activities near the area late at night, raising suspicions that evidence of the graves is being destroyed.

Lance Corporal Somaratne Rajapakse, the soldier who made the disclosure on the mass graves, was assaulted and wounded in prison by prison guards on 23 August 1998. The attack on Rajapakse had resulted following his refusal to sign a written statement ordered by guards, reportedly on the orders of a Minister, to the effect that he had been emotionally disturbed at the time he made the statement to the High Court about the Chemmani mass graves and that it had been untrue.

Evidence has emerged of other gravesites in the late March 1999. Municipal employees working on a sewage pit at the Duraiappah Sports Stadium in Jaffna came across 23 human skeletons. Government officials have declined to comment on the remains, but said that they were being sent to Colombo for investigation. The Duraiappah Stadium was situated near the Jaffna Fort which was occupied by the Sri Lankan army from 1983 to 1987, then by the Indian Peace Keeping Force (IPKF) until 1989, and then again by the Sri Lankan army from 1989 to 1990. This area was out of bounds for civilians during these occupations. Although there have been disappearances in this area from 1983, very little has been done to address this major abuse of human rights.

Human remains were also recovered in April 1999 near Manalkadu in Vadamardchy and at Eratperiyakulam in Vavuniya which is the location of one of the largest Army camps. Three skeleton remains were found in a toilet pit close to a former Sri Lankan Army sentry post at Uthayanagar in Kilinochchi in the beginning of October 1998. The skeletons had their hands tied behind their backs. In a letter addressed to the UN High Commissioner for Human Rights, the Vanni Citizen's Committee have stated that there are more mass graves in the areas of Vasavilan and Punnalaikadduvan in the Jaffna District, near the military complex at Palaly and that there are suspicions that more graves may be found in the Eastern region. In 1998 and 1999 there have been a number of disappearances in Jaffna which have been brought to notice of the Sri Lankan Human Rights Commission.

In January 1999, a hearing took place in Jaffna about the Chemmani mass graves under Jaffna Magistrates A E Ekanathan, who ordered a second hearing in March. Eager to boost its image, the Sri Lankan Foreign Ministry issued a public statement on 10 February that Magistrate Ekanathan had visited the site and 'after observing that the site was inundated ordered the excavation on 5 March. However; Ekanathan refuted the claim and announced that he neither visited the site nor fixed a date for excavation and accused the ministry of interfering with the judicial process. According to Mr Ekanathan, on 8 February, he only allowed a police application to obtain the services of a forensic expert and a government analyst.

Meanwhile, LTTE leader Thooyavan, in a letter sent to magistrates in the Jaffna peninsula asserted that the Chemmani mass grave issue must be investigated by representatives of international human rights organisations, and not by the local courts. The letter further said that the Sri Lankan government is merely trying to re-impose its military administration in the peninsula and the LTTE would not allow this to happen. Following this statement by the LTTE, the Judge withdrew from the case. The Government however flew in judge Arulsaaharan from Colombo who ordered a 'report by a geologist on soil samples. Soil samples were taken from a site in the presence of a large number of journalists flown in from capital Colombo and encouraged them to give publicity. The Colombo newspapers provided full publicity for this event. When the time came for the hearing of the geologist's report, judge Arulsaaharan, who was waiting at his home in Colombo to be flown to Jaffna, was left behind and the hearing was abandoned. Subsequently a hearing took place in Colombo and the next hearing has been postponed until June 1999.

It is clear that the present Sri Lankan government that came to power with a pledge to bring the perpetrators of disappearances to justice has not fulfilled that pledge. The three Commissions appointed, by the government were mandated to investigate disappearances after 1 January 1988,

when disappearances of Sinhalese people began. There has been no investigation into the very large number of Tamils disappeared before this date. The three Commissions established have completed their investigations and have made extensive recommendations, which have largely been ignored. There had been no criminal investigations into most of the 16,800 cases on which the three commissions have reported. There is a fourth commission, which is now investigating into over 10,000 cases of disappearances. The only benefit that has resulted so far is the issue of death certificates for over 18,000 persons, granting of a small compensation to some affected families and beginning of prosecution of less than 200 cases. The result of government disregard is the encouragement of impunity and continuing disappearances, torture and extra-judicial executions.

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