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HUMAN RIGHTS COUNCIL  
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**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S  
ATTENTION**

**Written statement\* submitted by Asian Forum for Human Rights and Development  
(FORUM-ASIA), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2008]

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\* This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

## **Killings and Disappearances of Persons in Humanitarian Service in Sri Lanka**

### **1. Context: State and Non-state terror**

The main parties to the ongoing, armed conflict in Sri Lanka—both the Liberation Tigers of Tamil Eelam (LTTE) and the incumbent Government of Sri Lanka (GoSL)—are responsible for creating a climate of fear and danger for those working in the interests of civilians in war-affected regions, whether it be journalists or humanitarian and aid workers. While the attacks on civilians carried out by the LTTE are deplorable and cannot be condoned, since the LTTE is neither a State actor nor a democratically elected body, it is necessary to hold the elected government of Sri Lanka responsible for its continuing disregard of its responsibility to protect all its civilians.

Aid workers assisting thousands of displaced and war-affected persons that bear witness to the plight of civilians in the war zones, and media personnel who strive to report objectively on the war, are seen by the GoSL as obstacles to its unbridled war against the LTTE. As a result, journalists and those in humanitarian service in the war regions have been targets of harassment, enforced disappearances and extrajudicial killings.

Since the GoSL has co-opted two anti-LTTE Tamil groups to defeat the LTTE, the LTTE now appears to consider it acceptable to attack Tamil aid workers, journalists and civilians perceived to be supporting anti-LTTE Tamil groups. Anyone inhabiting the humanitarian space in Sri Lanka during the present cycle of conflict has had to avoid being accused and hunted by both the GoSL and LTTE.

### **2. Situation of those in humanitarian service**

It is in this context that 67 persons engaged in humanitarian service were either killed or “disappeared” (presumed dead) during 2006 and 2007 (28 were killed and 15 disappeared in 2006, totalling 43; in 2007, 17 were killed and 7 disappeared, totalling 24).<sup>1</sup> Since the

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<sup>1</sup> In 2006, the following persons were “disappeared”: (1) Narayanamoorthy Kandeepan & (2) Thambiah Tharmasri in Jaffna on 11 Jan.; (3) Kasinathar Ganeshalingam & (4) Kathirkamar Thangarasa in the border of Batticaloa district on 29 Jan.; (5) Arulnesarasa Satheeskaran, (6) Kailayapillai Ravindran, (7) Shanmuganathan Sujendran, (8) Thambiraja Vasantharajan & (9) Thanushkodi Premini also in the border of Batticaloa district on 30 Jan.; (10) Parameswaran in Batticaloa on 17 Feb.; (11) Rajani in Jaffna on 08 Jun.; (12) Krishnapillai Kamalanathan in Batticaloa on 02 Jul.; (13) Rev. Fr. Tiruchchelvan Nihal Jim Brown & his assistant (14) Wenceslaus Vincens Vimalathas in Jaffna on 20 Aug.; and (15) Charles Huston Ravindran in Jaffna on 15 Nov.; while the following were killed in 2006: (1) Chelvendra Pradeepkumar & (2) Shanmugaratnam Pathmanathan in Jaffna on 10 Apr.; (3) Jeyaruban Gnanapragasam in Vavuniya on 15 May; (4) Ratnam Ratnaraja in Batticaloa on 26 May; (5) Rasiah Muraleeswaran in Jaffna on 08 Jul., (6) Abdul Latif Mohammed Jauffer, (7) Ambigapathy Jayaseelan, (8) Ganesu Kavitha, (9) Gangatharan Sriharan, (10) Kanakarathnam Kovarthani, (11) Mathawarajah Ketheswaran, (12) Mohanthesa Rishikesan, (13) Muralitharan Dharmarathnam, (14) Muthulingam Narmathan, (15) Richard Arunraj, (16) Sathyawel Koneswaran, (17) Sellaiya Ganesu, (18) SingharasaPrimus Anantharajah, (19) Sivapragasam Romila, (20) Thurairaja Pratheepan, (21) Vairamuthu Kokilavathani, & (22) Yogarajah Kodeeswaran in Trincomalee (Muttur) on 04 Aug.; (23) Nagarasa Thavaranjitham in Vavuniya on 20 Aug.; (24) P. Jestly Julian in Ampara on 24 Aug.; (25) Sathiyamoorthy Selvaroopan in Jaffna on 01 Sep.; (26) Ragunathan Ramalingam in Trincomalee on 11 Sep.; (27) R. Anpalagan in Jaffna on 29 Sep.; and (28) Sabaratnam Rubesh in Ampara on 23 Nov.

beginning of 2008, at least two others have been killed.<sup>2</sup> These humanitarian actors were a crucial lifeline for thousands of civilians affected and displaced by the war. They worked where Government agencies were not able to provide adequate assistance and protection to those affected.

Among these 67 persons were two Catholic priests and one Buddhist monk; employees of international NGOs including ACF, TRO, UNOPS, NRC, DRC, Halo Trust, DDG, UMCOR, World Concern and of national organizations such as the Red Cross, Sewalanka and Rural Development Foundation; and Sinhala construction workers building a shelter for mainly Tamil tsunami and war orphans.

Tamil male humanitarian workers between 21 and 40 have been the most vulnerable group. More than a third of all humanitarian workers killed were from Jaffna, while all but one incident occurred in the Northern and Eastern provinces. Even in the case of the incident occurring outside these provinces – the killing of two Sri Lankan Red Cross workers – the affected persons lived and worked in Batticaloa, on the East coast.

While the incident of the 17 ACF staff killed in August 2006 in Mutur received worldwide attention, many incidents have not received adequate coverage and condemnation. For a large number of the 67 cases, complaints have been lodged with relevant authorities and other bodies, but there is no available information about progress made in investigations despite repeated specific requests by our partners in Sri Lanka. To the best of our knowledge, there has not been a single prosecution or conviction following any of the incidents. Some cases have been included in the mandate of the Commission of Inquiry appointed to look into serious human rights violations, while others have been taken up by UN human rights bodies such as the Special Procedures, but even in these high profile cases, there is no known outcome.

As reiterated by FORUM-ASIA in a written submission (A/HRC/7/NGO/93) to the 7<sup>th</sup> Session of the Human Rights Council, after visiting Sri Lanka in October 2007, the UN High Commissioner for Human Rights said that she was “convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.” Since this report, abuses have

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In 2007, persons “disappeared” were: (1) Subramaniam Parameswaran in Jaffna on 04 Jan.; (2) Yoganathan Ramesh on 08 Feb.; (3) Nagarasa Narenthiran in Jaffna on 09 Feb.; (4) Sivarasa Vinmalaraj in Jaffna on 17 Jun.; (5) Sivalingam Prabakaran in Jaffna on 18 Jul.; (6) Mohamed Zavier Mohamed Rizvi in Trincomalee on 06 Aug.; and (7) Sinnathamby Sathanathan in Batticaloa on 28 Nov., while the following were killed in 2007: (1) Muthuraja Aruleswaran in Mannar on 24 Mar.; (2) Liyanamohottige Dayananda Cabral, (3) Liyanamohottige Thushara Madusanka Cabral, (4) Thoranahena Gedara Susantha Ranjith Abeykoon, (5) Tissa Walan Mudiyansele Danapala, (6) Tissa Walan Mudiyansele Wijethunga & (7) Wele Pendige Chandrasiri in Batticaloa on 01 Apr.; (8) Ven. Thero Handungamuwe Nandarathna in Trincomalee on 13 May; (9) Kartheesu Chandramohan and (10) Sinnarasa Shanmugalingam in Ratnapura (residents of Batticaloa) on 02 Jun.; (11) Arumainayagam Alloysius in Jaffna on 23 Jul.; (12) Sivasamy Sriharan in Jaffna on 20 Aug.; (13) Rev. Fr. Nicholaspillai Pakiaranjith in Mannar on 26 Sep.; (14) Shanmuganathan Pakeerathanathan in Jaffna on 28 Oct.; (15) Gouthu Jalaltheen in Mannar on 10 Nov.; (16) Thangarajah Sujeevan in Jaffna on 16 Nov.; and (17) Sooriyakanthi Thavarajah in Jaffna on 14 Dec.

<sup>2</sup> Fr M Xavier Karunaratnam, chairman of the NorthEast Secretariat on Human Rights (NESoHR), was killed in a claymore explosion in Vannivilankulam, Mallavi on **20 Apr**. Mr Weerakutty Chandralingam, driver for the Eastern Self-Reliant Community Awakening Organisation, was abducted in Colombo by a group of men, one of whom wore a police constable’s uniform, on **15 May**.

increased, and the authorities have taken no steps to improve the dissemination of information to the public.

Since the majority of aid workers killed are posthumously “linked” with the LTTE, families of these persons are unable to approach mechanisms for redress and compensation. In the case of those who have been disappeared, attempts to get more information about them—let alone compensation—are ridiculed by the State machinery who claim the disappeared persons have temporarily fled their homes due to family disputes or romantic affairs.

### **3. Impact on civilians and internally displaced persons**

As a result of the threats and attacks against humanitarian workers, the very space in which they operate becomes subject to fear and insecurity. Civilians in the war regions regard aid workers not only as their life support, but also as protected through their association with aid agencies. When aid workers are killed or disappeared, the civilians who look to them are not only fraught with fear and insecurity, but also a sense of hopelessness. In many cases, agencies whose employees are attacked also change their working methods, such as reducing their outreach activities or withdrawing entirely. Threats and attacks on aid workers limit the essential assistance that civilians, particularly internally displaced persons, desperately need to survive.

### **4. Impunity and reluctance to take appropriate measures**

Although the numbers of incidents decreased in 2007, impunity in these cases is striking, with no prosecutions or convictions to date. The GoSL appears unwilling to accept international advice and assistance offered to address deficient prosecution and compensation processes, and to establish mechanisms to prevent further incidents of violence directed at humanitarian actors and address the broader ramifications of reduced delivery of humanitarian services. The GoSL seems reluctant to acknowledge that, as long as war necessitates humanitarian services for those affected by it, upholding humanitarian norms and principles is equally necessary. In view of the culture of denial regarding the extent and seriousness of atrocities committed, persisting threats and attacks, and systemic impunity for even the most heinous abuses, the GoSL needs to be pressured to uphold the rule of law and deliver justice to those still suffering from the loss of family members.

### **5. Recommendations**

We urge the Human Rights Council to take note of this dangerous trend, and encourage the GoSL to take appropriate action, including but not limited to:

- Cooperating with local and international aid agencies to ensure safe access to populations in need;
- Conducting impartial investigations of all reported incidents of killings and disappearances of persons in humanitarian service;
- Prosecuting and convicting perpetrators, irrespective of whether they are State- or non-State actors;
- Ensuring just compensation to all families for the loss of their loved ones;
- Establishing a field-based unit of the Office of the High Commissioner for Human Rights (OHCHR)

We urge the Council to continue its dialogue with the Government of Sri Lanka in this regard, and call on the Sri Lankan government to respond favourably.

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