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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

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

[11 February 2013]

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

Sri Lanka: The need for the preservation and proper inquiries into the remains of about 200 bodies found in the mass grave at Matale

1. The ALRC and its sister organization, the Asian Human Rights Commission (AHRC), have documented numerous cases of enforced disappearances to the state of Sri Lanka and to the UN Working Group.
2. The question of enforced disappearances in Sri Lanka has been a matter of concern for the Working Group for a long period now. The particular issue that the ALRC wishes to highlight in this submission is the finding of the remains of around 200 bodies at Matale, which is under investigation by the Sri Lankan authorities. According to forensic experts who have so far done the preliminary work, the remains of the bodies indicate injuries and therefore the experts now regard the site containing these remains as a crime scene.
3. The assumption so far is that these remains are of persons who were arrested as suspects of the Janatha Vimukthi Peramuna during the period of its second uprising, known usually as the second insurrection. The period was between 1987 and 1991. According to the reports of the commissions of inquiry into involuntary disappearances there were complaints to these commissions of disappearances of persons numbering around 30,000.
4. Now that it has come to the notice of the authorities of the discovery of these remains in what may be called a mass grave it is the duty of the state to conduct thorough inquiries into the circumstances under which these persons have suffered the injuries which are evidenced by their remains and to ensure a credible course of action leading to the discovery of all the details relating to the alleged crimes.
5. An inquiry must be able to ascertain the identity of the persons whose remains have been found; where they were arrested if these persons were disposed of after arrest, what is the nature of the injuries indicated on the remains and what the historical circumstances that led to their treatment that in turn led to these injuries. Such information should finally lead to the identity of those who caused these injuries which led to the death of these persons. Once such factual details are established it would be possible to decide the course of action needed to ensure justice.
6. However, there are serious concerns about the manner in which the remains are being preserved and also the manner in which the inquiries are being conducted. There are detailed processes and techniques essential for the scientific investigation of atrocity crimes. These include methods for the location, evaluation, excavation, recovery, and recording of mass graves and the analysis of human remains and other evidence in order to establish the identity of victims and the cause and manner of their deaths.
7. The ALRC suggests that the United Nations Working Group on Enforced Disappearances should, through their experts, study the situation and the conduct of inquiries relating to the remains of the 200 or more persons found in Matale, Sri Lanka and assist the Sri Lankan government to ensure that these inquiries will meet the international standards required for such inquiries. The ALRC also suggests that the international community should assist the Sri Lankan government with expertise, equipment and the necessary financial resources for the proper conduct of investigations as well as the preservation of these remains under ideal conditions, which are required for such purposes.
8. The ALRC is concerned that if such international cooperation is not extended there is the possibility of the neglect of these remains which may lead to their destruction as a whole or in part and also that if the remains are not preserved under proper conditions their evidentiary value may progressively degenerate.