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Sri Lanka

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



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LKA-49 – Joseph Pararajasingham

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

Mr. Joseph Pararajasingham was shot dead on 24 December 2005 while attending the midnight Christmas Eve Mass in St. Mary's Cathedral in Batticaloa. The Cathedral was located in a high-security zone and was reportedly surrounded by military at the time of the murder. The complainants therefore feared that Mr. Pararajasingham's murderers enjoyed the complicity of the security forces.

In October 2015, four suspects, including Mr. Sivanesathurai Chandrakanthan (alias Pillayan), the former Chief Minister of the Eastern Provincial Council and leader of the Tamil Makkal Viduthalai Pulikal (TMVP), a political party that originated from a paramilitary group, known as the "Karuna group", were arrested. Four others, all members of the TMVP, were also said to have been involved in the murder, two of whom were reportedly in Dubai and India.

On 13 January 2021, the five suspects – four of whom had been detained originally, and the fifth who had allegedly been detained later – were acquitted and released. The acquittal came after the Attorney General's Office

Case LKA-49

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant(s): Section I.(1)(a) and (d) of the [Committee Procedure](#) (Annex I)

Submission of complaint: December 2005

Recent IPU decision: October 2017

Recent IPU Mission: [July 2013](#)

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament, forwarding a report from the Attorney General's Department (January 2021)
- Communication from the complainants: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainants: January 2021

informed the court that it would not proceed with the prosecution. The Attorney General's Office had apparently provided no reason publicly for its decision.

Mr. Chandrakanthan was elected to parliament in August 2020 and is currently supporting the Government.

On 16 September 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released its report A/HRC/30/CRP.2 on its comprehensive investigation into alleged serious violations and abuses of human rights and related crimes committed by both parties (that is, the Government and related institutions, on the one hand, and the Liberation Tigers of Tamil Eelam (LTTE) on the other) in Sri Lanka between 2002 and 2011. The report mentions, with regard to the murder of Mr. Pararajasingham, that "there are reasonable grounds to believe that the Karuna group killed Joseph Pararajasingham, and that it was aided and abetted by security and army personnel". The OHCHR report concluded more generally that, with regard to the crimes committed during the violent conflict "the sheer number of allegations, their gravity and recurrence and the similarities in their *modus operandi*, as well as the consistent pattern of conduct this shows, all point to systematic crimes which cannot be treated as ordinary crimes" and that "Sri Lanka's criminal justice system is not currently equipped to conduct an independent and credible investigation into allegations of this breadth and magnitude, or to hold accountable those responsible for such violations".

After a new government had taken up office early 2015, in October of the same year, the United Nations (UN) Human Rights Council adopted resolution A/HRC/RES/30/1, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability was essential to uphold the rule of law and to build the confidence of the people of all communities of Sri Lanka in the justice system; (ii) noted with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and of violations of international humanitarian law, as applicable; (iii) affirmed that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirmed in that regard the importance of Commonwealth and other foreign judges.

Following presidential elections in Sri Lanka in November 2019, which brought to power Mr. Gotabaya Rajapaksa, the Sri Lankan Government withdrew in February 2020 from the UN Human Rights Council's cooperation framework set out in resolution A/HRC/RES/30/1.

In its latest report of January 2021 on "Promoting reconciliation, accountability and human rights in Sri Lanka", the OHCHR stated that "developments over the past year have fundamentally changed the environment for advancing reconciliation, accountability and human rights in Sri Lanka, eroded democratic checks and balances and civic space, and reprised a dangerous exclusionary and majoritarian discourse. These trends threaten to reverse the limited but important gains made in recent years and risk the recurrence of the policies and practices that gave rise to the grave violations of the past". In its chapter on "Political obstruction of accountability for crimes and human rights violations," the report states that "the current government has proactively obstructed or sought to stop ongoing investigations and criminal trials to prevent accountability for past crimes. On 9 January 2020, the Government appointed a Presidential Commission of Inquiry to investigate alleged "political victimization" of public officials, members of the armed forces and police, and employees of state corporations by the previous government. With its broad mandate, the Commission has intervened in police investigations and court proceedings and had the effect of undermining the police and judiciary in several high-profile human rights and corruption-related cases".

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided;
2. *Is appalled* that 15 years after Mr. Pararajasingham's murder the pursuit of justice in this case appears to have largely started anew; *is deeply concerned* at this state of affairs, given that important leads exist that point to the identity of the culprits and that the reported ties that existed at the time of the murder between the alleged culprits and the authorities then in power and the alleged interference by the same current authorities in several important criminal

proceedings could well offer an explanation for the latest turn of events in this case; and *wishes* to receive further details as to why the Attorney General chose to discontinue proceedings against the suspects detained in 2015;

3. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that this high-profile crime does not go unpunished; *urges* them, therefore, to continue the investigation, including by actively seeking fresh evidence and by ensuring that witnesses receive the necessary protection so that they cannot be subject to reprisals; and *wishes* to ascertain what steps are being taken to this end;
4. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that an effective investigation is carried out, especially when it concerns a former member; *wishes*, therefore, to ascertain the views of the current parliament as to the possibility of it regularly monitoring the investigation;
5. *Remains convinced* that the solution to the case of Mr. Pararajasingham's murder has to be part of a comprehensive and serious approach by the Sri Lankan authorities to promote truth, justice and reconciliation for the crimes committed during the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest OHCHR report, which refers to the clear intention of the current Sri Lankan Government to move away from honouring earlier international commitments to promote accountability and reconciliation in this regard; and *urges* the Sri Lankan authorities to return to the cooperation framework set up under UN Human Rights Council resolution A/HRC/RES/30/1, including by accepting offers of assistance and seeking opportunities to benefit from international expertise that would allow them to make progress in the pursuit of justice and reconciliation, such as in the case of Mr. Pararajasingham;
6. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, including the Attorney General, the complainants and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining the case.