



Inter-Parliamentary Union
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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)



Sri Lankan army troops guard the bullet-riddled vehicle of Tamil legislator Nadarajah Raviraj, who was gunned down on 10 November 2006 in the capital, Colombo. AFP photo/Lakruwan WANNIARACHCHI

LKA-53 – Nadarajah Raviraj

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

Mr. Nadarajah Raviraj, a member of parliament belonging to the Tamil National Alliance (TNA), was assassinated on 10 November 2006 while travelling in his vehicle on a highway in Colombo. Seven persons were arrested, four of whom in March 2015, namely two lieutenant commanders of the Sri Lankan Navy, one navy officer and one police officer. Four of the seven suspects, namely those arrested in 2006 and one of the lieutenant commanders arrested in March 2015, were released on bail. The investigation has also pointed to the complicity in the crime of Mr. Sivakanthan Vivekanandan (alias Charan), a Tamil Makkal Viduthalai Pulikal (TMVP) member, who is said to be in Switzerland. His extradition process has been initiated. The Sri Lankan authorities have also made a Mutual Legal Assistance request to the United Kingdom authorities to enlist the support of its Metropolitan Police Service, New Scotland Yard.

The accused were served with indictments on 21 July 2016 and remanded in custody until the trial was concluded by the High Court which, on 24 December 2016, decided to discharge all suspects. An appeal was filed by the Attorney General against the judgment, which is pending. The aggrieved party has opposed the appeal, and the matter has been fixed for inquiry and argument by the Court of Appeal on 16 and 17 February 2021.

Case LKA-53

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: November 2006

Recent IPU decision: [October 2017](#)

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 complainant: January 2018
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainant: January 2021

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 that Mr. Raviraj was widely known for his moderate views and critical statements of both the LTTE and the Government, particularly in the weeks leading up to his murder. Along with other parliamentarians, he had set up the Civilian Monitoring Committee, which alleged the Government was responsible for abductions, enforced disappearances and unlawful killings. The report also points to the fact that, the day before he was killed, Mr. Raviraj and other TNA parliamentarians took part in a demonstration in front of the United Nations (UN) offices in Colombo to protest against the killing of Tamil civilians by the military in the east and the increasing abductions and extrajudicial killings.

After a new government had taken up office early 2015, in October the same year, the 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. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that this high-profile crime does not go unpunished; *trusts* that the Court of Appeal will soon decide on the appeal in light of all the available evidence; *expresses concern*, nevertheless, about the reported political obstruction of accountability for crimes and human rights violations by the current Sri Lankan Government, in particular in cases in which the suspects belonged to the army, and the alleged context of eroded checks and balances in which the current case also has to be seen;
3. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that justice is effectively pursued and delivered, 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 judicial proceedings;

4. *Remains convinced* that the solution to the case of Mr. Raviraj'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 that refers to the clear intention by 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. Raviraj;
5. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, including the Attorney General, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.