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# Sri Lanka

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



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LKA-63 – D.M. Dassanayake

## Alleged human rights violations

✓ Murder

### A. Summary of the case

Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, was killed on 8 January 2008, along with a bodyguard, in a roadside Claymore mine attack while on his way to parliament. The subsequent arrest of a key Liberation Tigers of Tamil Eelam (LTTE) suspect operating in Colombo led to the arrest of other suspects, whose revelations resulted in the recovery of the remote-control device used to detonate the explosive that killed Mr. Dassanayake. Three suspects have been indicted. One confessed and was found guilty in 2011, and trial proceedings continued against the other two until one of them died in 2015. The trial against the remaining suspect is now said to be near completion. The case was to be called to fix a further trial on 15 January 2021.

The murder of Mr. Dassanayake took place during the violent conflict between the Sri Lankan authorities and the LTTE, during which serious violations and abuses of human rights and related crimes were committed by both parties.

After a new government had taken up office in Sri Lanka in 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

### Case LKA-63

**Sri Lanka:** Parliament affiliated to the IPU

**Victim:** Majority member

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

**Submission of complaint:** January 2008

**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 133<sup>rd</sup> 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

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 Office of the United Nations High Commissioner for Human Rights 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".

## **B. Decision**

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided;
2. *Recalls* the important principle that justice delayed is justice denied; *calls on* the relevant authorities to expedite the completion of the legal proceedings against the single suspect in the case of Mr. Dassanayake; and *wishes* to be kept informed in this regard;
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 legal proceedings so that they are indeed speedily completed;
4. *Remains convinced* that this case also has to be seen in the context of the need for 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 UN report that 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;
5. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.