

SRI LANKA

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Sri Lanka

*Decision adopted unanimously by the IPU Governing Council at its 208th session
(Madrid, 30 November 2021)*



© Courtesy Mr. Rishad Bathiudeen's family

LKA-77 – Rishad Bathiudeen

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression

A. Summary of the case

Mr. Abdul Rishad Bathiudeen, a leading Muslim opposition member, was arrested on 24 April 2021 under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, on accusations of having aided and abetted the suicide bombers, allegedly linked to the Islamic State, who caused the deaths of close to 300 people on Easter Sunday, 21 April 2019. The attacks were on churches and hotels and targeted the Christian community in Sri Lanka.

At the time, Mr. Bathiudeen was Minister of Industry and Commerce. One of the entities that came under the purview of his ministry was the Industrial Development Board (IDB), which, *inter alia*, was responsible for selling scrap metal to businesses and for issuing related export licences. It turns out that a

Case LKA-77

Sri Lanka: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

Qualified complainant(s): Section I.1(a) of the Committee Procedure (Annex I)

Submission of complaint: May 2021

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing: - - -

Recent follow-up:

- Communication from the authorities: August 2021
- Communication from the complainant: November 2021
- Communication to the authorities: October 2021
- Communication to the complainant: November 2021

company, Colossus (Pvt) Ltd, managed by a director who later became one of the suicide bombers, purchased scrap metal and sought to obtain an export licence from the IDB, and that some of the money obtained thereby may have been used to finance the terrorist bombings.

According to the complainant, Mr. Bathiudeen was in no way involved directly in the process of authorizing the sale of scrap metal or the issuance of export licences, these powers having been delegated to others in the ministry. Moreover, the complainant underscored that Mr. Bathiudeen had no relations whatsoever with the director of Colossus (Pvt) Ltd. In this regard, the complainant also points out that, in addition to a ministerial investigation committee, a parliamentary select committee and presidential commission of inquiry found no evidence incriminating Mr. Bathiudeen with regard to the suicide bombings. The complainant states that Mr. Bathiudeen has been targeted with criminal proceedings for his opposition to the current President, Mr. Rajapakse, and owing to anti-Muslim sentiment in the country in the aftermath of the Easter Sunday attacks.

According to the complainant, upon arrest, Mr. Bathiudeen was not shown a warrant nor was he later charged. Mr. Bathiudeen immediately submitted a Fundamental Rights Application challenging his arrest and detention. According to the Secretary General of Parliament, inasmuch as the matter was of direct concern to parliament, in line with the procedure in place, the Speaker had been informed at the time of Mr. Bathiudeen's arrest by the competent authorities. Mr. Bathiudeen's Fundamental Rights Application was before four different Supreme Court judges, with each one deciding to recuse themselves. On 14 October 2021, the Forts Magistrate Court granted Mr. Bathiudeen bail, but still considered him a suspect in the investigation.

On 4 October 2021, Sri Lankan prosecutors indicted over 20 suspects along with the alleged Islamic State "mastermind" of the suicide bombings in the Colombo High Court. These individuals are said to have had direct involvement with the suicide bombers. There are still many others, possibly amounting to 300 persons, who are reportedly still being held without charge or prosecution in connection with the Easter Sunday Attacks.

It should be noted that Mr. Bathiudeen is also a suspect in another legal case that is not part of the complaint before the IPU Committee on the Human Rights of Parliamentarians.

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. Notes that the complaint concerning Mr. Rishad Bathiudeen is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under Section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the alleged facts; and (iii) concerns allegations of arbitrary arrest and detention, lack of due process in proceedings against parliamentarians, and violation of freedom of opinion and expression, which are allegations that fall within the Committee's mandate.
2. *Thanks* the Secretary General of the Sri Lankan Parliament for his communication and cooperation;
3. *Is concerned* that Mr. Bathiudeen was detained for six months under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, in the absence of the prompt processing of his Fundamental Rights Application;
4. *Is also concerned* that no official information has been made available to show on what concrete factual basis Mr. Bathiudeen is considered a suspect in the investigation, which may only give weight to the statement by the complainant that there is in fact no case against him;
5. *Calls on* the competent authorities, therefore, to either swiftly charge Mr. Bathiudeen, if solid and credible evidence is available, or to abandon the case against him; and *wishes* to receive specific information on this point;

6. *Is deeply concerned* that the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, has not been abolished or amended as recommended on many occasions by United Nations human rights mechanisms and despite previous commitments made by the Sri Lankan authorities; *recalls* in this regard that the Act allows arrests for unspecified “unlawful activities” without warrant and permits detention for up to 18 months without the authorities bringing the suspect before a court, and that this has led to multiple abuses; *calls on* parliament, therefore, to use its powers to carry out a full review of this Act and to abolish or amend it in line with Sri Lanka’s international human rights obligations; and *wishes* to receive information in this regard, including on whether parliament wishes to receive IPU assistance to that end;
7. *Requests* the Secretary General to convey this decision to the parliamentary and prosecuting authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and report to it in due course.



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LKA-78 – Ranjan Ramanayake

Alleged human rights violations

- ✓ Threat, acts of intimidation
- ✓ Inhumane conditions of detention
- ✓ Lack of fair trial proceedings
- ✓ Lack of right to appeal
- ✓ Violation of freedom of opinion and expression
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

On 21 January 2021, the Supreme Court sentenced Mr. Ranjan Ramanayake, an opposition member of the Parliament of Sri Lanka, to four years of rigorous imprisonment for contempt of court under Article 105(3) of the Constitution.

The Attorney General had brought the case against Mr. Ramanayake following a complaint filed in the Supreme Court by the Venerable Mr. Magalkande Sudantha Thero and retired Air Force officer Mr. Sunil Perera. The case was brought in connection with remarks made by Mr. Ramanayake to the media following a discussion with the then Prime Minister, Mr. Ranil Wickremesinghe, at Temple Trees on 21 August 2017. The interview was broadcast on the “News 1st” news bulletin on MTV Channel (Private) Limited’s Sirasa TV on the same day. During the interview, Mr. Ramanayake stated, *inter alia*, the following: “The majority of judges in Sri Lanka are corrupt. Corrupt lawyers. About 95 per cent of them. They work for money. Every day they protected murderers, corrupt people and drug dealers for money”.

Case LKA-78

Sri Lanka: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

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

Submission of complaint: August 2021

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Attorney General (November 2021)
- Communication from the complainant: August 2021
- Communication to the authorities: October 2021
- Communication to the complainant: November 2021

The complainant states that Mr. Ramanayake's prison sentence comes in response to his strong opposition to the Government and his efforts to denounce and root out corruption. The complainant considers that Mr. Ramanayake's sentencing and conviction run counter to his right to freedom of expression, all the more so considering that ample information is available to show the level of corruption in the judiciary, and to his right to participate in the conduct of public affairs, given that his parliamentary mandate was terminated as a result on 7 April 2021. Moreover, the complainant, as well as the United Nations (UN) Special Rapporteur on the independence of judges and lawyers, state that in the Sri Lankan legal system "contempt of court " has not been defined clearly, and that the verdict cannot be appealed. Moreover, as a consequence of the sentence, pursuant to Article 89(d) of the Constitution, Mr. Ramanayake will be barred from voting and standing in elections for a period of seven years following completion of his sentence.

The complainant is concerned about Mr. Ramanayake's state of health and prison conditions. It states that Mr. Ramanayake was only given a bed in the prison hospital where he was admitted in October 2021 because of his diabetes, hypertension, knee pain and backache. However, the prison officers, rather than the doctors, could decide at any point to send him back to prison. According to the complainant, when he is in prison, Mr. Ramanayake is only allowed to receive visitors once a month for 15 minutes. He is reportedly not allowed to make any phone calls and can only post letters, which are often sent with a significant delay.

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. *Notes* that the complaint concerning Mr. Ranjan Ramanayake is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under Section I.1.(d) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the initial allegations; and (iii) concerns allegations of threats and acts of intimidation, inhumane conditions of detention, lack of fair trial proceedings, lack of the right to appeal, violation of freedom of opinion and expression, and the abusive revocation of the parliamentary mandate, which are allegations that fall within the Committee's mandate;
2. *Is alarmed* that Mr. Ramanayake is currently serving a four-year prison term owing to a highly questionable verdict and sentence, neither of which, in violation of basic fair trial standards, is open to judicial review, as the Supreme Court ruled at single instance;
3. *Considers* that, in making the statement, Mr. Ramanayake was exercising his right to freedom of speech and his parliamentary mandate, which includes oversight of the overall state of administration of justice; *considers* also in this regard that both common law jurisprudence and human rights doctrine amply demonstrate that freedom of speech must be the overriding value where contempt of court is concerned; and *considers*, therefore, that the prison sentence is totally inappropriate and that, should any sanction have been considered necessary, this should have been limited to a warning or a small fine at the most;
4. *Is deeply concerned* that, as a result of the sentence and conviction, Mr. Ramanayake's parliamentary mandate was terminated and that, in addition, he will be prevented from voting and standing in elections for seven years after serving his sentence;
5. *Calls on* the President of Sri Lanka, therefore, to grant Mr. Ramanayake a pardon so that he can regain his freedom and, if not resume his parliamentary mandate, at least vote and stand in elections, thereby redressing the injustice suffered by him as a result of the contempt of court proceedings; and *expresses* the hope that the President will give its plea due consideration;
6. *Firmly believes* that every parliament has a particular interest in ensuring that its members, irrespective of party affiliation, can freely express themselves without fear of reprisal by the other state branches, as otherwise the very independence of the institution would be at stake; *calls on* the Sri Lankan Parliament to take this matter into serious consideration by ensuring that legislation is in place that clearly defines contempt of court, establishes clear sanctions for the

most serious of cases in which there is a real and imminent danger concerning the administration of justice, and offers persons convicted an opportunity to appeal; and *would appreciate* receiving observations on this point;

7. *Is deeply concerned* about Mr. Ramanayake's alleged state of health and prison conditions; *urges* the competent authorities, for as long as he remains imprisoned, to ensure that he receives the necessary medical care and is allowed to communicate regularly, through telephone calls and visits, with his lawyer and family members; and *wishes* to receive specific information on this point;
8. *Requests* the Secretary General to convey this decision to the President of Sri Lanka, the parliamentary authorities and prison authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and report to it in due course.



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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. Sivanethurai 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.



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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.



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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 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

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.



Inter-Parliamentary Union
For democracy. For everyone.

Sri Lanka

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



LKA-69 – Sivaganam Shritharan

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Impunity

A. Summary of the case

Mr. Sivaganam Shritharan has been a member of parliament since 2010, belonging to the Tamil National Alliance (TNA). On 7 March 2011, Mr. Shritharan was travelling from Vavuniyaa to Colombo to attend parliament the following day. At around 6 p.m., when his vehicle was passing Nochchiyagama, on the Anuradhapura Puttalam Road (a 100% Sinhalese area, according to the complainant), at a place called Udukkulam, three persons got out of a vehicle parked on the roadside without a number plate, opened fire at the vehicle and hurled two hand grenades under it. Owing to the skills of the driver, Mr. Shritharan escaped unscathed and the vehicle was only lightly damaged. The Eelam People's Democratic Party, an allegedly government-backed paramilitary group and political party, was said to be responsible for the assassination attempt.

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 (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

Case LKA-69

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

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

Submission of complaint: April 2011

Recent IPU decision: October 2015

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: Meeting with the complainant at the IPU Secretariat (March 2019)
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainant: January 2021

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; *notes*, however, that this information does not contain any information on any progress made to establish accountability for the attempt on Mr. Shritharan’s life in 2011;
2. *Believes* that the absence of such information may well indicate that those responsible for the attempted murder have yet to be identified and are still at large; *expresses concern* in this regard about the reported political obstruction of accountability for crimes and human rights violations by the current Sri Lankan Government;
3. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that the attempt on Mr. Shritharan’s life does not go unpunished; *urges* them, therefore, to carry out an effective investigation aimed at producing concrete results; and *wishes* to be informed of any steps taken to this end;
4. *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;
5. *Remains convinced* that the solution to the case of Mr. Shritharan 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 in the context of the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest OHCHR report that signals 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 framework of cooperation set up under United Nations 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. Shritharan;
6. *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;
7. *Decides* to continue examining the case.



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SRI/49 - Joseph Pararajasingham
SRI/53 - Nadarajah Raviraj
SRI/61 - Thiyagarajah Maheswaran
SRI/63 - D.M. Dassanayake

***Decision adopted unanimously by the IPU Governing Council
at its 201st session (St. Petersburg, 18 October 2017)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the four above-mentioned parliamentarians, who were all assassinated between December 2005 and January 2008, and the decision adopted by the Committee on the Human Rights of Parliamentarians at its 152nd session (January 2017) and its own decision adopted at its 197th session (October 2015),

Taking into account the information provided by the Sri Lankan delegation to the 137th IPU Assembly, led by the Speaker of the Parliament and including the Minister of Justice, at the hearing held with the Committee on 14 October 2017,

Recalling the following information provided by the complainants and the authorities regarding the cases of:

- **Mr. Pararajasingham**
 - Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve mass at St. Mary's Cathedral in Batticaloa, located in a high-security zone between two military checkpoints;
 - The complainants have always affirmed that Mr. Pararajasingham was killed by the Sri Lankan Government with the help of the Tamil Makkal Viduthalai Pulikal (TMVP, also known as the "Karuna group"), a faction led by Mr. V. Muralitharan (alias "Karuna"), which split from the Liberation Tigers of Tamil Eelam (LTTE) in 2004 over grievances that the LTTE gave priority to the situation of the Tamils in the north and disregarded the Tamils in the east; at that time, the Karuna group reportedly asked Mr. Pararajasingham to support the split; his refusal to do so became a problem, given that the Government had wanted the Tamils to divide over the north and east;
 - On 4 October 2015, four suspects, including the former Chief Minister of the Eastern Provincial Council, the Tamil leader Makkal Viduthalai Pulikal (TMVP), were arrested; the involvement of four others, all members of the TMVP, had also been established, two of whom were said to be in Dubai and India respectively; one of the other two of this group of four had been identified as the person who had fired the shots but had in turn been shot dead in the Kaththankudi police area in 2008; the Attorney General filed indictments, under Batticaloa High Court case No. 3057/17, against the four in detention and the three others at large;

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- **Mr. Raviraj**

- Mr. Raviraj, a member of the TNA, was shot dead on 10 November 2006, along with his security officer, while travelling along a main road in Colombo, the gunman escaping on a motorcycle; the complainants refer to information showing that the circumstances of the murder point to State responsibility and that the immediate purpose of Mr. Raviraj's killing was to silence the Civil Monitoring Committee, which he had set up and whose reports on abductions, killings and extortions had created significant unrest;
- Eight persons had been arrested, five of them in March and October 2015, including two lieutenant-commanders of the Sri Lankan Navy and two other navy and police officers; four of the suspects, namely the three arrested in 2006 and one of the lieutenant-commanders arrested in March 2015, were subsequently discharged by the court on the advice of the Attorney General, whereas the others were released on bail; the investigation has also pointed to the complicity in the crime of Mr. Sivakanthan Vivekanandan (alias "Charan"), Mr. Fabian Roiston Christopher (alias "Thusain") and Mr. Palanisamy Suresh (alias "Saamy"); "Charan" is reported to have been a TMVP member and to have migrated to Switzerland, and is yet to be arrested; "Thusain" was formerly an intelligence officer attached to the state intelligence service and is believed to be currently living in an unknown foreign country; he is also yet to be arrested; the whereabouts of "Saamy" are yet to be established; the court has issued arrest warrants against three of them and the process to have "Charan" extradited from Switzerland has been initiated; Interpol red notices have been secured against "Charan" and "Thusain";
- The Sri Lankan authorities also made a mutual legal assistance request to the United Kingdom authorities to enlist the support of the Metropolitan Police Service (MPS) at New Scotland Yard, in the United Kingdom, which developed DNA profiles and fingerprints from evidence that they had found at the murder scene and took back to the United Kingdom for examination; the results of the DNA comparisons were considered very crucial and investigators were very hopeful that the proposed DNA comparisons would yield much needed proof of complicity by suspect(s) in the murder; nevertheless, the Attorney General initiated non-summary proceedings against three of the suspects arrested and released on bail in 2015 and against "Charan", "Thusain" and "Saamy", while using the remaining fourth suspect arrested and released in 2015 as a "state witness", having cited 32 witnesses; the accused were served with indictments on 21 July 2016 and remanded in custody until such time as the trial was concluded by the High Court, which, on 24 December 2016, decided to discharge all suspects; an appeal has been filed by the Attorney General against the judgment;

- **Mr. Maheswaran**

- The complainant in this case has from the outset emphasized that Mr. Maheswaran voted against the budget on 14 December 2007 and that, soon after the vote, the number of security guards assigned to him was cut from 18 to two; Mr. Maheswaran had openly made statements to the effect that the reduction of his security detail put his life seriously at risk and repeatedly requested the Government to enhance his security, but to no avail; on 1 January 2008, he was shot and died soon after; according to the complainant, the attack came after Mr. Maheswaran had said in a television interview that, when parliamentary sittings resumed on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;
- In the months following the murder, the authorities arrested Mr. Johnson Collin Valentino, from Jaffna, who was identified as the gunman on the basis of a DNA analysis; the investigators concluded that he was an LTTE activist who had been trained and sent to Colombo to kill Mr. Maheswaran; Mr. Valentino confessed to the crime and was found guilty on 27 August 2012 and sentenced to death; an appeal regarding the sentence against Mr. Johnson Collin Valentino is pending;

- **Mr. D.M. Dassanayake**

- Mr. Dassanayake was killed on 8 January 2008; the arrest of a key LTTE suspect operating in Colombo led to the arrest of other suspects; one of these, Mr. Hayazinth Fernando,

pleaded guilty and was sentenced on 1 August 2011 to two years' rigorous imprisonment, a 10-year suspended sentence and the payment of a fine of Rs. 30,000 for refusing to provide information to the investigators; the legal proceedings against Mr. Fernando have been completed; two other accused, namely Mr. Sunderam Sathisha Kumaran and Mr. Kulathunga Hettiarachchige Malcom Tyron, stood indicted in the High Court of Negombo on nine counts, including conspiracy to commit murder and abetment to commit murder; however, Mr. Sunderam Sathisha Kumaran fell sick in remand prison and died in hospital on 14 May 2015, whereas the case against the other accused is still ongoing,

Recalling that, on 16 September 2015, the United Nations High Commissioner for Human Rights released the report (A/HRC/30/CRP.2) on his office's (OHCHR) 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 LTTE on the other) in Sri Lanka between 2002 and 2011; the report mentions, with regard to the murders of Mr. Pararajasingham and Mr. Raviraj, that:

- Concerning the motive in the case of Mr. Parajasingham, based on the information obtained, "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";
- Mr. Raviraj was widely known for his moderate views and his 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 UN report also points to the fact that, the day before he was killed, Mr. Raviraj and other TNA parliamentarians had taken part in a demonstration in front of the United Nations offices in Colombo to protest against the killing of Tamil civilians by the military in the east and the increasing abductions and extrajudicial killings,

Recalling also that the aforesaid UN reported concluded more generally that:

- There are reasonable grounds to believe that gross violations of international human rights law and serious violations of international humanitarian law were committed by all parties during the period under review;
- There are reasonable grounds to believe that the Sri Lankan security forces and paramilitary groups associated with them were implicated in widespread and unlawful killings of civilians and other protected persons; that Tamil politicians, humanitarian workers and journalists were particularly targeted; and that the LTTE also unlawfully killed civilians perceived to hold sympathies contrary to the LTTE, or suspected of being informers, as well as rival Tamil political figures, public officials and academics;
- 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;
- 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;
- It is therefore necessary to establish an ad hoc hybrid special court, which would include international judges, prosecutors, lawyers and investigators mandated to try in particular war crimes and crimes against humanity, with its own independent investigative and prosecuting organ, defence office and witness and victim protection programme,

Recalling that, on 1 October 2015, the United Nations Human Rights Council adopted a resolution, supported by Sri Lanka, in which the Council: (i) welcomed the recognition by the Government of Sri Lanka that accountability is 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) notes 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) affirms that a credible justice process should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality; and (iv) affirms in this regard the importance of Commonwealth and other foreign judges,

defence lawyers and authorized prosecutors and investigators participating in Sri Lankan judicial mechanisms, including working with the special counsel's office,

Recalling that the current President of Sri Lanka, along with other high-ranking government officials, has repeatedly emphasized the need for reconciliation and accountability in Sri Lanka,

Recalling that, on 18 December 2015, the Cabinet of Ministers formed the Secretariat for Coordinating Reconciliation Mechanisms tasked, under the Prime Minister's Office, with the design and implementation of the following reconciliation mechanisms: the Office of Missing Persons; the Truth, Justice, Reconciliation and Non-Recurrence Commission; the Judicial Mechanism; and the Office of Reparations; on 3 January 2017, the Sri Lankan Consultations Task Force on Reconciliation Mechanisms released its final report recommending the appointment of a hybrid court composed of local and international judges to oversee the adjudication of allegations of war crimes committed during the country's civil war; the international presence in the court would be phased out once trust between the court and the public was re-established,

Considering that the Minister of Justice, in the hearing with the Committee on the Human Rights of Parliamentarians, stated that the creation of a hybrid court would be envisaged once the constitutional amendment process, which included a review on 30 and 31 October and 1 November 2017 of the proposals made thus far, has been confirmed; according to the Speaker at the same hearing, the current government remained deeply committed to promoting reconciliation, human rights and good governance; as part of the Government's commitment to human rights, the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence was currently engaged in his third official visit to Sri Lanka to examine the progress made in redressing the legacies of large-scale previous violations and abuses,

Considering the new information provided by the Speaker at the hearing concerning the four murder cases:

- **Mr. Pararajasingham**

The case has been fixed for 6 and 7 December 2017 for the purpose of serving indictments against seven accused; the case is being handled by a special prosecutor;

- **Mr. Raviraj**

The case has been fixed to call on 12 December 2017 in the Supreme Court;

- **Mr. Maheswaran**

The appeal filed by the accused who was convicted was fixed for Argument in December 2017;

- **Mr. Dassanayake**

The case will next be heard on 13 December 2017;

Recalling also that the Sri Lankan Prime Minister intended to create a parliamentary select committee to monitor the investigations into the assassinations of parliamentarians, but that no such action has been taken,

1. *Thanks* the Speaker of the Parliament and the Minister of Justice for their cooperation and the information they provided;
2. *Notes with satisfaction* that the case against the suspects in the case of Mr. Pararajasingham is now fixed for trial; *wishes* to be kept informed of trial developments and to receive a copy of the indictments and information on the motives for the crime; *also wishes* to be informed of progress in the efforts made to locate and extradite the suspects who are abroad;

3. *Sincerely hopes* that, despite the original setback in court, similar progress will also be achieved in the case of Mr. Raviraj; *wishes* to be kept informed of progress made in locating the two suspects who are the subject of an Interpol red notice; *wishes* also to be kept informed of developments in the appeal and to receive a copy of the first-instance court ruling discharging the suspects;
4. *Is pleased* that the Sri Lankan authorities are committed to setting up a hybrid court to shed full light on past human rights violations; *trusts* that this court will indeed soon be created; *wishes* to be kept informed in this regard and to know how the authorities aim to strengthen the Victim and Witness Protection Act to offer the best possible protection for witnesses in and outside of Sri Lanka;
5. *Reiterates* its wish to receive a copy of the verdict against the culprit in the case of Mr. Maheswaran, in particular to know if it sheds light on whether the timing of his killing and the reduction of his security detail was taken into account; *wishes* to be kept informed of the appeal;
6. *Trusts* that the legal proceedings against the single suspect in the case of Mr. Dassanayake will soon be completed; *wishes* to be kept informed in this regard;
7. *Is convinced* that the previously mentioned parliamentary select committee to monitor the investigations into the assassinations of former members of parliament could ensure sustained parliamentary oversight in these matters; *sincerely hopes*, therefore, that the Parliament will put this committee in place as a matter of urgency;
8. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining these cases and to report back to it in due course.