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Open letter to Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka Monitoring Mission (SLMM) and Sri Lankan Police concerning recent politically motivated killings and abductions in Sri Lanka.

Amnesty International is writing to all the above parties to express its grave concern over the killing and abduction of tens of Sri Lankan citizens by the LTTE since the signing of the cease-fire agreement in February 2002. The organization has received information documenting at least 22 killings and 16 attempted killings, abductions and other human rights abuses against members of Tamil political parties, their families and supporters. The fate of some of those who have been abducted is still unknown. Amnesty International is concerned that these human rights abuses are part of a systematic campaign by the LTTE against other Tamil political groups opposing them.

On 23 February 2002 the Government of Sri Lanka and the LTTE signed a cease-fire agreement (hereinafter referred to as the Agreement) which offered fresh hope that there would be an improvement in the human rights situation in the country. Despite a continuing lack of commitment to address impunity in regard to past human rights abuses, and widespread reports of recruitment of children by the LTTE, Amnesty International was encouraged by the initial improvements to the human rights situation after the Agreement came into force. This was further demonstrated by an agreement in February 2003 to engage Ian Martin, former Secretary General of Amnesty International, as an independent human rights expert to the peace process.

Both parties agreed to set up an international monitoring mission, called the Sri Lankan Monitoring Mission (SLMM), to verify the implementation of the Agreement through on-site monitoring.¹ The SLMM consists of representatives of Nordic countries and reports to the Royal Norwegian Government. Six district level monitoring committees were established, each consisting of five members; two appointed by the Government of Sri Lanka; two appointed by the LTTE and one international monitor. These committees serve the SLMM in an advisory capacity in relation to implementation of the Agreement in the districts they represent.

Commitments made by both parties during the sixth session of peace talks in Hakone, Japan from 18 to 21 March 2003, appeared to demonstrate a serious intent to address continuing human rights abuses covered by the Agreement. These commitments included giving priority to improving the security situation, to enforce better compliance with the Agreement by their personnel, and asking Ian Martin to develop a Declaration of Human Rights and Humanitarian Principles (Human Rights Principles) to be adopted at the next session of talks. Amnesty International calls on both parties to work towards the adoption and

¹ Article 3 of the Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam.

implementation of these principles as soon as they are ready. The organization believes this would address the urgent need to defend the human rights of civilians in Sri Lanka.

Any improvements in the human rights situation since the beginning of the ceasefire are now at risk of being undermined by the political killings occurring in the country. The use of political assassinations, abductions and other human rights abuses threatens to seriously undermine the moves made towards establishing a representative system of governance grounded in human rights principles. They are also a source of continuing insecurity and fear for a population that has already suffered years of extremely grave abuses to their human rights.

Amnesty International believes that to date there has been a lack of credible and timely investigations into these killings, and adequate measures to guarantee the safety of those who are most at risk have not been implemented. Amnesty International calls on the LTTE, SLMM and the police to act in accordance with their individual responsibilities in order to stop these human rights abuses, and hold to account those responsible for these abuses.

Since the signing of the Agreement there have been tens of killings, abductions and other human rights abuses against civilians in Sri Lanka. The majority of the victims have been members or ex-members of the Eelam People's Democratic Party (EPDP) and the Eelam People's Revolutionary Liberation Front - Varathar (EPRLF-V). Attacks have also occurred against members of the People's Liberation Organization of Tamil Eelam (PLOTE), and the Tamil Eelam Liberation Organization (TELO). There is substantial evidence that members of the LTTE are responsible for the majority of these attacks. The LTTE however have so far denied responsibility.

Amnesty International has documented 22 killings, 16 abductions and other human rights abuses, details of which have been submitted to the leadership of the LTTE. Below are three illustrative cases. Amnesty International believes they each demonstrate failures by the LTTE, the SLMM and the Sri Lankan police to safe guard the fundamental rights of citizens in Sri Lanka.

Poobalapillai Alahathurai [m]

Poobalapillai Alahathurai was a 35 year old member of EPRLF(V) and chairman of Porativu Local Council, Theevukkadu, Mandur, Batticaloa district. He was abducted from his house on 16 December 2002. Alahathurai was found dead on 18 December 2002. His body had marks indicating that he may have been subjected to torture. Poobalapillai Vijayarajah, brother of Alahathurai, reported the abduction and killing to the police. Vijayarajah had previously been attacked at his house by individuals he claims were members of the LTTE on 13 November 2002. He was so badly beaten he was hospitalized. After he had complained to the police members of the LTTE tried to take him from the hospital but were prevented from doing so by staff. Vijayarajah was transferred to another hospital for his own safety and has since gone into hiding. He has received threats from the LTTE to withdraw his complaints to the police.

The police reportedly issued arrest warrants against two individual for the murder of Alahathurai. However, to date both men remain at large. Reports suggest that one is seen regularly in government controlled territory, whilst the other is in LTTE controlled territory. Alahathurai's mother and siblings claim to have been visited and threatened by one of the suspects.

Vijayarajah gave testimony to the police identifying those who attacked him. His mother and sister have also given testimony. Vijayarajah has stated his willingness to be a witness. He has not sought police protection since his abduction due to fear of reprisals. The incidents have also been reported to the SLMM.

To the knowledge of Amnesty International, no one has been arrested for the killing of Alahathurai or the assault and abduction of Vijayarajah.

Pooniah Ramachandran [m]

Pooniah Ramachandran was a 42 year old member of EPDP. He was shot dead on 15 June 2003 in Batticaloa while returning home from work along the Thiruchchenthur Road. He was shot by two men

traveling on bicycles. Pooniah Ramachandran's son witnessed the killing of his father and has stated his willingness to give evidence. The killing was reported to the police and the SLMM.

To the knowledge of Amnesty International, no one has been arrested for this killing.

Sivapunniam Rathirani Varatharajah [f]

Sivapunniam Rathirani Varatharajah, is the 37 year old wife of Murugesu Varatharajah, the vice-chairman of the Porativu local council, and member of EPRLF(V). Due to violence against other members of the EPRLF(V) Murugesu Varatharajah went to live at the party office in Chenkalady for protection.

Sivapunniam Rathirani and her two children continued to live in Kallady. On 15 July 2003 she went to the EPRLF(V) office in Chenkalady by bus. On her return journey she was reportedly abducted by the LTTE and taken to their office in Chenkalady. She was transferred to another location during the night and interrogated and beaten. She was told that her husband must leave the EPRLF(V) and that she must work for the LTTE. Her captors told her that if she failed to abide by this and other demands they would come to her house and kill her. On 18 July 2003 she was returned to Chenkalady. She is currently in hiding.

The abduction of Sivapunniam Rathirani Varatharajah has been reported to the SLMM and the police. To the knowledge of Amnesty International, no one has been arrested for this abduction.

In the Agreement signed by the Government of Sri Lanka and the LTTE, both parties recognized the need to end hostilities and to improve "*the living conditions of all inhabitants affected by the conflict.*" It was also stated that provisions within the Agreement "*regarding the security of civilians*" applied to "*all inhabitants*" of Sri Lanka. In particular, commitments made in Article 2.1 of the Agreement specifically require the Government of Sri Lanka and the LTTE to "*in accordance to international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.*" Given the available evidence the current killings and abductions are a clear violation of Article 2.1 and should be investigated by the SLMM within the terms of the Agreement. In addition, criminal investigations should be promptly and robustly conducted by the police.

Amnesty International recognizes the difficulties the SLMM and police face in investigating these cases, particularly in regard to securing the testimony of witnesses. Although acknowledging these difficulties, Amnesty International is aware of several cases (including the cases detailed above) where witnesses who claim to be able to identify those responsible for the crimes in question have been willing to give evidence. In these cases both the police and SLMM should, if they have not already done so, initiate investigations. The police should take strenuous measures to apprehend those responsible.

Securing the cooperation of witnesses can only be achieved in the majority of cases by creating a secure environment free from the fear of reprisals. To the knowledge of Amnesty International, the SLMM inquiry procedures do not provide for a witness protection program. In part 11 of the SLMM inquiry procedures ("Interview Techniques") it specifically states that interviews must not be conducted in private. Amnesty International is concerned by this stipulation and is urging for it to be reconsidered. The SLMM and police need to ensure at the earliest opportunity the systematic protection of witnesses involved in their investigations in order to guarantee their safety and facilitate the collection of evidence.

In addition, police should provide protection to those who request it. Although the police are giving protection at the party offices to members of some political parties who have been targeted, this protection does not extend to their day-to-day political work or visits to members of their family. Such a situation severely restricts their right to freedom of expression, association and freedom of movement. Amnesty International urges the police to make available credible protection to those thought to be most at risk, including the family members of such individuals. If necessary this protection should extend to their peaceful work as political activists.

The SLMM has stated that if the LTTE are responsible for the killings then they represent a violation of the Agreement.² Amnesty International welcomes statements by the SLMM condemning these killings, and the investigations that they have reportedly initiated into some cases.³

However, to date Amnesty International is unaware of the publication of any findings from such investigations, and calls on the SLMM to make such findings public at the earliest opportunity. Amnesty International is also concerned that investigation into some incidents may not be being initiated by the SLMM due to, what it claims, is a lack of evidence available at the initial stages of enquiries. Amnesty International urges the SLMM to react promptly and robustly, by conducting investigations into any incident involving the killing, abduction, torture or attack against any civilian by either of the parties to the Agreement. The SLMM should ensure it has enough resources and expertise to conduct such investigations thoroughly and promptly.

To Amnesty International's knowledge, police investigations have so far failed to produce any convictions in relation to these killings. Although Amnesty International recognizes that the police face difficulties due to the political situation, both at present and historically, in Sri Lanka, it is still their responsibility to maintain law and order. As such we urge the police to conduct thorough and prompt investigations into these incidents, including by dedicating an appropriate level of resources and expertise, in order to ensure that the perpetrators of these crimes are apprehended and brought to justice without delay.

The LTTE has denied any involvement in these killings and abduction, stating that they are perpetrated by elements who wish to derail the peace process, or that the LTTE could not be responsible for incidents that occurred in government controlled areas. Reports of meetings between the SLMM and the LTTE indicate that the LTTE leadership has been unable or unwilling to thoroughly investigate these reports, giving vague commitments to investigate breaches of the Agreement. Amnesty International calls on the LTTE to abide by international humanitarian law, in particular Common Article 3 of the Geneva Conventions which gives protection to individuals not taking part in hostilities in armed conflicts. The LTTE should immediately stop the killing and abduction of all civilians, and give instructions to its members to abide fully with the human rights provisions in the Agreement. The LTTE must also cooperate fully with any investigations conducted by the SLMM.

Yours sincerely,

Ingrid Massagé
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² “If LTTE killed opponents it’s a violation of MoU – SLMM”, The Island, 6 May 2003.

³ “Any type of violence a serious threat to MoU – SLMM”, The Island, 8 May 2003.