

121/99

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Sri Lanka: Chemmani exhumations -- positive first steps towards truth and justice

COLOMBO -- As the skeletal remains of two bodies of people who "disappeared" in the Chemmani area of Jaffna in mid-1996 recovered last week were being analysed, Amnesty International said the exhumation was a first important step towards full accountability for the widespread "disappearances" in the area during that period.

Speaking at a press conference in Colombo, Amnesty International's observers to the process commended the government of Sri Lanka for embarking on this investigation of one of possibly many shallow graves. They also expressed their hope that further phases of the investigation process will be carried out in full accordance with international standards for the investigation of alleged extrajudicial executions.

Two observers from the human rights organization and two forensic experts from Physicians for Human Rights (USA) on 16 and 17 June witnessed local forensic experts digging up two bodies from a shallow grave identified by Somaratne Rajapakse.

Rajapakse is a former army lance corporal found guilty of abducting, raping and murdering a schoolgirl and killing her mother, young brother and neighbour in September 1996 in Chemmani. At the conclusion of his trial in July 1998, he revealed that many more bodies had been disposed of at this place.

One of the victims found in the grave last week was blindfolded with a shirt; the other had his hands tied behind his back with a vest. Relatives later identified them as two garage workers who had "disappeared" after they were arrested by army personnel on 19 August 1996.

Amnesty International welcomed the Sri Lankan authorities' decision to allow international human rights organizations to observe the process. It urged that this policy of transparency be continued and that local non-governmental organizations will be given observer status, when requested.

The organization is concerned that relatives of suspected victims be kept informed of the progress and interim findings of the investigations, and allowed to hold funeral rites as soon as practicable.

"There is a need to build trust between the relatives and the investigators," one of Amnesty International's observers said. "This would increase the chance of making this investigation successful, as the relatives have a lot of information about how people 'disappeared' and where their remains have been disposed of. To date, many of them have not divulged this information because of a lack of trust."

Amnesty International is also urging the government to provide adequate compensation to the relatives of identified victims and to clarify when this compensation will be paid.

On 16 June, Somaratne Rajapakse made a detailed statement before the magistrate in charge of the investigation, in which he alleged that he could identify at least ten places where bodies were disposed of in the Chemmani area. Others convicted with him also indicated that they have information about burial sites.

Amnesty International urged that these key witnesses be given the necessary protection to ensure they would not be intimidated or harmed. It also urged that all necessary steps be taken to guarantee the safety of the relatives of the victims and their lawyers and that the site be closely guarded.

The magistrate's order that Somaratne Rajapakse would be asked to locate all the other nine sites, and that these sites be excavated prior to the start of the rainy season in Jaffna, expected for October, presents a challenge for the government.

"It will be important for the investigation team to strike a balance between proceeding with this investigation at a reasonable pace to satisfy the magistrate, the relatives, as well as the international and local communities, who have been campaigning for this investigation to start, and ensuring at the same time that the international standards of investigations are maintained," Amnesty International's observers said.

"There is therefore a need to draw up detailed plans for the next phases of the investigation and to make these public."

"Our impression is that the local forensic team, at least at some point in the next stages of the investigation, could benefit from assistance by foreign forensic experts with hands-on experience of excavating bodies buried in restricted places such as wells." Amnesty International is offering to help the government in identifying such internationally recognized forensic anthropologists, archaeologists and/or pathologists.

The Chemmani exercise underlines the need to investigate evidence of other mass graves, such as those reported by the three presidential commissions of inquiry into past "disappearances", as well as reports of burials of bodies of people deliberately killed while kept captive by the Liberation Tigers of Tamil Eelam (LTTE) around 1990 in the Jaffna peninsula.

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