

# ESRI LANKA

## @Reports of extrajudicial executions during May 1995

### Introduction

Amnesty International is concerned about reports that at least a dozen civilians have been extrajudicially executed in northeastern Sri Lanka during May 1995. Some of the killings apparently took place in reprisal for attacks by members of the Liberation Tigers of Tamil Eelam (LTTE) on members of the security forces after the LTTE on 18 April called an end to a truce in force in the area since January 1995. Other killings reportedly occurred during cordon-and-search operations when individual members of the security forces resorted to killing as an alternative to arrest. Members of the police, army, Special Task Force (a police commando unit) as well as Muslim Home Guards are reported to be responsible for the alleged extrajudicial executions.

In most of the cases, magisterial inquiries were held, after which the bodies were handed over to the relatives. However, several eye-witnesses appear to have withheld information about the circumstances of the killings during the inquiries out of fear of reprisals by the security forces personnel thought to be responsible for the extrajudicial executions.

### Background information

Since it came to power in August 1994, the People's Alliance government, a coalition of parties headed by the Sri Lanka Freedom Party, has repeatedly pledged its commitment to human rights.

The new government also initiated a dialogue with the Liberation Tigers of Tamil Eelam (LTTE), the main armed opposition group fighting for a separate state in the northeast of Sri Lanka. On 8 January 1995, a cessation of hostilities agreement was signed between the two parties. In the following months, representatives of the government and the LTTE met on four occasions in Jaffna, the main town in the northern part of Sri Lanka which is under LTTE control. Shortly after the fourth meeting, on 18 April, however, the LTTE called an end to the truce. A few hours later, 12 navy personnel were reportedly killed when members of the LTTE bombed two navy gunboats in Trincomalee harbour on the east coast. In the following days, many more members of the security forces were killed in LTTE attacks on army camps and police stations in the area. During the night of 25/26 May 1995, members of the LTTE killed at least 42 Sinhalese civilians at Kallarawa, Trincomalee

District. This attack was the first involving what appears to be the deliberate targeting of civilians since the resumption of hostilities.<sup>1</sup>

Concerned that the massacre at Kallarawa may mark the beginning of renewed attacks on unarmed civilians, Amnesty International appealed to the LTTE for an immediate halt to such killings. Its concerns had been heightened by another report on 26 May that LTTE members had killed a Buddhist priest known for his stand against them. He was killed while driving into the compound of the temple's farm at Dimbulagala in Polonnaruwa District. The deliberate and arbitrary killing of unarmed civilians is in clear contravention of common Article 3 of the Geneva Conventions of 1949 which prohibits "violence to life and person, in particular murder of all kinds" against detainees and other persons taking no active part in hostilities.

### **Amnesty International concerns**

For more than ten years, Amnesty International has expressed concern about a wide range of gross violations of human rights in Sri Lanka. In particular, Amnesty International has highlighted the persistent resort to widespread extrajudicial executions and "disappearances" by the security forces in a context of extensive opposition violence.

Amnesty International notes that since the resumption of hostilities, the security forces have to date refrained from resorting to systematic extrajudicial executions as had been frequently reported in the past. It also appreciates the particularly difficult law and order situation currently prevailing in the area. However, at the same time, it is concerned that the Sri Lanka government appears not to have at all times and in all circumstances fulfilled its obligation to protect fundamental human rights, particularly the right to life. Killings by the LTTE, however heinous, can never provide justification for government forces to deliberately kill defenceless people.

Under Article 4 of the International Covenant on Civil and Political Rights (ICCPR), to which the Government of Sri Lanka acceded in 1980, there can be no derogations from the duty to uphold the right to life in any circumstances, even "in time of public emergency which threatens the life of the nation".

Amnesty International is calling upon the Sri Lanka government to initiate independent investigations into the incidents (details of which are given below) with a view to identifying and bringing to justice those responsible. Amnesty International believes that instituting independent and impartial investigations by setting up a

---

<sup>1</sup>For more details, see *Amnesty International: Sri Lanka: Deliberate and arbitrary killings/ Fear of further killings: 42 villagers at Kallarawa* (UA 121/95, AI Index: ASA 37/09/95) of 26 May 1995.

---

commission of inquiry or similar procedure under a civilian authority would give a clear signal to the security forces of the government's commitment to human rights. And, foremost, it would impress upon members of the security forces that those among them who are responsible for human rights violations will invariably be brought to justice, a measure which in itself serves to prevent further killings.

Amnesty International also urges that the relatives of those killed are granted compensation if indeed it is established that they were victims of extrajudicial executions.

In a letter of 15 May 1995, Amnesty International appealed to President Chandrika Kumaratunga Bandaranaike to investigate several reports of extrajudicial executions that had been brought to its notice. They included cases 1 - 5 listed below. In the letter, Amnesty International stressed that as a matter of policy it does not address in a general way the issue of military tactics, nor does it raise as a human rights violation deaths caused involuntary in the course of combat. The killings brought to the President's attention (as the other more recent reports listed in this document) are all killings that appear to be deliberate killings of defenceless people, whether they are civilians or alleged members of the LTTE who have been taken into custody or surrendered and offered no resistance. At the time of writing, Amnesty International had not received a response to its appeal.

## **Details of reports of extrajudicial executions during May**

### **1. Sinnithamby Kirupamoorthy**

Sinnithamby Kirupamoorthy, a 26-year-old Tamil man from Eravur, was allegedly shot by a Muslim policeman during a cordon-and-search operation at Eravur, Batticaloa District on 2 May 1995. According to eye-witnesses, the policeman had called Sinnithamby Kirupamoorthy to come out of his home and when he did not do so, went into the house and shot him point blank. A post-mortem examination was carried out at Eravur hospital, after which the body was returned to the relatives. To Amnesty International's knowledge, no action has been taken against the policeman allegedly responsible for the killing.

### **2. Mylvaganam Amirthalingam**

Mylvaganam Amirthalingam, an 18-year-old student, was allegedly shot during a cordon-and-search operation carried out by Special Task Force personnel at Kirankulam, Batticaloa District on 2 May 1995. According to Amnesty International's information, approximately 15 villagers had been rounded up and made to sit down on

the side of the road with their eyes closed. It is unclear what precisely happened subsequently, but one STF officer is said to have shot Mylvaganam Amirthalingam deliberately without any provocation. There are reports that a belt with ammunition was later put around him in order to suggest that he was a member of the LTTE.

A post-mortem examination was carried out at Batticaloa hospital. The body was subsequently returned to the family. To Amnesty International's knowledge, no action has been taken against the officer responsible. The army commander is said to have promised a local member of parliament that he would order an inquiry.

### **3. Abdul Manaf**

Abdul Manaf, a 52-year-old man from Pulmoddai, was reportedly shot dead by soldiers of the local army camp while he had gone out into the compound of his home to use the toilet in the night of 1 to 2 May 1995. To Amnesty International's knowledge, no investigation has been initiated to establish who is responsible for his killing.

### **4. Kanapathipillai Ravichandran**

Kanapathipillai Ravichandran, a 25-year-old married man from Arumugattankudiyiruppu, Eravur, Batticaloa District was shot dead on 2 May 1995 as he came out of his home during a cordon-and-search operation by the Eravur police in his village. According to eye-witnesses, a policeman had dragged him from under his bed where he had been hiding, took him out of the house and deliberately shot him without any provocation. To Amnesty International's knowledge, no investigations have been ordered into the killing.

### **5. Five Muslim civilians**

Five Muslim civilians, including a 2-year-old child, a 10-year-old child, a 23-year-old woman, a 56-year-old man and a 70-year-old woman, were killed when members of the army stationed at Pulmoddai retaliated against local civilians on 6 May 1995. A local member of parliament alleges that the retaliation occurred several hours after an attack by the LTTE during the night on a sentry point at Arafath Nagar, Pulmoddai. In the LTTE attack, five soldiers had been killed. According to a statement issued by the operational headquarters of the Ministry of Defence in Colombo, quoted in the *Island* newspaper of 8 May 1995, four civilians had been "caught in crossfire".

However, according to Amnesty International's information, the army fired indiscriminately from their camp into the village killing four civilians and wounding

---

several others. One of the wounded, the 10-year-old boy, later died of his injuries in hospital.

According to an *Associated Press* report of 7 May 1995, the government has ordered an inquiry into the killings. However, to Amnesty International's knowledge, no action has to date been taken against those responsible.

### **6. Sivapalan Sivapraba and Nadarajah Gnanasekaram**

Sivapalan Sivapraba and Nadarajah Gnanasekaram, both from Morakkoddanchenai, Batticaloa District, were reportedly shot dead by army personnel travelling through the village on a motorbike around 6.30am on 16 May 1995. The two young men had reportedly gone into the scrub jungle to attend to a call of nature. The army alleges they were members of the LTTE and were killed during an exchange of fire. The relatives however deny this.

### **7. Malathi Tharmalingam**

Malathi Tharmalingam, a 42-year-old woman from Iruthayapuram, Batticaloa town, Batticaloa District, was shot on 23 May 1995 when she had gone up to a member of the police to plead for the release of her son. Her son, together with approximately 30 others, had been taken to the cemetery at Batticaloa earlier that day. After she had gone there to see him, she reportedly made her way to the police station together with her sister and younger child to plead for his release when they came across two drunken policemen. When she asked one of them about her son, he apparently told her that he would be questioned and later released. When the women turned around, the sister heard the other policeman load his gun. He shot at Malathi Tharmalingam, who was hit in the side and reportedly died on the spot of her injuries.

A magisterial inquiry was held. However, witnesses were reportedly too afraid to make allegations against the police. They reported the killing as "accidental".

### **7. Ravichandran Kuganathan, Rajalingam Mariyadas and Nadarajah Pararajasingham**

The bodies of Ravichandran Kuganathan, Rajalingam Mariyadas and Nadarajah Pararajasingham, all from Batticaloa town, were found in the evening of 23 May 1995 under a palmyra tree near the police post at Vijayapuram, Batticaloa. They had been arrested together with one other person from their homes around 6am on that day.

---

They had shotgun injuries in the chest. Their bodies had initially been illegally buried by the police. However, later, after a local member of parliament informed government authorities, a magisterial inquiry was ordered and the bodies were exhumed. They were later returned to the relatives.

During the inquiry, a fourth young man, who had been arrested at the same time and who had also been shot under the palmyra tree but had survived his injuries, was called to give evidence. According to Amnesty International sources, he stated that he had been "accidentally shot at home while he was sleeping".

Several police officers at Vijayapuram are said to have been transferred out of the area. Police are conducting further investigations but to date no additional action seems to have been taken.

#### **8. Packiyarajah Ravindran, Alagiah Thangavel and S Nagarajah**

Packiyarajah Ravindran, Alagiah Thangavel and S Nagarajah were reportedly killed by six or seven Muslim Home Guards at Palainagar, Muttur, Trincomalee District on 27 May 1995. The Home Guards had reportedly run amok in the market place, attacking people with knives, after one Karim, alleged to be an army informant, had been shot dead, allegedly by a member of the LTTE. Army personnel at a camp nearby apparently did not take any action to try to stop the attacks.

Villagers say they saw the three dead bodies. However, they have not been returned to their relatives. It is feared that they have been illegally disposed of.

#### **9. Thangarajah Kanagasabai**

Thangarajah Kanagasabai, a 35-year-old fisherman from Kinniady, Batticaloa District, was arrested by the army when returning from fishing in the morning of 28 May 1995. The army personnel reportedly took him to his home and conducted a search in his presence. They were later seen taking him out and walking him along the road. He is alleged to have been deliberately shot on the way to the army camp.

The army reportedly alleges that he was a member of the LTTE and that he had tried to throw a grenade at the arresting officers.