

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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JUSTICE FOR THE TRINCO 5

Amnesty International welcomes the decision of the Attorney General of Sri Lanka to recommence investigations into the killing of five Tamil students – known as the ‘Trinco 5’ – allegedly by the Sri Lankan security forces in Trincomalee on 2 January 2006. However, reforms are required if the investigations are to be effective.

The decision follows the acquittal of 13 Special Task Force (STF) suspects earlier this month, reportedly due to a “lack of evidence”.

Amnesty International notes the importance of a thorough, effective and impartial investigation into the killing to ensure that victims of human rights violations and abuses can access justice. The government of Sri Lanka has an obligation under international law to deliver justice to the victims of the killings – either through the domestic court system, or through a judicial mechanism with a special counsel to investigate allegations of violations of international human rights law and international humanitarian law, which the government proposed to establish in UN Human Rights Council resolution 30/1 (2015).

Amnesty International also urges the government of Sri Lanka to strengthen witness protection and mutual legal assistance from countries where witnesses and victims may now reside, in order to effectively investigate the killings and pursue accountability for the ‘Trinco 5’.

A journalist who took photographs of the bodies, Subramaniam Sugirdharajan, was killed a few weeks later. Dr. K Manoharan, whose son Ragihar was one of the victims was forced to flee the country after receiving death threats and continues to voice fears of reprisals against those who give evidence in the case. The families of the other victims, including two youths who survived the attack were also forced to flee Sri Lanka.

In particular, in light of the legitimate security concerns of witnesses and victims to the case, the government of Sri Lanka should amend the Assistance to and Protection of Victims of Crime and Witnesses Act of 2015 to further facilitate the participation of witnesses and victims outside of Sri Lanka. Such reform should seek to amend the law beyond the facilitation of recording evidence or statements remotely from a Sri Lankan diplomatic mission in the country from where a victim of crime or witness seeks to testify or make the statement.

BACKGROUND

On January 2, 2006, Ragihar Manoharan and four other Sri Lankan Tamil students, known as the “Trinco Five” students, were killed by security forces in the city of Trincomalee, in north-eastern Sri Lanka. The Government of Sri Lanka claimed that the youth were killed in a grenade attack, but medical reports showed that the youth were shot at close range.

A criminal case was filed against 13 STF members suspected of executing the five youth at Trincomalee beach on 2 January 2006. On 3 July 2019, the suspects were acquitted reportedly due to a “lack of evidence”. On 9 July 2019, the Attorney General directed police to recommence investigations into the killing. According to media reports, the AG directed the police to carry out a comprehensive investigation to trace the whereabouts of the witnesses and send him a detailed report of the progress into the matter.