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Sri Lanka: Safety must be guaranteed for experts working on mass graves exhumation

The government of Sri Lanka must guarantee the safety of forensic experts to enable international observers to participate in the exhumations of the alleged mass graves at Chemmani, Amnesty International said today.

The organization welcomed the Attorney General's invitation to send a forensic expert to observe exhumation at Chemmani, Jaffna, but it warned the operation was being held up by the government's failure so far to provide assurances of full cooperation and security for all those participating in the exhumations.

The graves are believed to contain the bodies of between 300 and 400 people who "disappeared" after being arrested by the army in mid-1996.

During a recent visit to Sri Lanka, Amnesty International delegates met with the Attorney General and officials of the Ministry of Foreign Affairs, Ministry of Defence, police and the Human Rights Commission (HRC) and discussed the pending exhumations of the mass graves.

The Attorney General told the delegation that a lot of preparatory work had been done. He also clarified that part of the delay in the commencement of the exhumations was due to fears for the safety of local forensic experts and of the soldiers convicted in July of the murder of Krishanthu Kumarasamy and three other "disappeared" people.

These soldiers would need to be taken to Jaffna to make a statement before the magistrate in charge of the investigations and exhumations because they are among the main sources for both the police and the HRC with regard to how bodies were brought to the site and how and where exactly they were buried. At the time they were sentenced they had made a statement to that effect and have since given detailed information to both police and HRC.

The HRC told Amnesty International that after finding the allegations of the soldiers to be credible, it had requested the United Nations (UN) for international experts to assist local forensic experts with the exhumations.

Following an exchange of correspondence with the office of the UN High Commissioner for Human Rights, the Chairman of the HRC in late September wrote to the President of Sri Lanka asking for the cooperation of the government and the guarantees described above. Amnesty International understands that as yet no response has been received from the President.

The organization is calling on all authorities involved to consult and coordinate in order to proceed with the exhumations at the earliest opportunity but without jeopardizing the process of truth and justice which the relatives of the "disappeared" are waiting for.

Amnesty International also had discussions recently with a representative of the Liberation Tigers of Tamil Eelam (LTTE) in London about the Chemmani mass graves and has sought

assurances from the leadership of the LTTE for the safety of the forensic experts and others involved in the exhumations and investigations. These assurances are still awaited.

Background

In an earlier statement, Amnesty International had called on the Sri Lankan authorities for a parallel police - HRC investigation.

“After our discussions during the visit, we are strengthened in our belief that such a joint effort would be in the best interest of the victims and their relatives as well as the overall truth and justice process about what happened to the estimated 540 people who “disappeared” in Jaffna in mid-1996,” the organization said.

The HRC can focus its investigation on the identification of the remains and on publicly reporting on the results of the investigations. It also has the powers to recommend adequate compensation to the relatives of any identified victims in the mass graves.

On the other hand, the involvement of the police and Attorney General department in the exhumation and investigation will ensure that the evidence collected is admissible in any cases brought against those found to be responsible.

According to normal legal procedures, a key role will be played by a local magistrate who will be in charge of the investigations, including exhumations. Death threats allegedly issued by the LTTE against magistrates in Jaffna have recently resulted in the closure of most courts. Amnesty International has also requested the LTTE for assurances for the magistrate's safety.

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