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Sri Lanka: The ACF Case 4 Years On: Sri Lankan Families Still Waiting for Justice

On World Humanitarian Day (19 August) Amnesty International recalls the many humanitarian workers who have fallen victim to human rights violations in Sri Lanka and the families of victims who have been frustrated in their pursuit of justice. Amnesty International calls on the UN to independently investigate violations of human rights and humanitarian law in Sri Lanka as an essential first step to accountability.

In August 2006, 17 Sri Lankan aid workers with the international humanitarian agency Action Contre La Faim ("Action against Hunger", or ACF) were gunned down execution style in the town of Muttur in Sri Lanka's Trincomalee district after a period of intense fighting between the LTTE and the Sri Lankan security forces. 15 men and women were discovered lying face-down in the ACF compound with bullet wounds to the head and neck; the victims had been shot at close range. Two more murdered ACF staff members were found in a vehicle nearby; possibly killed trying to escape.

It was the worst single attack on aid workers since the 2003 bombing of a UN headquarters in Iraq. Four years later, victims' families are still waiting for justice.

No one has been arrested for the ACF murders, let alone convicted. Sri Lankan police bungled the criminal investigation into the murders, failing even to secure the crime scene. Witnesses were threatened and harassed; family members have been forced into hiding or even into exile abroad.

A Commission of Inquiry appointed in November 2006 by Sri Lankan President Mahinda Rajapaksa to investigate this and other "serious violations of human rights" wound up nearly three years later without completing its mandate; it failed to identify the perpetrators in the ACF killings even when presented with substantial, compelling evidence of their identity. According to its Chair, the Commission "ran out of funds" and was hampered by the lack of witness protection. More than anything, the Sri Lankan government, which actively suppresses criticism and opposition, would not allow the Commission to carry out its mandates independently.

The Commission's report to President Rajapaksa was never made public, but leaks to the press after its mandate expired in 2009 exonerated state forces and blamed the LTTE.

The killing of the ACF workers – as befits a crime of such magnitude - received substantial public attention, although in the end it was not enough to convince the Sri Lankan authorities to conduct an effective investigation. Other killings and enforced disappearances of humanitarian workers in Sri Lanka have gone virtually unacknowledged.

During an August 2007 visit, UN Under-Secretary for Humanitarian Affairs and Emergency Relief John Holmes described Sri Lanka as "one of the most dangerous places for aid workers in the world."

A study released by the Sri Lankan Law and Society Trust in March 2008 concluded that as many as 67 aid workers, most of the Tamils from the north and east, had been killed or forcibly disappeared between January 2006 and December 2007 alone, which amounted to almost one a month during the period. Victims include program, field and administrative staff of humanitarian organizations engaged in demining, development and relief projects; drivers, construction workers and masons; and Catholic and Buddhist clergy engaged in humanitarian service.¹

In June 2007, two volunteers with the Sri Lanka Red Cross attended a workshop in a Colombo suburb were abducted off a crowded railway platform by men claiming to be policemen as they and colleagues awaited a train to take them back to Batticaloa, where they worked. Their bodies, bearing gunshot wounds, were found the next day dumped near Ratnapura, nearly 100 km away. The government arrested a former air force officer, several police and military officers and accused them of political abduction, kidnapping for ransom, and murder. The suspects were released on bail in early 2008; prosecutions did not proceed.

While the government has publicly condemned acts of violence against humanitarian staff, there has been little action taken to ensure impartial and effective investigations, which would lead to the prosecution of those responsible.

Today there are no credible domestic mechanisms to deal with serious human rights violations. The Sri Lankan Human Rights Commission lacks independence and has itself acknowledged its lack of capacity to deal with investigations into disappearances.

At the international level, Sri Lanka has 5,749 outstanding cases being reviewed by the UN Working Group on Enforced and Involuntary Disappearances, several hundred of which have been reported since the beginning of 2006.

Given Sri Lanka's consistent failure to prosecute perpetrators of human rights violations, Amnesty International believes the chances of justice being served domestically in the ACF and other cases are very slim. That is why we are reiterating our call to the UN to independently investigate human rights violations in Sri Lanka including attacks on humanitarian workers.

Take action now: <http://www.amnesty.org/en/appeals-for-action/call-un-investigate-sri-lanka-rights-violations>

Background

Sri Lanka has a long history of serious violations of human rights and humanitarian law and has established a number of *ad hoc* commissions of inquiry when pressed to account for violations by its forces. In 2009, Amnesty International issued a report entitled ***Twenty-years of Make-believe: Sri Lanka's Commissions of Inquiry (AI Index: ASA 37/005/2009)*** which documented the systematic failures of these mechanisms to bring about justice, truth and reparations for victims. None of them have been adequately empowered, resourced or supported politically to ensure real accountability. Their main effect has been to blunt international criticism. Given this track record, the Government's newest Commission on "Lessons Learnt and Reconciliation" was suspect from inception. It was almost certainly intended to head off renewed calls for an international investigation of war crimes around the anniversary of war's end, and to derail discussion of its human rights record at the UN. There is no reason to believe it will be any more effective in securing justice for victims than its predecessors.

¹ "Under Fire: Persons in Humanitarian Service;" A Preliminary Report on Killings and Disappearances of Persons in Humanitarian Service in Sri Lanka, January 2006 – December 2007, Law & Society Trust, 7 March 2008.

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