

SRI LANKA

- **LKA-49:** Joseph Pararajasingham
- **LKA-53:** Nadarajah Raviraj
- **LKA-63:** D.M. Dassanayake
- **LKA-61:** Thiyagarajah Maheswaran
- **LKA-69:** Sivaganam Shritharan



Inter-Parliamentary Union
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Sri Lanka

*Decision adopted unanimously by the IPU Governing Council at its 212th session
(Luanda, 27 October 2023)*



Mr. Joseph Pararajasingham, Canada 2004© Tamil National Alliance website

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LKA-53 – Nadarajah Raviraj
LKA-61 - Thiyagarajah Maheswaran
LKA-63 - D.M. Dassanayake

Alleged human rights violations

- ✓ Murder
- ✓ Impunity

A. Summary of the case

The four above-mentioned parliamentarians were assassinated between December 2005 and January 2008 during the Sri Lankan civil war, which pitted the Sri Lankan Government against the Liberation Tigers of Tamil Eelam (LTTE) insurgent group.

The information for each of the four cases is as follows:

• Mr. Joseph Pararajasingham's case

Mr. Pararajasingham, a member of parliament belonging to the Tamil National Alliance (TNA), was shot dead on 24 December 2005 while attending the midnight Christmas Eve Mass in St. Mary's Cathedral in Batticaloa. The cathedral was located in a high-security zone and was reportedly surrounded by military

**Case LKA-49 | Case LKA-53
Case LKA-61 | Case LKA-63**

Sri Lanka: Parliament affiliated to the IPU

Victim: Four opposition members of parliament

Qualified complainant(s): Section I.(1)(a) and (d) of the Committee Procedure (Annex 1)

Submission of complaints: December 2005; November 2006; December 2005; January 2008; April 2011, respectively

Recent IPU decision: February 2021

Recent IPU mission: July 2013

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament, forwarding a report from the Attorney General's Department (January 2023)
- Communication from the complainants: January 2018
- Communication to the authorities: Letter to the Speaker of Parliament (September 2023)
- Communication to the complainants: September 2023

at the time of the murder. The complainants therefore feared that Mr. Pararajasingham's murderers enjoyed the complicity of the security forces.

In October 2015, four suspects, including Mr. Sivanesanathurai Chandrakanthan (alias Pillayan), the former Chief Minister of the Eastern Provincial Council and leader of the *Tamil Makkal Viduthalaipulikal* (TMVP), a political party that originated from a paramilitary group known as the "Karuna group", were arrested. Four others, all members of the TMVP, were also said to have been involved in the murder.

On 13 January 2021, the five suspects – four of whom had been detained originally, and the fifth who had allegedly been detained later – were acquitted and released. The acquittal came after the Attorney General's Office informed the court that it would not proceed with the prosecution.

On 16 September 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released a report (A/HRC/30/CRP.2) on its comprehensive investigation into alleged serious violations and abuses of human rights and related crimes committed by both parties (that is, the Government and related institutions, on the one hand, and the LTTE on the other) in Sri Lanka between 2002 and 2011. The report mentions, with regard to the murder of Mr. Pararajasingham, that "there are reasonable grounds to believe that the Karuna group killed Joseph Pararajasingham, and that it was aided and abetted by security and army personnel". The OHCHR report concluded more generally that, with regard to the crimes committed during the violent conflict "the sheer number of allegations, their gravity and recurrence and the similarities in their *modus operandi*, as well as the consistent pattern of conduct this shows, all point to systematic crimes which cannot be treated as ordinary crimes" and that "Sri Lanka's criminal justice system is not currently equipped to conduct an independent and credible investigation into allegations of this breadth and magnitude, or to hold accountable those responsible for such violations".

- **Mr. Nadarajah Raviraj's case**

Mr. Nadarajah Raviraj, a TNA member of parliament, was assassinated on 10 November 2006 while travelling to Colombo. Seven persons were arrested, four in March 2015, namely two lieutenant commanders of the Sri Lankan Navy, one navy officer and one police officer. Four of the seven suspects, namely those arrested in 2006 and one of the lieutenant commanders arrested in March 2015, were released on bail. The investigation has also pointed to the involvement in the crime of Mr. Sivakanthan Vivekanandan (alias Charan), a TMVP member, who was said to be abroad.

The accused were served with indictments on 21 July 2016 and remanded in custody until the trial was concluded by the High Court which, on 24 December 2016, decided to discharge all suspects. An appeal was filed by the Attorney General against the judgment. The aggrieved party has filed a leave to appeal application and a review application challenging the acquittal. All three matters were scheduled for argument before the Court of Appeal on 21 February 2023.

The aforementioned report from the OHCHR (A/HRC/30/CRP.2) states that Mr. Raviraj was widely known for his moderate views and critical statements of both the LTTE and the Government, particularly in the weeks leading up to his murder. Along with other parliamentarians, he had set up the Civilian Monitoring Committee, which alleged the Government was responsible for abductions, enforced disappearances and unlawful killings. The report also points to the fact that, the day before he was killed, Mr. Raviraj and other TNA parliamentarians took part in a demonstration in front of the United Nations' offices in Colombo to protest against the killing of Tamil civilians by the military in the east and the increasing number of abductions and extrajudicial killings.

- **Mr. Thiyagarajah Maheswaran's case**

Mr. Maheswaran was shot on 1 January 2008. He was killed after stating in a television interview that when parliament resumed sitting on 8 January 2008 he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed. His security detail had been significantly reduced shortly before his assassination and shortly after his vote against the budget in parliament. On 27 February 2008, the authorities arrested a suspect who had been identified as the gunman on the basis of a DNA analysis. The investigators concluded that the assailant was an LTTE activist. The suspect confessed to the crime and was indicted. On 27 August 2012, he was found guilty and sentenced to death. On 10 March 2022, the Court of Appeal

dismissed his appeal and upheld the verdict and death sentence. He subsequently filed an application to seek leave to appeal to the Supreme Court, which had been due to be heard on 18 May 2023.

- **Mr. D.M. Dassanayake's case**

Mr. D.M. Dassanayake, Minister of Nation Building and a member of the Parliament of Sri Lanka, was killed on 8 January 2008, along with a bodyguard, in a roadside Claymore mine attack while on his way to parliament. The subsequent arrest of a key LTTE suspect operating in Colombo led to the arrest of other suspects, whose revelations resulted in the recovery of the remote-control device used to detonate the explosive that killed Mr. Dassanayake. Three suspects were indicted. One confessed and was found guilty in 2011 and trial proceedings continued against the other two until one of them died in 2015. The remaining suspect was acquitted on 5 July 2021. The Attorney General did not file an appeal.

- **General observations**

Following presidential elections in Sri Lanka in November 2019, which brought to power Mr. Gotabaya Rajapaksa, the Sri Lankan Government withdrew in February 2020 from the United Nations Human Rights Council's cooperation framework set out in resolution A/HRC/RES/30/1. Mr. Rajapaksa stepped down as President in July 2022 following massive demonstrations against economic and political mismanagement in Sri Lanka.

In its latest report of September 2023 on the situation of human rights in Sri Lanka, the OHCHR stated that: "Lack of accountability at all levels remains the fundamental main human rights problem. Whether it refers to war crime atrocities, post-war emblematic cases, torture and deaths in police custody, excesses in crowd control, corruption and the abuse of power, Sri Lanka suffers from an extraordinary accountability deficit that unless addressed will drag the country further behind. The High Commissioner urges the Government and Sri Lankan political parties to strive for and deliver on long overdue democratic renewal, deeper institutional reforms and tangible progress on accountability, reconciliation and human rights. This would be particularly appropriate in a year that marks both the 75th anniversary of Sri Lanka's independence and the 75th anniversary of the Universal Declaration on Human Rights".

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Regrets* that the parliamentary authorities have not responded to the IPU's requests for updated information in these cases or to the request for a hearing with the Committee on the Human Rights of Parliamentarians at this IPU Assembly; *recalls* that the Committee's procedure is based on the idea of regular and constructive dialogue with the relevant authorities as a prerequisite for making concrete progress in addressing the issues that arise in any given case; and *urges*, therefore, the parliamentary authorities, as used to be the case, to renew their engagement with the Committee;
2. *Remains deeply concerned* that, after all these years, the pursuit of justice has only made serious headway with regard to two of the four assassinations; *considers* that in the case of Mr. Pararajasingham and Mr. Raviraj it should also be possible, in light of the information that has been collected over the years, to hold the culprits to account; *underscores*, however, that this will only be possible if the authorities show the necessary political will and take the necessary steps to ensure that finding and punishing those responsible for serious past crimes becomes a priority; and *is eager* to receive the latest information on what steps are pending or planned to pursue accountability, including with regard to the Attorney General's appeal to the Court of Appeals in Mr. Raviraj's case;
3. *Remains pleased* that the authorities have been able to identify and hold to account Mr. Maheswaran's assassin; *is deeply concerned*, nevertheless, at the severity of the penalty imposed on Mr. Valentino; *points out* that there is a growing global trend and consensus in favour of abolishing the death penalty; *urges*, therefore, the authorities to reconsider implementing the sentence; *remains keen to ascertain* whether the verdict against Mr. Valentino

established the motive for the murder, in particular in light of earlier concerns that the crime may be related to Mr. Maheswaran's criticism at the time of the Government;

4. *Notes* the most recently communicated developments in the legal proceedings regarding the assassination of Mr. Dassanayake; and *wishes* to know whether this means that with the conviction of one person the pursuit of justice in his case has now become final;
5. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, including the Attorney General, the complainants and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.



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Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



LKA-69 – Sivaganam Shriitharan

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Impunity

A. Summary of the case

Mr. Sivaganam Shriitharan has been a member of parliament since 2010, belonging to the Tamil National Alliance (TNA). On 7 March 2011, Mr. Shriitharan was travelling from Vavuniyaa to Colombo to attend parliament the following day. At around 6 p.m., when his vehicle was passing Nochchiyagama, on the Anuradhapura Puttalam Road (a 100% Sinhalese area, according to the complainant), at a place called Udukkulam, three persons got out of a vehicle parked on the roadside without a number plate, opened fire at the vehicle and hurled two hand grenades under it. Owing to the skills of the driver, Mr. Shriitharan escaped unscathed and the vehicle was only lightly damaged. The Eelam People's Democratic Party, an allegedly government-backed paramilitary group and political party, was said to be responsible for the assassination attempt.

In its latest report of January 2021 on “Promoting reconciliation, accountability and human rights in Sri Lanka”, the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that “developments over the past year have fundamentally changed the environment for advancing reconciliation, accountability and human rights in Sri Lanka, eroded democratic checks and balances and civic space, and reprised a dangerous exclusionary and majoritarian discourse. These trends threaten to reverse the limited but important gains made in recent years and risk the recurrence of the

Case LKA-69

Sri Lanka: Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant(s): Section I.(1)(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: April 2011

Recent IPU decision: October 2015

IPU Mission: [July 2013](#)

Recent Committee hearing: Hearing with the Deputy Speaker and other members of the Sri Lankan delegation to the 133rd IPU Assembly (October 2015)

Recent follow up:

- Communication from the authorities: Letter from the Chief of Protocol of Parliament, forwarding a report from the Attorney General's Department (January 2021)
- Communication from the complainant: Meeting with the complainant at the IPU Secretariat (March 2019)
- Communication addressed to the authorities: Letter addressed to the Speaker of Parliament (December 2020)
- Communication addressed to the complainant: January 2021

policies and practices that gave rise to the grave violations of the past”. In its chapter on “Political obstruction of accountability for crimes and human rights violations”, the report states that “the current Government has proactively obstructed or sought to stop ongoing investigations and criminal trials to prevent accountability for past crimes. On 9 January 2020, the Government appointed a Presidential Commission of Inquiry to investigate alleged “political victimization” of public officials, members of the armed forces and police, and employees of state corporations by the previous government. With its broad mandate, the Commission has intervened in police investigations and court proceedings and had the effect of undermining the police and judiciary in several high profile human rights and corruption-related cases”.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the latest information provided; *notes*, however, that this information does not contain any information on any progress made to establish accountability for the attempt on Mr. Shriritharan’s life in 2011;
2. *Believes* that the absence of such information may well indicate that those responsible for the attempted murder have yet to be identified and are still at large; *expresses concern* in this regard about the reported political obstruction of accountability for crimes and human rights violations by the current Sri Lankan Government;
3. *Reaffirms* that the Sri Lankan authorities are duty-bound to do everything possible to ensure that the attempt on Mr. Shriritharan’s life does not go unpunished; *urges* them, therefore, to carry out an effective investigation aimed at producing concrete results; and *wishes* to be informed of any steps taken to this end;
4. *Recalls* that parliament, in the exercise of its oversight function, can help ensure that justice is effectively pursued and delivered, especially when it concerns a former member; *wishes*, therefore, to ascertain the views of the current parliament as to the possibility of it regularly monitoring the judicial proceedings;
5. *Remains convinced* that the solution to the case of Mr. Shriritharan has to be part of a comprehensive and serious approach by the Sri Lankan authorities to promote truth, justice and reconciliation for the crimes committed in the context of the violent conflict between the authorities and the LTTE; *is deeply concerned*, therefore, at the latest OHCHR report that signals the clear intention by the current Sri Lankan Government to move away from honouring earlier international commitments to promote accountability and reconciliation in this regard; and *urges* the Sri Lankan authorities to return to the framework of cooperation set up under United Nations Human Rights Council resolution A/HRC/RES/30/1, including by accepting offers of assistance and seeking opportunities to benefit from international expertise that would allow them to make progress in the pursuit of justice and reconciliation, such as in the case of Mr. Shriritharan;
6. *Requests* the Secretary General to convey this decision and the request for information to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining the case.