SEP writes to Sri Lankan attorney general to demand inquiry into supporter's murder

Our reporter
25 September 2006

Socialist Equality Party General Secretary Wije Dias wrote to the Sri Lankan Attorney General K.C. Kamalasabeyson on September 19 vigorously protesting over the lack of a proper police inquiry into the death of party supporter Sivapragasam Mariyadas on August 7. The letter is part of an ongoing campaign by the SEP and *World Socialist Web Site* to demand a full investigation of the crime and the prosecution of the killers.

Mariyadas, who was a photographer by profession, was well known and popular among Tamils, Sinhalese and Muslims alike for his opposition to the war and to communal politics. He was killed on the night of August 7 at his home in the rural town of Mullipothana, 20 kilometres from the eastern port of Trincomalee. Around 9 p.m., he went to the door after hearing someone call out his name in Tamil. A gunman shot him in the forehead and neck and fled the scene on a waiting motorbike. He died instantly.

There is significant circumstantial evidence to indicate that the army, or an associated paramilitary group, was responsible for the murder. The killing took place amid heavy fighting between the army and the Liberation Tigers of Tamil Eelam (LTTE) in the neighbouring district of Muttur as part of the island's escalating civil war. The whole area, including Mullipothana, was being heavily patrolled by security forces, making it difficult for anyone to move about at night unchallenged. Moreover, Mariyadas's house is situated next to a school used by refugees and under constant military surveillance.

The Thambalagamuwa police, who are responsible for Mullipothana, have brushed aside the SEP's inquiries by simply repeating a standard line: we have been unable to locate any eyewitnesses or suspects, but investigations are continuing. This is a routine excuse used by police in the increasing number of similar cases in the island's war zones, when the security forces are implicated abductions and murders. The case is not due to be heard in the local magistrate's court until December 7.

The SEP's letter to the attorney general, drawn up with legal advice, highlighted a number of irregularities in the B report filed by police on the day of the murder in the magistrate's court in Kantale. The letter pointed out that the police had removed Mariyadas's body from the scene in a breach of procedure and failed to interview eyewitnesses. Moreover, on the advice of the Officer In Charge (OIC) of the Thambalagamuwa police, the magistrate had not visited the crime scene for "security reasons".

"It is clear that the OIC had prevailed upon the Hon. Magistrate not to visit the scene for security reasons. If the magistrate was taken to the scene of the incident he would have observed the circumstances, nature of the injuries and geography of the area and all these aspects put together would have been of immense assistance to arrive at the cause of death," the letter stated.

The SEP letter cited Section 369 of the Criminal Procedure Code demonstrating that the police had violated the provisions of that code.

"It appears from the B report aforesaid that the OIC who evidenced that two unidentified motor cyclists shot the deceased, took the decision to take the body to the hospital apparently with no reason. If it was necessary to deviate from the mandatory provisions as provided in S. 369, it should have been the Hon. Magistrate who took that decision with the reasons recorded. But the procedure that has been adopted in this circumstance was not warranted by law and it has allowed the criminals to go scot-free.

"The said provisions in respect of investigation of crimes appear to be directed largely to the prompt securing of material as to the cause of death of a human being in unusual circumstances or places, so that the material will be readily available in case such death was the result of an act of another amounting to an offence.

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The person responsible for the inquiry is only called upon to enter upon a voyage of discovery."

In calling for the attorney general to take immediate action, the SEP letter listed the four legal deficiencies in the police investigation:

1. The dead body was removed from the crime scene by the police officer.
2. The magistrate did not proceed to the crime scene.
3. The evidence of the eyewitnesses was not recorded.
4. The evidence of the home guard who reported the incident was not recorded.

In conclusion, the letter stressed the political nature of the crime. "Furthermore as this crime has taken place under conditions of a war situation in the area, the Socialist Equality Party believes that it is an act to intimidate the opponents of the brutal war," it stated.

The Socialist Equality Party is continuing its campaign for a full investigation of the killing of Sivapragasam Mariyadas. We urge all our readers and supporters to write to the Sri Lankan authorities protesting the murder and the lack of a proper police inquiry, and demanding the immediate arrest and charging of those responsible.

Letters should be sent to:

Inspector General of Police Chandra Fernando,
Police Headquarters, Colombo 1, Sri Lanka.
Fax: 0094 11 2446174
Email: igp@police.lk

Attorney General K.C. Kamalasabeyson,
Attorney General's Department,
Colombo 12, Sri Lanka.
Fax: 0094 11 2436 421

Copies should be sent to the Socialist Equality Party (Sri Lanka) and the *World Socialist Web Site*.

Socialist Equality Party,
P.O. Box 1270, Colombo, Sri Lanka.
Email: wswscmb@sltnet.lk

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