

Sri Lanka: Police stall in Human Rights Commission inquiry into disappearance of SEP member

Our correspondent
27 July 2007

The latest Sri Lanka Human Rights Commission (HRC) hearing into the disappearance of Socialist Equality Party (SEP) member, Nadarajah Wimalaswaran, and his friend, Sivanathan Mathivathanan, has again revealed the failure of the authorities to conduct any serious investigation into the case.

Wimalaswaran and Mathivathanan vanished on March 22 while travelling back from Punguduthivu Island to Kayts Island where they live. Both northern islands are under the control of the Sri Lankan navy, which maintains roadblocks, conducts patrols and enforces strict curfews. The two men were last seen restarting their motorbike at the Punguduthivu checkpoint as they prepared to head onto the long causeway back to Kayts.

The SEP filed a formal complaint with the HRC, which only held its first hearing on June 14 in the wake of the ongoing international campaign by the SEP and *World Socialist Web Site* to demand a full investigation. The second HRC hearing on July 6 was nearly called off after the previous inquiry officer Prasanna Arampath failed to attend. Only after a great deal of haggling did another inquiry officer, Calistus Arunakumara, finally agree to take the case.

The officers representing the Navy Commander and Inspector General of Police (IGP) were not the same as those present at the first hearing. The Officer in Charge of Kayts police station, Kingsley Gunasekera, was not in attendance and provided no reasons. At the end of the first hearing, Arampath had summonsed him to be present on July 6.

SEP general secretary Wije Dias protested at the HRC's attitude, insisting that the SEP should have been informed if the HRC could not proceed, and pointing to inaccuracies in the official record of the first hearing. In particular, the record misrepresented the SEP's demand for their immediate release if the two men had been arrested, and for a full investigation and report if they had not been detained. Inquiry officer Arunakumara agreed to correct the misspelling of several names, but refused any further modification, declaring he was not the officer in charge.

Dias also pointed out that the non-attendance of Kayts police officers, after being formally summonsed, were grounds for contempt of court under the 1996 Act that established the HRC. Arunakumara noted that the procedure for dealing with such evasion was drawn-out and complicated. First the HRC had to call for explanations of the non-attendance and only then could it consider referring the issue to the Supreme Court. The inquiry officer gave no indication he would start the process.

Those representing the country's navy and police chiefs simply

reiterated what had been said at the first hearing. The police officer reported that Kayts police had recorded a statement from Hemantha Peiris, the commanding officer of the navy camp on Punguduthivu, but did not produce it.

Dias objected to the failure of the police representative to provide an adequate account of the police inquiry into the disappearances. He also noted that the police had failed to produce a report to the Kayts magistrate court on June 15, as required by the presiding magistrate.

"A main requirement for the police investigation is the recording of statements from naval officers who were on duty between 5 p.m. and 7 p.m. on March 22, when Wimalaswaran and Mathivathanan disappeared, at the checkpoints at the two ends of the causeway connecting Punguduthivu and Kayts islands. But it is clear from the statements made by the police officer [here] that they have not done it so far," Dias explained.

The naval officer claimed that personnel at the checkpoints did not record the names of persons travelling in vehicles, but only vehicle numbers. He said if the HRC requested, the navy could present the names of those officers on duty at the particular times.

Dias insisted that not only the names be presented but that the police should record their statements as part of the investigation. "Evasion by the navy and also the police in conducting a proper investigation into this disappearance for more than three months has once again confirmed the suspicion of their involvement in the disappearance," he said.

Inquiry officer Arunakumara promised to fix another date for the hearing, but, as of Monday, neither he nor the officer in charge of the inquiry, Arampath, had done so.

A hearing in the Kayts magistrate court took place on 20 July. The Officer in Charge of the Kayts police station made a submission that contained nothing new. He noted that the police had finally taken statements from Sivajini, Wimalaswaran's wife, and Sulakshana, Mathivathanan's wife—the two complainants.

The police also took statements from Wimalaswaran's sister, Jeyachithra Chitrakumar, and Sellathurai Ranjithan, also known as Arul—two eyewitnesses uncovered by the SEP's investigation. Jeyachithra saw the missing men at Kayts entry point as they left for Punguduthivu. Arul saw them restarting their motorbike at the Punguduthivu checkpoint, preparing to return.

S.E. Ehanathan, the lawyer appearing for Sivajini and Sulakshana, objected to the lack of action by the police in furthering the inquiry. He recalled that the police had been directed by the court to take statements from naval officers on Punguduthivu and Kayts. Ehanathan

called on the court to direct the police to produce names of the navy personnel who were on duty the day that Wimalaswaran, and Mathivathanan went missing. He opposed the police request for another month for their inquiries.

The lack of action by the Sri Lankan police and the Human Rights Commission is scandalous. Hundreds of people, mainly Tamils, have been “disappeared” or murdered since President Mahinda Rajapakse won office in November 2005 and plunged the country back to war. On July 18, villagers on Kayts found the decomposed body of a 22-year-old youth, who had been missing for six months. The body, which had been tied to a concrete pillar with nylon rope, was found in a well at Sinnamadu.

All the evidence in these cases points to the operation of death squads run by the security forces or allied Tamil paramilitaries. In very few of the cases have the police identified, let alone arrested and charged, any suspects.

The SEP again urges its supporters and *World Socialist Web Site* readers to send protest letters to the Sri Lankan authorities, demanding an urgent inquiry into the disappearance of Wimalaswaran and Mathivathanan, in order to find and release the two men.

Letters can be sent to:

Gotabhaya Rajapakse,
Secretary of Ministry of Defence,
15/5 Baladaksha Mawatha,
Colombo 3, Sri Lanka
Fax: 009411 2541529
Email: secretary@defence.lk

N. G. Punchihewa Director of Complaints and Inquiries,
Sri Lanka Human Rights Commission,
No. 36, Kinsey Road, Colombo 8, Sri Lanka
Fax: 009411 2694924

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

To send letters to the WSWWS editorial board please use this online form.

We publish below a selection of recent letters.

Dear Sir,

Re: disappearance of Socialist Equality Party member and friend

I am writing to register my concern over the unexplained disappearance on March 22 this year of SEP member Nadarajah Wimalaswaran and his friend Sivanathan Mathivathanan while travelling on a causeway from Punguduthivu Island to Velanai on Kayts Island. My concern is that despite the fact that the causeway is under strict surveillance by the navy—which has checkpoints at both its ends and so can account for all persons entering and leaving the causeway—the navy commanders are unable to shed any light on the disappearance of the two men.

It is evident from the proceedings and response to questioning from both the police and navy representatives at the Sri Lankan Human Rights Commission hearing on June 14 that a thorough investigation into what happened to the two men has not and will not be done. It would appear from the latest posting on the *World Socialist Web Site*, 4 July, that both the police and navy are withholding information from the HRC hearing. It appears to me that the only explanation for the disappearance of Wimalaswaran and Mathivathanan is that they have

been abducted and are being illegally held by the navy.

I request that you take immediate action to carry out a thorough and public investigation into this case and do all that is in your power to ensure the safety of these two men and to have them returned to their families as soon as possible.

NH

NSW, Australia

To Secretary Gotabhaya Rajapakse,

I write with deep concern about the disappearance of Nadarajah Wimalaswaran and Sivanathan Mathivathanan on March 22, 2007 and the refusal of your Ministry to thoroughly investigate their situation. Sri Lankan security forces are implicated in their disappearance. Your office’s delay in initiating any serious search or investigation casts an incriminating shadow over you and your agency for all the world to see.

Human Rights organizations have cited Sri Lanka for hundreds of violations for those who have been executed, imprisoned without trial or otherwise disappeared. The Kayts magistrate has already called for a proper police investigation into the case with the naval authorities.

I look forward to concrete progress in determining the status of Wimalaswaran and Mathivathanan. I also urgently request that the murder of SEP supporter Sivapragasam Mariyadas on August 7, 2006, be fully investigated. The world community is watching closely for a real effort to solve these criminal acts and history will judge harshly any continued inaction.

Sincerely,

AB

Dear Sir,

I write as a worker demanding credible answers about the disappearance of SEP member Nadarajah Wimalaswaran and friend Sivanathan Mathivathanan. Since the pair disappeared three months ago on March 22, there has been no serious attempt to conduct any investigation of any meaning or offer any worthy explanation.

After being logged in at one end of the island the two missing men have not been logged out! Eyewitnesses have placed the two men being body-searched by navy personnel and questioned by two plainclothes intelligence officers at about 5 p.m. at the Velanai entry point to the long causeway to Punguduthivu. Just after they were last seen at this checkpoint the commanding officer, Silva, asks Wimalaswaran’s wife to come to the Naval Base. Yet we are told, “his personnel did not arrest people and he knew nothing about the pair”.

Here we have the military showing their true colours and it is very noticeable the political cowardice involved; that is, the military do these despicable acts and then lacking courage and principle—deny what they put into effect. Have these two men been murdered, or are they being held in jail?

JC

Sydney, Australia.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact