

Sri Lankan Human Rights Commission stalls inquiry into disappeared SEP member

Our correspondent
15 October 2007

Three months after its last hearing, the Sri Lanka Human Rights Commission (HRC) has not fixed a date to recommence the inquiry into the disappearance of Socialist Equality Party (SEP) member Nadarajah Wimalaswaran and his friend, Sivanathan Mathivathanan, in northern Sri Lanka on March 22.

Speaking to SEP general secretary Wije Dias last Thursday, the HRC officer in charge of the investigation, Prasanna Arampath, acknowledged that “these things are getting late” but offered no reason, other than his personal workload. When pressed on the fact that no hearing had been held since July 6, Arampath would not set a date, saying only that it would be as early as possible.

Hundreds of people have disappeared or been murdered in circumstances that point to the involvement of the security forces since President Mahinda Rajapakse restarted the war against the Liberation Tigers of Tamil Eelam (LTTE) last year. Yet, in all but a handful of cases, no one has been charged, let alone convicted.

The lack of any serious investigation by the HRC into the disappearance of Wimalaswaran and Mathivathanan is paralleled on Kayts Island where both men lived. Despite evidence strongly indicating the involvement of navy personnel on Kayts, the police and the local court have not compelled the commander of the Kanchadeva navy camp at Velanai to answer basic questions.

Wimalaswaran and Mathivathanan were last seen riding a motor bike toward the Velanai road-block on Kayts Island on March 22 via a long causeway from the neighbouring island of Punguduthivu. The two men were returning to Kayts after picking up clothes from a village on Punguduthivu to attend a wedding that night.

The navy, which has a heavy presence throughout these northern islands, maintains a checkpoint at either end of the causeway. The pair were seen at about 5 p.m. at the Velanai entry point on Kayts as they headed toward Punguduthivu and then at the Punguduthivu checkpoint at about 6.30 p.m., restarting the motorbike to return to Velanai.

The commanding officer at the Punguduthivu naval camp has confirmed that the motor bike passed through the checkpoint at about that time. Given there is nowhere else to go, the two men must have reached the Velanai checkpoint shortly afterward. However, the commanding officer of the naval camp at Velanai claims to have no knowledge of the two men and has refused to provide details about the checkpoint.

At the insistence of the SEP, the HRC initiated an inquiry into the disappearance on June 14. Representatives of the country’s

Navy Commander and Inspector General of Police (IGP) appeared at the hearing, but the commanders on Kayts and Punguduthivu refused to attend or send representatives.

The next hearing was fixed for July 6 but the HRC official in charge, Arampath, failed to appear. After SEP general secretary Dias protested, another HRC official convened a hearing. However, neither the navy commanders nor the Kayts police were present and the hearing was closed without a new date being fixed.

On August 15, the HRC sent a letter to the SEP requesting sworn affidavits as evidence of the disappearance. A similar letter was sent to the navy commander’s legal office, requesting the names of naval personnel on duty at the Velanai check point on March 22 and names of the navy officers investigating the SEP’s complaint.

The SEP filed five affidavits with the HRC on September 3, from the wives of Wimalaswaran and Mathivathanan, and three eyewitnesses who saw Wimalaswaran and Mathivathanan on the day of their disappearance. The HRC has not responded to the SEP.

A separate case in the Kayts magistrate court has made no further progress. At the most recent hearing on September 14, the public relations officer for the Kanchadeva navy camp at Velanai was present, but once again the commanding officer refused to appear or send a representative.

The presiding magistrate only briefly referred to the case. No questions were asked of the public relations officer. The magistrate told the complainants—the wives of Wimalaswaran and Mathivathanan—that the court could not guarantee to find their husbands and told them to provide the names of any witnesses. He then postponed the case until October 19, without directing the police or naval personnel to be present.

The two women have already provided the names of eyewitnesses who confirm that Wimalaswaran and Mathivathanan were stopped, searched and questioned by naval personnel at the Velanai checkpoint on their way to Punguduthivu. The naval commander at the Velanai camp is yet to confirm there was a checkpoint and has thus far refused to provide the names of the personnel manning it.

During the past month, at least 24 more people have “disappeared” on the northern Jaffna peninsula alone. Over the same period 72 civilians, including four families with children, have sought protection from the HRC branch in Jaffna town, out of fear of abduction or murder. If taken before a magistrate’s court, they face the prospect of being sent to a remand prison for their

“protection”.

On October 11, lawyers at Point Pedro, north of Jaffna, staged a protest accusing the army and allied paramilitary groups of intimidation, extortion and making death threats. A similar protest organised by the Jaffna Peninsula Lawyers Association took place on September 19. Despite promises of protection by the Jaffna military commander, the threats have not stopped.

On September 18, the International Independent Group of Eminent Persons (IIGEP) stated that no substantial progress had been made by the Presidential Commission of Inquiry (CoI) set up to investigate serious violations of human rights. President Rajapakse appointed the IIGEP earlier this year in a bid to quell growing international criticism of widespread human rights abuses in Sri Lanka. Far from addressing the IIGEP's concerns, the government and the attorney general immediately called on the body to cease making public statements.

While visiting Colombo on Saturday, the UN High Commissioner for Human Rights Louise Arbour declared: “The weakness of the rule of law and prevalence of impunity is alarming. There is a large number of reported killings, abductions and disappearances which remain unresolved.” The government immediately dismissed Arbour's suggestion that the UN Human Rights Commission send monitors or establish an office in Sri Lanka.

We again call on SEP supporters and WSWs readers to demand that Sri Lankan authorities conduct an urgent investigation to find Wimalaewaran and Mathivathanan and secure their safe release.

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 WSWs editorial board please use this online form.

The following is a selection of correspondence received:

The annual general meeting of the Central Bank Employees Union (Sri Lanka) held on September 13 in Colombo passed the following resolution:

“This annual congress of Central Bank Employees Union strongly urges that Sri Lankan government to provide a full report into the disappearance of SEP member Nadarajah Wimalaewaran and his friend Sivanathan Mathivathanan in Kayts area of the Jaffna peninsula last March 22.

“The military could be directly responsible for their disappearance following their entry onto the causeway linking

Punguduthivu island and Kayts island. Checkpoints are maintained at both ends by the navy and [the area is] regularly patrolled by the navy. Substantial evidence to this effect has been collected by the SEP and published on the *World Socialist Web Site*.

“Although five months have passed since their disappearance, neither the government nor the Sri Lanka Human Rights Commission has held a proper investigation yet. This annual congress holds the government responsible for the disappearance of Wimalaewaran and Mathivathanan and urges the government to secure their safe release.

“The government and its relevant authorities have also failed so far to hold a proper and serious investigation into the murder of SEP supporter Sivapragasam Mariyadas who was killed at his own house in Mullipothana of eastern Trincomalee district on August 7 last year. There is credible evidence implicating the military, which spread false rumours in the area after the killing that Mariyadas was an LTTE member. The failure of the police to arrest or charge anyone for this crime even after nearly one year strongly vindicates that point.

“This annual congress condemns these disappearances and killing as political crimes carried out against these persons and also the SEP because of their opposition to war and all types of racist politics, and also their struggle to unite the working class on a socialist program.”

Sir, I wish to protest the latest blatant attempt by the Sri Lankan authorities and military to prevent a full investigation of the circumstances surrounding the disappearance of Nadarajah Wimalaewaran and Sivanathan Mathivathanan. Wimalaewaran and Mathivathanan were last seen riding on a motor bike toward a road-block on Kayts Island on March 22 . They were traveling along a causeway from the neighbouring island of Punguduthivu. On the day in question, the Sri Lankan navy maintained road-blocks at both ends of the causeway—a fact to which any number of witnesses can testify. Yet at Kayts Island magistrates' court, August 3, police produced a letter from the navy commander at Kanchadeva camp denying that any road-block was maintained. This alarming lie serves solely to defend the activities of the Sri Lankan security forces from scrutiny, in circumstances where, once again, a dirty war has been unleashed against ordinary Sri Lankan citizens. I demand that an urgent and focussed investigation is launched into Wimalaewaran's and Mathivathanan's whereabouts. Yours, SJ,

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To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact