Sri Lanka: Presidential commission orders halt to trial of naval officers over abductions

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A Presidential Commission ordered the Attorney General in late January to halt the High Court hearing of the case against the former Sri Lankan navy commander Admiral Wasantha Karannagoda and former navy spokesman Rear Admiral D.K.P. Dassanayake until the commission has completed.

Fourteen naval officers, including Karannagoda and Dassanayake, are accused of abducting and "disappearing" 11 Tamil youth, including students from Colombo and elsewhere, as the war intensified against the separatist Liberation Tigers of Tamil Eelam (LTTE). It is also alleged that they sought to extract ransom money.

Newly-elected President Gotabhaya Rajapakse declared during the November election campaign that he would release officers and soldiers charged or convicted of crimes during the war. He established the presidential commission to examine the supposed discrimination of the previous government against members of the armed forces and to provide the pretext for letting them off the hook.

However, Attorney General Dappula de Livera rejected the order, declaring that the commission had no statutory or legal authority to order him to refrain from performing his statutory functions. The Presidential Commission of Inquiry only has the power to report findings, give advice and make recommendations.

The attempt to use the presidential commission to interfere in the work of the attorney general is a threat to basic democratic rights and legal norms. It undermines the principles of the independence of the courts and the separation of powers of the government and judiciary.

Significantly, in the week immediately after the presidential election, security for Police Inspector Nishantha Silva of the Criminal Investigation Department (CID) was summarily removed and he was compelled to flee the country with his family. CID director Shani Abeysekara was demoted and interdicted.

Silva had investigated the abduction case involving the two naval officers Karannagoda and Dassanayake, as well as several high-profile cases involving by military intelligence officers, including the abduction and murder of senior journalists, in which Rajapakse has been implicated.

Not surprisingly Karannagoda and Dassanayake were among the first to take their case to the presidential commission, claiming they were the victims of political victimisation by the previous government of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe.

Gotabhaya Rajapakse was defense secretary during the final stages of the war which concluded in 2019 with a series of brutal military offensives in which tens of thousands of Tamil civilians were killed. His brother was president and defence minister at the time.

The case of the two navy officers is just one of the many abductions, disappearances and assassinations of hundreds of Tamils branded as "LTTE suspects" and a number of journalists and government critics. Death squads associated with the military operating from white vans carried out the extra-judicial killings. Investigations later revealed that the bodies were dumped at sea tied to concrete pillars.

The CID investigations uncovered the existence of a unit established under Major Bulathwatte known as the Tripoli MI platoon which was tasked with the surveillance of journalists and behind the attacks and killing journalists.

The navy was heavily involved in these abductions

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and disappearances.

On March 22, 2007, Socialist Equality Party (SEP) member Nadarajah Wimaleswaran and his friend Sivanathan Mathivathanan went missing while returning from Punguduthivu Island to Kayts near Jaffna in northern Sri Lanka.

The navy has occupied the islets near Jaffna since early 1980s with a presence, including military camps and check points, on every island. It closely monitored ferry services and is notorious for the massacre of 36 Tamils on the Kumudini ferry sailing from the island of Delft in 1985.

The evidence collected by SEP strongly points to the involvement of the navy in the disappearance of Wimaleswaran and Mathivathanan. They were last seen travelling on a motorbike along the long causeway from Punguduthivu Island to Kayts Island after passing through a navy checkpoint. Both were likely seized at the naval checkpoint at the Velanai end of the causeway and have not been seen since.

The police and the human rights commission failed to conduct a proper investigation into the formal complaint filed by the SEP. Only a handful of cases have been seriously investigated and now the new Rajapakse regime is seeking to close them down.

The claim that the presidential commission is necessary to investigate the victimisation of the military is absurd. The actions of the previous Sirisena-Wickremesinghe government were an attempt to bury the issue of Sri Lankan war crimes that had become the focus of an international campaign.

Maithripala Sirisena was a senior minister in the government of Mahinda Rajapakse and supported the war to the hilt. Ranil Wickremesinghe is the leader of the United National Party that started the communal war in 1983 and supported the brutal military offensives that led to the LTTE's defeat in 2009.

As president, Sirisena did his utmost to protect the security forces from legal action over war crimes and atrocities. He opposed the arrest of accused military leaders and ordered the military not to provide the courts any "internal information" related to the cases. He also reportedly pressed for bail to be granted for jailed military commanders.

Sirisena appointed Major General Shavendra Silva, who is accused of serious human rights violations, as army chief and promoted him to the rank of Lieutenant General. He also reinstated Major Bulathwatte, who was in charge of the notorious Tripoli MI platoon, after the terrorist bombings on Easter Sunday last year.

Under the Sirisena-Wickremesinghe government, a jury appointed to investigate the murder of Tamil National Alliance (TNA) parliamentarian Nadarajah Raviraj, freed the six accused soldiers. Another jury has released six more soldiers, accused of slaughtering 25 Tamils in the eastern village of Kumarapuram in 1996.

In another attempt to stifle legal action, the military recently requested the Jaffna university administration, via the University Grants Commission, to bar the dean of the law faculty Kumaravadivel Kuruparan from appearing in court cases against the military. Kuruparan was appearing in a habeas corpus case involving the disappearance of two dozen youth, allegedly the security forces, in Jaffna.

The latest move to use the presidential commission to suppress the case against two senior naval officers is a warning of the measures that the government will use amid intensifying class struggles in Sri Lanka. The cover-up of old crimes is in preparation for future crimes against the working class.

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