

## Sri Lanka: Protect Witnesses in Trincomalee Killings

Murder of Five Youths Highlights Need to End Impunity

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Human Rights Watch remains deeply concerned that the only prosecution witness willing to testify so far, Dr. Kasippillai Manoharan, has for months been the target of deadly threats. His son Ragihar was among those killed.

"Dr. Manoharan has courageously come forward to testify about the brutal killings of these five young men," said Brad Adams, Asia director at Human Rights Watch. "The Sri Lankan government should show a fraction of his courage and take urgent measures to control its security forces and protect the doctor and other witnesses who may wish to testify."

On January 2, 2006 at about 7:30 p.m., seven youths, all 20-year-old graduates of Sri Koneswara Hindu College, chatted among themselves near the seafront in Trincomalee. According to eyewitness accounts, a grenade thrown at the youths from a green three-wheeler (or motor trishaw) exploded and injured three of them. Soon thereafter, 10 to 15 uniformed officers allegedly with the elite police Special Task Force arrived in jeeps. The officers put the wounded youth into their jeeps, beat them with rifle butts, and then pushed them onto the road. The officers then allegedly shot the young men, killing five and wounding two.

The army commander in Trincomalee initially reported to the media that seven members of the armed opposition Liberation Tigers of Tamil Eelam (LTTE) had been killed or injured when grenades they had been carrying exploded accidentally. The LTTE has been responsible for numerous attacks on military personnel and civilians in the Trincomalee area.

A government post mortem later determined that the five had died from gunshot wounds. Three had been shot in the head, while two had died from shots to the chest and abdomen, apparently received while trying to flee.

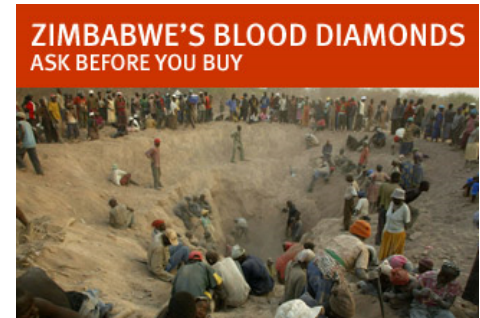
At the time of the incident, Manoharan received a short mobile phone message from his son, who said that he and his friends were pleading with security forces personnel not to shoot them. Manoharan immediately tried to go to the nearby place where he knew his son was, but he was stopped by the security

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Brad Adams, Asia director



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forces at a checkpoint. Manoharan testified at an inquest on January 10 that he heard the young men pleading for their lives and the gunshots. At the same time, the security forces had also briefly detained about 300 people at the seafront and made them kneel or sit, and had shut off all the streetlamps, leaving the area dark.

To date, only Manoharan has come forward to testify as a prosecution witness; no one else in the vicinity of the killings has been willing to do so. President Mahinda Rajapakse pledged publicly and to the Donor Co-chairs in Tokyo that the perpetrators would be brought to justice, irrespective of rank. A dozen members of the Special Task Force were placed under restraint pending inquiries; they were effectively discharged in April.

Since testifying, Manoharan and his family have been subjected to numerous serious threats. On the evening of the inquest, unidentified persons banged on his door and threw stones at his house. Manoharan also received several anonymous phone calls threatening to kill him and his family because of his testimony. Several days after the inquest, a man on a motorbike who kept his head covered sought medical help at his clinic, but left when only Manoharan's wife, who is also a doctor, agreed to treat him.

Human Rights Watch is concerned that the death threats appear to be coming from the security forces, who do not want Manoharan or others to testify in the case. As a result of the threats, he has had to suspend his medical practice and his children's education has been severely disrupted. His friends have been warned not to come to his home.

According to Manoharan, two policemen on June 12 stopped one of his surviving sons who was traveling to take an exam. On discovering a photo of his deceased brother, the police questioned who he was and then asked, "Are you Dr. Manoharan's son?" After finding on him the card of an international nongovernmental organization, the police said, "Your father is flashing the whole matter at the international level. That is not good for your family. You are going for the exam. You go now, we will see later." The son was too shaken to complete the exam.

On June 21, a policeman who recognized Manoharan detained him for half an hour at a checkpoint for no stated reason. During this time the policeman told him, "You are supporting the LTTE and our high officers are supporting you, so how can we do our duty?"

The following evening at around 9 p.m., a group of naval officers came to the Manoharan house and offered to provide "protection." The source of the offer, the late hour and references to armed groups not under control of the security forces raise concerns that this was not a genuine offer of assistance but a thinly veiled threat. To date, almost all security personnel prominently implicated in the case remain in Trincomalee, posing a threat to Manoharan and prospective witnesses. A senior police officer cited in the special investigator's report as allegedly being "behind the shooting incident" remains in Trincomalee and was recently promoted.

In Sri Lanka, widespread impunity for serious human rights abuses committed by both the security forces and the LTTE is a major, longstanding problem. A successful prosecution of the Trincomalee killings will require meaningful and proactive witness protection measures, Human Rights Watch said. The government must take necessary steps both to protect persons and their families who have agreed to testify, and to create an environment where other witnesses will be willing to come forward.

"Summary executions in Sri Lanka will only stop when those responsible are prosecuted to the full extent of the law," Adams said. "But this rampant impunity will end only when the government takes strong steps to ensure that witnesses can safely come forward."

Medellin

DECEMBER 23, 2009 Press release

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