

JUSTICE FOR MUTTUR

MUTTUR

The truth about the assassination of
17 aid workers in Sri Lanka

December 2013



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IN TRIBUTE TO



R. Arulrajah
24 years
Water and sanitation
technician



M. Narmathan
23 years
Water and sanitation
technician



S. Koneswaran
24 years
driver



T. Pratheeban
27 years
Water and sanitation
technician



R. Sivapiragasham
25 years
Hygiene promotion
moderator



G. Kavitha
27 years
Hygiene adviser



M. Rishikesan
24 years
Water and sanitation
technician



A. Jaseelan
27 years
Water and sanitation
technician



K. Kovarthani
27 years
Hygiene promotion
moderator



V. Kokilavathani
29 years
Hygiene promotion
moderator



A.L.M. Jawffar
31 years
Water and sanitation
qualified technician



Y. Kodeeswaran
30 years
Food security
technician



S.P. Anantharajah
32 years
Program manager



I. Muralitharan
33 years
driver



G. Sritharan
36 years
Water and sanitation
technician



M. Ketheeswaran
36 years
Water and sanitation
technician



S. Ganesh
54 years
driver

SRI LANKA MAP



EXECUTIVE SUMMARY

On 4th August 2006, 17 humanitarian aid workers of Action contre la Faim (ACF) were brutally assassinated in the Sri Lankan town of Muttur – the aid workers were lined up and summarily executed on the organisation’s premises. The Muttur massacre is one of the most atrocious war crimes ever committed against humanitarian personnel.

ACF has closely followed the domestic investigation only to become convinced that the Sri Lankan justice system is incapable of investigating the case. Several domestic mechanisms dealing with the Muttur massacre arrived at no conclusion: the Magistrate Court (from 2006 to 2008), the National Commission of Human Rights (from 2006 to 2008), the Presidential Commission of Inquiry (Col) (from 2007 to 2010) and the Lessons Learnt and Reconciliation Commission (from 2010 to 2012).

Meanwhile, a lot of information has leaked into the public domain, including the names of the alleged murderers. ACF has also collected information which reveals that **the 17 humanitarian aid workers were likely assassinated by members of Sri Lankan security forces and the criminals must have been covered up by Sri Lankan top authorities.**

This report brings together publicly available information on the Muttur case, combines this with information obtained by ACF directly (from witnesses, diplomatic contacts and other sources close to the matter) and offers several arguments in support of this allegation.

The report begins with the results of independent investigations and individual testimonies which implicate Army, Navy and Police personnel in the killings and continues with a description of how the security forces attempted to destroy the evidence in the days immediately after the

massacre. The report then explores the multiple irregularities of the official investigation which have helped the killers avoid justice and the role that the top Sri Lankan authorities have played in providing impunity.

Facing growing pressure by the international community for an effective investigation, Sri Lankan authorities are attempting to deflect public attention by claiming that another investigation into the Muttur massacre has been opened. However, deliberate subversion of the investigative process over the past 7 years and continuous harassment of witnesses and journalists who have raised the case have demonstrated that no effective legal action can be taken in today’s Sri Lanka in relation to the Muttur massacre. ACF believes that only **an independent international investigation can effectively lead to prosecution of the killers.**

With no prospects of an effective domestic investigation today, ACF has decided to publicly say what it knows about the Muttur massacre.

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METHODOLOGY

*1 - All personal names that appear in quotations in this report are replaced by the "****" sign.*

This report is based on information collected by ACF in relation to the assassination of its 17 humanitarian aid workers on 4th August 2006 in Muttur, Sri Lanka.

The report brings together publicly available sources, a non-exhaustive list of which is referenced in the Bibliography, and confidential documents and witness statements obtained by ACF over the past 7 years from witnesses on the ground and overseas, diplomatic contacts and other sources close to the matter.

ACF cannot pretend to replace a judicial inquiry and does not seek to incriminate individuals. Therefore this report does not include the names

of the alleged killers¹ which can be found in the public sources listed in the Bibliography.

Disclaimer: For reasons of confidentiality, ACF cannot publicly cite the names of witnesses whose testimonies have been used in this report. We are ready to provide further information on the evidence in our possession to international experts and independent competent bodies that could contribute further to establishing the truth and bringing justice to the victims of the Muttur massacre.

PROLOGUE: TRAGEDY OF 4 AUGUST 2006

On 4 August 2006, around 7 am, ACF lost radio contact with its mission in Muttur, a little town situated in the North of Sri Lanka. The staff of 17 people, 16 ethnic Tamil and one Muslim, had been trapped, caught in the midst of fighting between the Sri Lankan army and the Tamil armed separatist group Liberation Tigers of Tamil Eelam (LTTE).

All 17 were found dead several days later, following the take-over of Muttur by Sri-Lankan authorities. Lined up inside the ACF compound, they had been shot dead at close range.

The aid workers were in Muttur to help the population suffering from consequences of the 2004 tsunami and from the intensifying armed conflict. As most humanitarian organisations had left the area, they were among the few to continue providing impartial aid both in government- and rebel-controlled areas, despite the fact that NGOs were unjustly accused by government supporters of being pro-rebel.

Staying away from direct hostilities, ACF staff were not killed by stray bullets. They were deliberately targeted, despite the fact that they were wearing white ACF T-shirts and were not armed. The

killers must have been a group of people very familiar with firearms and apparently belonging to one of the parties to the Sri Lankan civil war. This makes the Muttur massacre not only a crime against humanitarian personnel of unseen scale but also one of the gravest war crimes committed during the Sri Lankan internal armed conflict.

ACF considered the two hypotheses equally: that the aid workers could have been assassinated by the LTTE or by the armed forces. However, all the direct and indirect evidence it could collect over the last 7 years unequivocally points to the responsibility of the armed forces.

In view of the gravity of the case and with no prospect of an effective domestic investigation after 7 years of inconclusive legal proceedings, ACF has decided to publicly say that it believes the 17 aid workers were assassinated by Sri Lankan security forces and the criminals have been protected by Sri Lankan authorities.

WHO KILLED 17 HUMANITARIAN WORKERS?

Who entered ACF's Muttur compound on 4th August 2006 and killed the 17 defenseless humanitarian aid workers? Today, with all the direct and indirect information available, ACF has no doubt that the aid workers were murdered by Sri Lankan security forces – those who knew about the presence of the humanitarians and were supposed to protect them.

What followed, known from various sources and from ACF's own shocking experience on the ground, is that after murdering the humanitarian aid workers, the security forces apparently tried to conceal the massacre and make effective investigation impossible. To this end, they prevented international actors from entering the town in the days following the killings and then destroyed important evidence.

I / DID THE MURDERERS BELONG TO THE SECURITY FORCES?

"Those at the ACF were drinking tea and eating biscuits, stuff they had bought a little while ago".²

The 17 humanitarian aid workers were taking a tea break only moments before they lost their lives, according to an independent investigation conducted by the University Teachers for Human Rights (UTHR), a Jaffna-based non-governmental organisation (NGO).³ The UTHR report proceeds with a gruesome description of a cold-blooded assassination of the humanitarians by police officers and a Home Guard person in the presence of the Naval Special Forces, upon approval of their superiors at Trincomalee.

" got the staff to kneel, and the victims were fired upon as they begged for mercy. It was all over within five minutes from the time they arrived. Two were killed away from the others, apparently trying to run away and their bodies were found separately."***⁴

The "to a large extent accurate"⁵ account of facts in the UTHR report was confirmed by the former US Ambassador to Sri Lanka, Robert O. Blake:

"[...] report from April 2008 identified police, Muslim Home Guard, and Special Task Force members as the likely perpetrators and corresponded in large part with the conclusions of the IIGEP⁶ and other Embassy contacts".⁷

Another investigation was undertaken by two French journalists, Anne Poirer and Gwenlaouen Le Gouil, authors of the documentary "Muttur: un crime contre l'humanitaire" ("Muttur: a crime against humanitarianism").⁸ The journalists, who spent 3 weeks in Sri Lanka in November and December 2006, came across an important witness who testified that **on the morning of 4th August around 7:30 am, through a radio communication set installed in the Muttur police station, a message in Sinhala was conveyed giving an order to the military stationed in Muttur to kill all persons who wore civil clothes and spoke Tamil.** The message came from "an officer who is the Leader of the particular army operational group" and held the grade of Major.⁹ In a video interview given after the release of the documentary, the journalists said that they had found strong indications that the ACF staff were murdered by Sri Lankan security forces.¹⁰

A considerable number of other individuals close to the matter have testified against security forces before competent investigative bodies and in confidential conversations with ACF. **A witness statement from another source leaked to the press suggests that one of the killers had close links with the government forces and belonged to a paramilitary group armed by the Navy.**¹¹

2 - UTHR, "Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff", special report No. 30, 1 April 2008, <http://www.uthr.org/SpecialReports/Spreport30.htm>.

3 - The investigation lasted three years and was described in several reports (see the Bibliography)

4 - UTHR, *op. cit.*

5 - SRI LANKA: REPORT BLAMES GOVERNMENT FOR "TRINCO 5", 3 April 2008, <http://wikileaks.org/cable/2008/04/08COLOMBO0344.html>.

6 - The International Independent Group of Eminent Persons observed the investigation into the Muttur massacre at the Presidential Commission of Inquiry.

7 - SRI LANKA: HUMAN RIGHTS INQUIRY (COI) DISBANDED; NO REAL RESULTS, 22 July 2009, https://wikileaks.org/plusd/cables/09COLOMBO0722_a.html.

8 - Available online: http://www.dailymotion.com/video/xv1tni_muttur-un-crime-contre-l-humanitaire-docu_news.

9 - *Ibid.*, (35 :38).

10 - Julien Martin, « La tuerie des humanitaires de Muttur reste impunie », Rue89, 22 May 2007, <http://www.rue89.com/2007/05/22/la-tuerie-des-humanitaires-de-muttur-reste-impunie>.

11 - "Abductions, white vans and videoing Tamils", The Sunday Leader, 8 July 2008, <http://www.thesundayleader.lk/archive/20080706/spotlight.htm>.

II / DID SECURITY FORCES TRY TO CONCEAL THE TRUTH BY CLOSING ACCESS TO MUTTUR?

During the three days following the killings, from 4th to 7th August, Sri Lankan Police and Army impeded international actors' access to Muttur, citing lack of security. This seemed like an attempt to conceal the bloody massacre perpetrated by them. One proof of this is that completely different information about the security situation was provided to actors which were less likely to discover the bodies.

A source close to the matter indicates that while preventing ACF from getting to Muttur, the criminals were thinking of burning the bodies but eventually gave up on the idea as news about the killings had spread outside Muttur and both ACF and the victims' relatives were insistently demanding the bodies.¹²

1. ACCESS WAS DENIED TO ACF, THE ICRC AND THE SLMM UNDER A PRETEXT OF LACK OF SECURITY

Between the morning of 4th August and the morning of 7th August, ACF undertook five unsuccessful attempts to enter the town. Apart from the very first attempt, when ACF had to turn back because of a sudden outburst of fighting, all other attempts failed due to direct hindrance by security forces or lack of cooperation by them. **ACF was not allowed to collect the bodies of its deceased staff until the afternoon of 7th August, three days after the killings.** As access was eventually opened, the Muttur Police did not allow ACF to be accompanied to the crime scene by two policemen who had arrived with ACF staff from Trincomalee.

Between 4th and 7th August, **access was also refused to two international organisations which, by virtue of their mandates, would have been concerned about the extrajudicial killings, namely the International Committee of the Red Cross (ICRC) and the Sri Lankan Monitoring Mission (SLMM).**¹³

The SLMM had several forensic experts, who could have proceeded to a professional analysis of the crime scene if they had managed to enter Muttur.

As the SLMM attempted to access the town on the 5th and 6th of August, it was stopped by security forces on the grounds of lack of safety and security in the area, in violation of the Sri Lankan Ceasefire Agreement (CFA).¹⁴

On 29th August 2006, the head of SLMM, General Ulf Henricsson, issued a "ruling" in which he expressed a conviction that Sri Lankan security forces were responsible for the killings.¹⁵ To support this statement, General Henricsson referred to "confidential conversations with highly reliable sources" and to an "illogical" refusal by the security forces to allow the SLMM into Muttur while journalists were taken there on escorted tours. The Sri Lankan Secretariat for Coordinating the Peace Process (SCOPP) later explained the denial of access by reference to the Government of Sri Lanka (GoSL)'s responsibility for the safety and security of members of the SLMM.¹⁶ In a conversation with ACF, General Ulf refuted this statement: "Nothing in the CFA prevented me to proceed in an operation ignoring a warning. This was done several times without any problems."

2. YET OTHER ACTORS WERE ASSURED THAT THE TOWN WAS SAFE

While denying access to the three international actors who would have certainly gone to the crime scene and pushed for and contributed to an investigation of the massacre, Sri Lankan security forces delivered a completely different discourse about the security situation to other actors, which they must have considered less dangerous.

On 5th and 6th of August, the Sri Lankan Army provided escorted tours to Muttur for journalists, as the government was keen to demonstrate its victory in taking control over the town. One of the journalists recalls that when they arrived at Trincomalee and were going to cross over to Muttur, a lot of "inexplicable delays" happened.

12 - It is widely reported that Sri Lankan army forces systematically burnt dead bodies during the Sri Lankan internal armed conflict.

13 - The Sri Lanka Monitoring Mission (SLMM) was an international independent organisation mandated to monitor the 2002 Sri Lankan Ceasefire Agreement (CFA) between GoSL and LTTE. The SLMM included international monitors from Nordic countries supported by national staff.

14 - Article 3.10 of CFA: "The Parties agree to ensure the freedom of movement of the SLMM members in performing their tasks. The members of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees, cf. Article 3.7."

15 - "Assassination of 17 civilian aid workers in Muttur on the 4th of August 2006", ruling addressed by Ulf Henricsson, Head of SLMM, to Sri Lankan Secretariat for Coordinating the Peace Process (SCOPP), 29 August 2006, http://news.bbc.co.uk/2/hi/south_asia/5298748.stm.

16 - SCOPP, press release in response to the SLMM's ruling of 29 August 2006, <http://www.sundayobserver.lk/2006/09/03/news01.asp>.

17 - Peter Apps, "Sri Lankan town deserted and devastated by battle", Reuters, 5 August 2006 15:35, <http://news.oneindia.in/2006/08/06/sri-lankan-town-deserted-and-devastated-by-battle-1154932468.html>.

18 - Consortium of Humanitarian Agencies (CHA), "Fact finding mission - Muttur Trincomalee District - 06 August 2006", <http://www.humanitarian-srilanka.org/Bulletin/PDFDocs/FACT%20FINDING%20MISSION.pdf>.

As the tours finally began, the media were not led within sight of the ACF compound. At the same time, **the military assured the media that the town was safe enough for civilians to return.**¹⁷

Access was also allowed to the Consortium of Humanitarian Agencies (CHA), an association of national and international agencies, whose fact-finding mission went to Muttur on 6th August

to assess the humanitarian situation. CHA was the first to publicly report having seen the dead bodies of the ACF aid workers and to photograph them. "On entering Muttur town, we were quizzed suspiciously by SF [Security Forces] personnel", says the CHA's report. Once the CHA explained that they had come on a humanitarian mission, they were assured that they were safe and could go around the town without fear.¹⁸

III / DID THE POLICE TRY TO MAKE AN INVESTIGATION IMPOSSIBLE?

The Police, who were supposed to be the first to arrive to the crime scene in order to collect evidence and investigate the matter, acted as if they were unaware of the massacre for several days. Once they could no longer keep up the pretence, the Police still did not undertake basic actions inherent to their mandate and practically destroyed the crime scene. In other words, in the days following the massacre, the Police did everything to prevent further investigation to identify the murderers, some of whom were reportedly police officers.

1. THE POLICE DID NOT REACT FOR SEVERAL DAYS, PRETENDING THEY WERE UNAWARE OF THE CRIME

The Muttur Police claim to have discovered the murdered ACF staff on the evening of 6th August¹⁹, which means that in the days following the killings, the dead bodies were left lying in the ACF compound and nothing was done to collect evidence and proceed to investigation.

ACF is convinced that the Police were not truthful in their claims that they did not know what had happened. In fact, from 1st to 7th August, ACF repeatedly contacted Army officers, the Navy and the Police at Trincomalee providing them with the exact GPS location of the ACF Muttur base and requesting help, first in rescuing the aid workers from Muttur and, when it became too late, in collecting the dead bodies. On the evening of 3rd August, ACF was assured by the Trincomalee police office that the Police and the military in

Muttur had been informed about the presence of its staff.

By the time the Police claim to have discovered the bodies, news about the massacre had already been disseminated through the media, the ICRC and civilians. In fact, during the morning of 5th August, ACF and the victims' families started receiving information about the killings by telephone from people in Muttur and from internally displaced persons. At around 2.30 pm on the same day, the news appeared in the media.²⁰ In the evening, the information was confirmed to the families by the ICRC.²¹ As the CHA mission came to Muttur the next day, 6th August, it learnt about the massacre from a random civilian. The team recalls feeling that other people in the town also knew something.²²

2. THE POLICE CONTINUED TO NEGLECT ITS DUTIES EVEN AFTER THE OFFICIAL DISCOVERY OF THE BODIES

Even after the Police officially came to know about the crime, they did not perform basic necessary procedures, once again proving themselves reluctant to proceed to an investigation.

The Police did not even request an order from the local magistrate to collect the bodies. **As ACF staff finally managed to get to the crime scene on 7th August, the Police stayed watching them load the**

19 - Response from the Government of Sri Lanka dated 27 September 2007 to an allegation letter dated 19 September 2007, in "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions", Philip Alston, 30 May 2008, A/HRC/8/3/Add.1.

20 - Human Rights Commission of Sri Lanka, Muttur Fact Finding Mission (9th August - 10th August, 2006), 31 August 2006.

21 - Ibid.

22 - Anne Poret and Gwenlaouen Le Gouil, « Muttur : un crime contre l'humanitaire », 2007, http://www.dailymotion.com/video/xv1tni_muttur-un-crime-contre-l-humanitaire-docu_news (11:52).

dead bodies of their colleagues on trucks and refused to provide any help. As ACF staff recall, the police officers made no attempt to collect evidence.

ACF also had to conduct all the arrangements for the autopsies at the Trincomalee hospital, where

it delivered the dead bodies. This time, the Police were not only uncooperative but were even hostile. The policemen tried to collect the cameras and cell phones of ACF local staff and also attempted to hit them and were verbally aggressive towards them saying that the deceased aid workers had been LTTE supporters.

3. THE POLICE DID NOT PRESERVE THE CRIME SCENE AND EVIDENCE

When the Police finally proceeded to collect some evidence at the crime scene, this was done in a highly negligent and unprofessional manner. The crime scene was not preserved, obviously in an attempt to destroy evidence.

From a report of the observation mission at Sri Lanka's Human Rights Commission of the French Embassy in Sri Lanka:

*"[...] the preservation of the crime scene was particularly neglected, the preservation of evidence was not done correctly, and forensic observations and expertise, which are normally done at the moment of the body collection and afterwards in a forensic institution were in big disorder".*²³

The International Independent Group of Eminent Persons (IIGEP), which observed the proceedings of the Presidential Commission of Inquiry (Col)²⁴,

noted a blatant failure by the police to perform elementary investigative proceedings:

*"The IIGEP technical advisors reviewed the Muttur case and identified several failures of Sri Lankan law enforcement authorities and forensic specialists to undertake many elementary forensic analyses such as: fingerprinting of the crime scene; a thorough search for and collection of projectiles; and the analysis of mobile phone records. [...] The GSL [Government of Sri Lanka] police reports show that officers at the crime scene conducted an unstructured search by digging through the sand with their hands to recover projectiles. Basic forensics training or the presence of Scene of Crime Officers could have ensured a more professional search for forensic evidence."*²⁵

23 - Mission d'observation des travaux de la Commission d'enquête sur les violations des droits de l'homme à Sri Lanka (Affaires ACF Muttur & Trincomalee), Ambassade de France à Sri Lanka et aux Maldives, M. Jean-Philippe Rivaud, Magistrat, Rapport d'étape, 19 août 2008, p.9 (translated from French).

24 - The Col investigated the Muttur massacre in 2007-2010, following the failure of the investigation by the Magistrate Court.

25 - SRI LANKA: REQUEST TO STATE/DRL AND STATE/INL FOR SUPPORT IN FORENSIC MEDICINE AND CRIME SCENE INVESTIGATIONS, 16 July 2007, http://www.wikileaks.org/plusd/cables/07COLOMBO980_a.html.

See also "Sri Lanka: The investigation and inquest into the killing of 17 aid workers in Muttur in August 2006", by Michael Birnbaum QC, ICJ inquest observer, April 2007, http://reliefweb.int/sites/reliefweb.int/files/resources/0D6E63325C9942A0492572C70006F116-Full_Report.pdf, §§162-169.

DID THE SRI LANKAN JUSTICE SYSTEM HELP THE KILLERS AVOID PUNISHMENT?

26 - See ACF International, "Sri Lanka. The Muttur massacre: a struggle for justice", study report, June 2008, <http://www.actionagainsthunger.org/sites/default/files/publications/ACF-IN-Sri-Lanka-Advocacy-Report-6-18-08.pdf> and ACF International, "Muttur: Six years of Impunity. The failure of justice in Sri Lanka", study report, December 2012, <http://www.actioncontrelafaim.org/fr/content/muttur-six-years-impunity-failure-justice-sri-lanka>.

27 - "Sri Lanka: The investigation and inquest into the killing of 17 aid workers in Muttur in August 2006", op. cit.; "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions", op. cit.

28 - SRI LANKA: IIGEP'S FIRST PUBLIC STATEMENT CRITICAL OF GSL PERFORMANCE, 12 June 2007, http://www.wikileaks.org/plusd/cables/07COLOMBO835_a.html.

29 - SRI LANKA: IIGEP'S FIRST PUBLIC STATEMENT CRITICAL OF GSL PERFORMANCE, 12 June 2007, http://www.wikileaks.org/plusd/cables/07COLOMBO835_a.html.

30 - SRI LANKA: SECOND "EMINENT PERSONS" PLENARY HIGHLIGHTS CHALLENGES; MAKES SOME PROGRESS, 22 May 2007, http://www.wikileaks.org/plusd/cables/07COLOMBO742_a.html.

31 - IIGEP, "The presidential Commission's public inquiry process so far falls short of international norms and standards", public statement, 5 March 2008, http://www.hrw.org/sites/default/files/related_material/IIGEP%20public%20statement.pdf.

32 - SRI LANKA: GOVERNMENT PROVIDES WEAK RESPONSE TO REQUEST FOR EVIDENCE OF PROGRESS ON HUMAN RIGHTS, 24 October 2007, <http://wikileaks.org/cable/2007/10/07COLOMBO1459.html>.

All phases of the lengthy domestic investigative process have been marred by irregularities, as highlighted by international observers, and have not led to the prosecution of the perpetrators.²⁶ ACF observes that in the Muttur case, the Sri Lankan justice system has deliberately attempted to free the criminals from possible charges by conducting the investigation in a highly biased manner and by refusing protection to witnesses who could or did testify against the security forces. This denial of justice feeds ACF's conviction that the killers belonged to the security forces.

I / THE INVESTIGATORS PRESUMED THAT THE SECURITY FORCES COULD NOT BE RESPONSIBLE FOR THE KILLINGS

Without waiting for the outcome of the investigation, legal bodies involved in it rushed to put all the blame on the LTTE, local Muslims and ACF and visibly tried to steer all suspicion away from security forces.

1. FIRST STAGE OF THE INVESTIGATION: BIAS OF THE POLICE

Prior to any investigation, official police reports indicated that the LTTE were responsible for the killings. The CID did not interview members of

security forces, nor any other witness other than some of the victims' relatives.²⁷

2. SECOND STAGE OF THE INVESTIGATION: BIAS OF THE PRESIDENTIAL COMMISSION OF INQUIRY

The Col's investigation was conducted in two phases: closed in-camera hearings, to which ACF was not allowed to assist, and, from 3rd March 2008, public hearings. In both of these phases, the interrogation was done in a way to intentionally divert the suspicion from security forces.

According to the former US Ambassador to Sri Lanka Robert O. Blake, during in-camera hearings, all of the questioning was done by the Deputy Solicitor General, subordinate to the Attorney General (AG), who was obviously "trying to finger the local Muslim 'Home Guard' as the perpetrators"²⁸ and was "asking leading

questions that steer away from areas the GSL [Government of Sri Lanka] considers sensitive."²⁹ "The Commissioners themselves, with the exception of one, did not participate in the questioning. IIGEP members also were not given the opportunity to question the police officers", states one of Blake's cables.³⁰

In March 2008, the international observers from the IIGEP resigned citing as the reason that the Col's inquest fell short of international norms and standards.³¹ By that time IIGEP had reportedly revealed Sri Lankan security forces' responsibility for the killings.³²

The Col's final report, which has not been made public, was submitted to the Sri Lankan President in June 2009. According to press accounts, the

report exonerated the Army and suggested that the killings could have been carried out by Muslim Home Guards or the LTTE.³³

II /INTIMIDATED WITNESSES WERE DENIED PROTECTION

Witnesses, family members of the deceased aid workers and local ACF staff have all been subjected to high psychological pressure, threats and physical violence after the crime, forcing them to refrain from testifying before justice and to flee to other corners of Sri Lanka or abroad. At least one journalist who brought up the issue of probable dissimulation of proof against the armed forces received a death threat.³⁴

Yet at no stage of the domestic investigation has an effective protection system been offered to witnesses. The only protection scheme proposed by the Col's Victims and Witnesses Assistance and Protection Unit failed to provide a range of specific protection measures and was criticized by the IIGEP.³⁵

ACF has received a number of testimonies describing how **witnesses had been approached by the Police, the Army and unidentified persons, harassed and compelled not to testify against government forces**, both during the initial police investigation and later during the Col's hearings.³⁶ **In fact, the witnesses were intimidated even during the Col's proceedings. One of them was threatened by police officers assigned to the Col's Investigation Unit.**³⁷ The families were also asked to sign letters putting the blame for the killings on ACF in return for financial support.³⁸ **Some witnesses were threatened with death and one has reportedly been killed.**

Descriptions of witness intimidation can also be found in public sources. Thus, in October 2006 the Hotham Mission, an Australia-based NGO, visited Muttur and concluded that the lives of local ACF staff were in danger, particularly after the SLMM explicitly named the security forces as being the perpetrators of the massacre:

*"Since that time they and their families have experienced death threats. The men stated that 5 of their friends have since been killed, one of their brothers has been abducted and Uncle shot looking for them. He is currently in hospital. The men were visibly traumatised and absolutely petrified for their lives."*³⁹

Harassment of witnesses was also described in cables of the former US Ambassador Robert O. Blake⁴⁰ and UTHR reports.

Until now, families and witnesses staying on the ground face harassment and those who have left the country are asked after by the Police.⁴¹

The denial of protection for witnesses, who were harassed by representatives of the security forces, leads ACF to the conclusion that Sri Lankan authorities were trying by all means to conceal the truth.

33 - SRI LANKA: HUMAN RIGHTS INQUIRY (COI) DISBANDED; NO REAL RESULTS, 22 July 2009, https://www.wikileaks.org/plusd/cables/09COLOMBO722_a.html.

34 - Amnesty International, "Sri Lanka: Silencing Dissent", 7 February 2008, <http://www.amnesty.org/en/library/info/ASA37/001/2008/en>, p. 31.

35 - IIGEP, "The presidential Commission's public inquiry process so far falls short of international norms and standards", op. cit.

36 - For public sources, see, for example, Amnesty International, "Sri Lanka's Assault on Dissent", February 2013, <http://www.amnesty.org/fr/library/asset/ASA37/003/2013/en/338f9b04-097e-4381-8903-1829fd24aabf/asa370032013en.pdf>, p. 16.

37 - Ibid., p. 17; Amnesty International, "Sri Lanka: Twenty years of make-believe. Sri Lanka's Commissions of Inquiry", 11 June 2009, <http://www.amnesty.org/en/library/info/ASA37/005/2009>, p. 31.

38 - ACF holds one of those letters.

39 - Hotham Mission, "Hotham Mission Field Trip to Sri Lanka, October 2006: Security, Protection and Humanitarian Concerns and Implications for Sri Lankan Asylum Seekers in Australia", <http://www3.sympatico.ca/martinj1/streport.pdf>, p.25.

40 - CIVIL SOCIETY LEADERS IN BATTICALOA DECRY HUMAN RIGHTS AND HUMANITARIAN SITUATION, 1 May 2007, http://www.wikileaks.org/plusd/cables/07COLOMBO341_a.htm;
IIGEP DISPUTE WITH GSL DIFFUSED FOR NOW, 10 July 2007, <http://wikileaks.org/cable/2007/07/07COLOMBO966.html>.

41 - According to ACF's sources. See also Maryam Azwer, "ACF Family Members In Fear", *The Sunday Leader*, 27 May 2012, <http://www.thesundayleader.lk/2012/05/27/acf-family-members-in-fear/>.

DID TOP SRI LANKAN AUTHORITIES COVER UP FOR THE CRIMINALS?

42 - See also ACF International, "Sri Lanka. The Muttur massacre: a struggle for justice", op. cit. and ACF International, "Muttur: Six years of Impunity. The failure of justice in Sri Lanka", op. cit.

A number of reliable sources indicate that top Sri Lankan authorities have been obstructing the investigation into the assassination of ACF aid workers and protecting the killers from appearing before justice.⁴²

It follows from information obtained by ACF that the Sri Lankan government decided to cover up for the criminals right after the massacre was committed. In order to do that, the authorities reportedly sent the perpetrators abroad, interfered with all stages of the domestic investigation and have been strongly opposing the establishment of an international investigation.

I / FROM THE OUTSET, AUTHORITIES KNEW WHO THE KILLERS WERE AND DECIDED NOT TO PROSECUTE THEM

43 - SRI LANKA: FORMER FOREIGN MINISTER RECEIVES THREATS, WILL SEEK TEMPORARY HAVEN ABROAD, 23 January 2009, <http://wikileaks.org/cable/2009/01/09COLOMBO082.html>.

Aware of the fact that the killers belonged to the security forces, the Sri Lankan authorities decided to help them avoid justice.

*Advisor] started shouting at him, he told us, and *** [the Defense Secretary] insisted that to do so 'would demoralize the whole Army'.*⁴³

In one of his cables, the former US Ambassador to Sri Lanka relates a story he heard from a former Sri Lankan Foreign Minister:

ACF confirms that it has heard the same story from another source. It demonstrates how high up in the hierarchy the cover-up for the criminals must have been mounted.

*"By mid-2006, he recalled, and especially after the murder of 17 Tamil humanitarian aid workers in Muttur in August 2006, he met the President, Defense Secretary, Senior Advisor *** and Presidential Secretary *** several times and argued for an investigation and prosecution of those responsible for serious human rights abuses. *** [the Senior*

Furthermore, a source has told ACF that the persons identified in the UTHR report as the direct perpetrators of the killings have been sent abroad for protection by the order of the Sri Lankan Defense Secretary.

II / AUTHORITIES INTERFERED WITH ALL STAGES OF INVESTIGATION

44 - ICJ, "Authority without accountability: The crisis of impunity in Sri Lanka", November 2012, <http://icj.wppengine.netdna-cdn.com/wp-content/uploads/2012/10/SRI-LANKA-IMPUNITY-REPORT-NOV-12-FINAL.pdf>, pp. 119-122, 142.

According to the International Commission of Jurists (ICJ), "[t]here was clear government intent to subvert the investigation" of the Muttur massacre.⁴⁴ In fact, the authorities interfered with all stages of the investigation as if they did not want to let justice prevail nor the truth be established.

1. FIRST STAGE OF THE INVESTIGATION: THE MAGISTRATE COURT

The first inquest conducted by the Magistrate of Muttur was abruptly stopped by a phone call from the Secretary of the Ministry of Justice and Law Reforms telling him that the case had to be transferred to another court in a far-away district. This interference had no basis in Sri Lankan legislation and violated international standards.⁴⁵ The direct consequence of the case transfer was preventing the witnesses from participating in the hearings.

More importantly, **Sri Lankan authorities helped to conceal an important piece of evidence incriminating the security forces.** A 5.56 mm calibre bullet was recovered from one of the victims' bodies. Such cartridges were generally used by the Special Task Force and by some Special Forces within the Sri Lankan Army and Navy.

The bullet was first mentioned in a report issued by Dr. Malcolm J. Dodd, a pathologist appointed by the Australian government.⁴⁶ Michael Birnbaum, the ICJ's observer, reacted to the report expressing a "serious concern" that:

"someone removed from the exhibits a bullet that he thought might be incriminating and substituted another. It is my understanding that those who had official access to the exhibits include: the CID [Criminal Investigation Department], the JMO [Judicial Medical Officer], and the Government Analyst Department."⁴⁷

As ICJ was trying to attract public attention to the disappearance of the bullet, the President of Sri Lanka himself tried to compel the international observers to retract their statements. According to a source, the President had a meeting with ICJ, in which half of the conversation was on the missing bullet. The same source says that soon after the Sri Lankan government told ICJ that they had to apologize and come back on their public statements if they wanted further cooperation from the GoSL.

Around this time, Dr. Dodd, a renowned expert in gun wounds, suddenly came back on his statements claiming he did not have enough expertise to judge on the calibre of the discovered cartridge.⁴⁸

2. SECOND STAGE OF THE INVESTIGATION: PRESIDENTIAL COMMISSION OF INQUIRY

Top Sri Lankan authorities repeatedly interfered with the proceedings as witnesses were increasingly testifying against the security forces before the Col.

For example, a presidential communiqué was sent to the Commission in November 2007 asking it not to investigate or inquire into the conduct of the AG and his officers⁴⁹, who hampered the initial police investigation into the case.⁵⁰

In 2008, witnesses who had escaped from Sri Lanka began testifying through video conferencing, accusing members of the security forces who occupied "important positions".⁵¹ The Presidential Secretariat immediately directed the Col to suspend further hearing of video testimonies pretending that witness protection legislation had to be passed before the hearing could continue. This legislation has never been adopted.

One of Blake's cables reads:

"Our impression is that the GSL [Government of Sri Lanka] is actively attempting to shut down further testimony because it knows the testimony could implicate the security forces".⁵²

In July 2009, the head of the Col told the media that the investigation could not have been completed because of absence of video conferencing facility. According to him, the Col could have called other witnesses but the president wanted a report based on what had been done so far.⁵³

Four members resigned from the Col, presumably due to the GoSL's unwarranted interference.⁵⁴ According to a report drafted by Robert Evans, Chairman of a European Parliamentary Delegation to Sri Lanka in 2008, the Col members resigned "saying that the GoSL had shown little willingness to help them in their work".⁵⁵

Through systematic interference with the investigation, Sri Lankan authorities succeeded in preventing indictment of the security forces.

45 - "Sri Lanka: The investigation and inquest into the killing of 17 aid workers in Muttur in August 2006", op. cit.

46 - "Independent forensic investigation of the Muttur massacre, Sri Lanka, August 2006", Dr. Malcolm J. Dodd, Consultant Senior Forensic Pathologist, Victorian Institute of Forensic Medicine, http://www.uthr.org/SpecialReports/Dodd_report_1.pdf, p. 68.

47 - "Addendum to report "Sri Lanka: The Investigation and inquest into the killing of 17 aid workers in Muttur in August 2006", Michael Birnbaum QC, ICJ inquest observer, June 2007, <http://icj.wppengine.netdna-cdn.com/wp-content/uploads/2007/06/Sri-Lanka-investigation-inquest-addendum-trial-observation-report-2007.pdf>, §§3, 30.

48 - "Supplementary Report - Independent Forensic Investigation of the Muttur Massacre Sri Lanka August 2006", Dr. Malcolm J. Dodd, July 20, 2007, http://uthr.org/SpecialReports/Dodd_%20report_2.pdf.

49 - ICJ, "Authority without accountability: The crisis of impunity in Sri Lanka", op. cit., p. 114.

50 - ACF International, "Muttur: Six years of Impunity. The failure of justice in Sri Lanka", op. cit., p. 12.

51 - SRI LANKA: SCENESETTER FOR DAS ERICA BARKS-RUGGLES' VISIT, 16 May 2008, <http://wikileaks.org/cable/2008/05/08COLOMBO478.html>.

52 - SRI LANKA: SCENESETTER FOR DAS FEIGENBAUM'S VISIT TO SRI LANKA AND MALDIVES, 25 June 2008, <http://wikileaks.org/cable/2008/06/08COLOMBO620.html>.

53 - Ranga Siritlal, "Sri Lanka rights probe hampered, commission's head says", Reuters, 14 July 2009, <http://in.reuters.com/article/2009/07/14/idINIndia-41024520090714>.

54 - TEXT OF TNA LEADER SAMPANTHAN'S LETTERS TO PRESIDENT OBAMA AND SECRETARY CLINTON, 22 October 2009, <http://wikileaks.org/cable/2009/10/09COLOMBO979.html>.

55 - "MEP Robert Evans attempts to sully Sri Lanka's good name in the European eye- Ambassador Arasinha", http://www.defence.lk/new.asp?fname=20081009_06.

III / THE SRI LANKAN GOVERNMENT WANTS TO AVOID AN INTERNATIONAL INVESTIGATION

56 - See, for example, Human Rights Watch, « Sri Lanka : Une enquête internationale doit être ouverte pour élucider l'assassinat de dix-sept travailleurs humanitaires », 3 août 2009, <http://www.hrw.org/fr/news/2009/08/07/sri-lanka-une-enquete-internationale-doit-etre-ouverte-pour-elucider-l-assassinat-de-dix-sept-travailleurs-humanitaires>. Recently, a call for international investigation has come from the UN High Commissioner for Human Rights.

57 - Maryam Azwer, "ACF Family Members In Fear", *op. cit.*

58 - Update of the High Commissioner for Human Rights on her Annual Report to the Human Rights Council, Statement by H.E. Mr. Ravinatha P. Aryasinha, Ambassador / Permanent Representative of Sri Lanka and Leader of the Sri Lanka Delegation, 9 September 2013, <http://www.dailynews.lk/local/don-t-give-credence-allegations-vested-interests-ambassador-aryasinha-tells-pillai>.

59 - In one of her cables released by Wikileaks, a former US Ambassador to Sri Lanka Patricia A. Butenis talks about a conversation she had had with a former President of Sri Lanka: "Ambassador raised the issue of international expectations about accountability and reconciliation in reference to the release of the Department's war crimes report. *** [the former President of Sri Lanka] said that there was a fear psychosis in the country and that *** [the acting President of Sri Lanka] had instilled a fear in the people, so no one was willing to talk", FORMER PRESIDENT NOTES DESTRUCTIVE INFLUENCE OF RAJAPAKSA, 17 December 2009, <http://wikileaks.org/cable/2009/12/09COLOMBO1150.html>.

60 - SRI LANKA WAR-CRIMES ACCOUNTABILITY: THE TAMIL PERSPECTIVE, 15 January 2010, <http://wikileaks.org/cable/2010/01/10COLOMBO32.html>.

Although the Sri Lankan judicial system has failed to investigate the Muttur massacre, the Sri Lankan government is firmly opposing an international inquiry into the Muttur massacre. Yet calls for an international investigation have been mounting for the past few years following the failure of the domestic investigation and revelations made by the UTHR.⁵⁶

Trying to deflect the attention of the international community, the GoSL claims that another investigation has been opened into the case. However, not much information is available about it. In May 2012, The Sunday Leader reported that the government had announced that "fresh investigations into these killings had been initiated, under the directions of the Attorney General's department". A police spokesman told the paper that the CID had appointed teams to carry out investigations but refused to reveal their progress.⁵⁷

In September 2013, Sri Lankan authorities provided an update on the investigation to the UN Human Rights Council:

*"A team of officers from the Attorney General's Department have reviewed material on the ACF case, including the records of the Commission of Inquiry as well as archived material. The Attorney General has given directions to the Police for further investigating the case following which the possibility of prosecution will be considered if the perpetrators can be identified."*⁵⁸

It follows from this statement that **over at least a year and a half since the opening of the new investigation, it has merely consisted in reviewing the materials of the previous inconclusive investigations.**

A source has recently told ACF that some of the victims' families had been approached:

"The police claim that they have reopened the investigation and they come and talk to them but they know that this is just another form of harassment and nothing will happen."

According to a number of Sri Lankan and Western actors close to the case who have recently agreed to talk to ACF, three main reasons would prevent identification of the perpetrators:

- 1) Strong interference from top to bottom with the investigative process;
- 2), Many important witnesses having fled Sri Lanka and those staying on the ground being afraid to testify;⁵⁹
- 3) Much of the evidence having been destroyed by people involved in the investigations.

In fact, the current political regime is in itself the main factor preventing justice from being done for the victims of war crimes. As a former US Ambassador to Sri Lanka Patricia A. Butenis notes in one of her cables:

*"There are no examples we know of a regime undertaking wholesale investigations of its own troops or senior officials for war crimes while that regime or government remained in power. In Sri Lanka this is further complicated by the fact that responsibility for many of the alleged crimes rests with the country's senior civilian and military leadership [...]."*⁶⁰

EPILOGUE

Humanitarian personnel risk their lives delivering assistance in situations of armed conflict and their respect by belligerents is the most important condition for those in need to continue receiving aid. This is why the impunity for the Muttur massacre is not only an example of flagrant injustice done to the deceased aid workers; it is also a brutal sign to the whole international community that humanitarians who work in situations of armed conflict are far too often no longer protected and respected by warring parties.

ACF does not seek to be or to replace a judge. For years since the massacre, its firm position has been to refrain from any public judgment on the case and to wait for the outcome of the official

investigation. Now that all the relevant domestic mechanisms are exhausted and there is no prospect of an efficient internal investigation, ACF is convinced that only an independent international investigation can bring justice for the victims. The truth will out.

ACF calls upon the international community to seriously consider the arguments presented in this report and to act to put an end to impunity by conducting an international independent investigation into the Muttur massacre. If such an investigation is opened, ACF stands ready to cooperate with it in full, including providing additional information in ACF's possession. Once again, ACF demands justice for the Muttur massacre, a crime against humanitarianism.

BIBLIOGRAPHY

I / PUBLICLY AVAILABLE SOURCES

• UN DOCUMENTS

“Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions”, Philip Alston, 30 May 2008, A/HRC/8/3/Add.1.

• REPORTS AND STATEMENTS OF INTERNATIONAL OBSERVERS

“Assassination of 17 civilian aid workers in Muttur on the 4th of August 2006”, ruling addressed by Ulf Henricsson, Head of SLMM, to Sri Lankan Secretariat for Coordinating the Peace Process (SCOPP), 29 August 2006, http://news.bbc.co.uk/2/hi/south_asia/5298748.stm.

IIGEP, “The presidential Commission’s public inquiry process so far falls short of international norms and standards”, public statement, 5 March 2008, http://www.hrw.org/sites/default/files/related_material/IIGEP%20public%20statement.pdf.

“Independent forensic investigation of the Muttur massacre, Sri Lanka, August 2006”, Dr. Malcolm J. Dodd, Consultant Senior Forensic Pathologist, Victorian Institute of Forensic Medicine, http://www.uthr.org/SpecialReports/Dodd_report_1.pdf.

“Supplementary Report - Independent Forensic Investigation of the Muttur Massacre Sri Lanka August 2006”, Dr. Malcolm J. Dodd, July 20, 2007, http://uthr.org/SpecialReports/Dodd_%20report_2.pdf.

“Sri Lanka: The investigation and inquest into the killing of 17 aid workers in Muttur in August 2006”, Michael Birnbaum QC, ICJ inquest observer, April 2007, http://reliefweb.int/sites/reliefweb.int/files/resources/0D6E63325C9942A0492572C70006F116-Full_Report.pdf.

“Addendum to report “Sri Lanka: The Investigation and inquest into the killing of 17 aid workers in Muttur in August 2006”, Michael Birnbaum QC, ICJ inquest observer, June 2007, <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2007/06/Sri-Lanka-investigation-inquest-addendum-trial-observation-report-2007.pdf>.

Xavier, S., “Sri Lankan Presidential Commission of Inquiry (2007): Did it amount to a fair hearing?”, Anuario Mexicano de Derecho Internacional, <http://biblio.juridicas.unam.mx/estrev/derint/cont/10/cmt/cmt14.htm>.

• **DOCUMENTS RELEASED BY SRI LANKAN AUTHORITIES**

“MEP Robert Evans attempts to sully Sri Lanka’s good name in the European eye- Ambassador Aryasinha”,

http://www.defence.lk/new.asp?fname=20081009_06.

Report on recommendations of the Board of Officers appointed by the commander of the army, on implementation of the recommendations made by the LLRC, 24 January 2013,

<http://fr.scribd.com/doc/121943760/FULL-REPORT>.

Sri Lankan Secretariat for Coordinating the Peace Process (SCOPP), press release in response to the SLMM’s ruling of 29 August 2006, full text cited in “SLMM head shot his mouth off on aid workers”,

<http://www.sundayobserver.lk/2006/09/03/news01.asp>.

Update of the High Commissioner for Human Rights on her Annual Report to the Human Rights Council, Statement by H.E. Mr. Ravinatha P. Aryasinha, Ambassador / Permanent Representative of Sri Lanka and Leader of the Sri Lanka Delegation, 9 September 2013,

<http://www.dailynews.lk/local/don-t-give-credence-allegations-vested-interests-ambassador-aryasinha-tells-pillai>.

• **WIKILEAKS CABLES**

CIVIL SOCIETY LEADERS IN BATTICALOA DECRY HUMAN RIGHTS AND HUMANITARIAN SITUATION, 1 May 2007,

http://www.wikileaks.org/plusd/cables/07COLOMBO341_a.html.

SRI LANKA: EMINENT PERSON DEVELOPS EYEWITNESS TESTIMONY ON TRINCOMALEE KILLINGS, 23 May 2007,

http://www.wikileaks.org/plusd/cables/07COLOMBO746_a.html.

SRI LANKA: IIGEP’S FIRST PUBLIC STATEMENT CRITICAL OF GSL PERFORMANCE, 12 June 2007,

http://www.wikileaks.org/plusd/cables/07COLOMBO835_a.html.

SRI LANKA: SECOND “EMINENT PERSONS” PLENARY HIGHLIGHTS CHALLENGES; MAKES SOME PROGRESS, 22 May 2007,

http://www.wikileaks.org/plusd/cables/07COLOMBO742_a.html.

IIGEP DISPUTE WITH GSL DIFFUSED FOR NOW, 10 July 2007:

<http://wikileaks.org/cable/2007/07/07COLOMBO966.html>.

SRI LANKA: REQUEST TO STATE/DRL AND STATE/INL FOR SUPPORT IN FORENSIC MEDICINE AND CRIME SCENE INVESTIGATIONS, 16 July 2007,

http://www.wikileaks.org/plusd/cables/07COLOMBO980_a.html.

SRI LANKA: GOVERNMENT PROVIDES WEAK RESPONSE TO REQUEST FOR EVIDENCE OF PROGRESS ON HUMAN RIGHTS, 24 October 2007,

<http://wikileaks.org/cable/2007/10/07COLOMBO1459.html>.

SRI LANKA: REPORT BLAMES GOVERNMENT FOR “TRINCO 5”, 3 April 2008,

<http://wikileaks.org/cable/2008/04/08COLOMBO344.html>.

SRI LANKA: SCENESETTER FOR DAS ERICA BARKS-RUGGLES' VISIT, 16 May 2008,
<http://wikileaks.org/cable/2008/05/08COLOMBO478.html>.

SRI LANKA: GOVERNMENT BLOCKS VIDEO TESTIMONY TO THE COMMISSION OF INQUIRY, 5 June 2008,
<http://wikileaks.org/cable/2008/06/08COLOMBO551.html>.

SRI LANKA: SCENESETTER FOR DAS FEIGENBAUM'S VISIT TO SRI LANKA AND MALDIVES, 25 June 2008,
<http://wikileaks.org/cable/2008/06/08COLOMBO620.html>.

SRI LANKA: FORMER FOREIGN MINISTER RECEIVES THREATS, WILL SEEK TEMPORARY HAVEN ABROAD, 23 January 2009,
<http://wikileaks.org/cable/2009/01/09COLOMBO82.html>.

SRI LANKA: HUMAN RIGHTS INQUIRY (COI) DISBANDED; NO REAL RESULTS, 22 July 2009,
https://www.wikileaks.org/plusd/cables/09COLOMBO722_a.html.

TEXT OF TNA LEADER SAMPANTHAN'S LETTERS TO PRESIDENT OBAMA AND SECRETARY CLINTON, 22 October 2009,
<http://wikileaks.org/cable/2009/10/09COLOMBO979.html>.

FORMER PRESIDENT NOTES DESTRUCTIVE INFLUENCE OF RAJAPAKSA, 17 December 2009,
<http://wikileaks.org/cable/2009/12/09COLOMBO1150.html>.

SRI LANKA WAR-CRIMES ACCOUNTABILITY: THE TAMIL PERSPECTIVE, 15 January 2010,
<http://wikileaks.org/cable/2010/01/10COLOMBO32.html>.

• REPORTS AND STATEMENTS BY NGOS AND OTHER MEMBERS OF THE CIVIL SOCIETY

Amnesty International, "Sri Lanka: Silencing Dissent", 7 February 2008,
<http://www.amnesty.org/en/library/info/ASA37/001/2008/en>.

Amnesty International, "Sri Lanka: Twenty years of make-believe. Sri Lanka's Commissions of Inquiry", 11 June 2009,
<http://www.amnesty.org/en/library/info/ASA37/005/2009>.

Amnesty International, "Sri Lanka's Assault on Dissent", February 2013,
<http://www.amnesty.org/fr/library/asset/ASA37/003/2013/en/338f9b04-097e-4381-8903-1829fd24aabf/asa370032013en.pdf>.

ACAT-France, « Le règne de l'arbitraire : étude du phénomène tortionnaire au Sri Lanka », juin 2012,
http://www.acatfrance.fr/medias/files/pages_dynamiques/Rapport_Sri_Lanka_ACAT_Juin_2012_FR.pdf.

ACF International, "Sri Lanka. The Muttur massacre: a struggle for justice", study report, June 2008,
<http://www.actionagainsthunger.org/sites/default/files/publications/ACF-IN-Sri-Lanka-Advocacy-Report-6-18-08.pdf>.

ACF International, "Muttur: Six years of Impunity. The failure of justice in Sri Lanka", study report, December 2012,
<http://www.actioncontrelafaim.org/fr/content/muttur-six-years-impunity-failure-justice-sri-lanka>.

Consortium of Humanitarian Agencies (CHA), "Fact finding mission Muttur Trincomalee District 06 August 2006",
<http://www.humanitarian-srilanka.org/Bulletin/PDFDocs/FACT%20FINDING%20MISSION.pdf>.

Human Rights Watch, « Sri Lanka : Une enquête internationale doit être ouverte pour élucider l'assassinat de dix-sept travailleurs humanitaires », 3 août 2009,
<http://www.hrw.org/fr/news/2009/08/07/sri-lanka-une-enqu-te-internationale-doit-tre-ouverte-pour-lucider-l-assassinat-de-d>.

Hotham Mission, "Hotham Mission Field Trip to Sri Lanka, October 2006: Security, Protection and Humanitarian Concerns and Implications for Sri Lankan Asylum Seekers in Australia",
<http://www3.sympatico.ca/martinj1/sreport.pdf>.

ICJ, "Authority without accountability: The crisis of impunity in Sri Lanka", November 2012,
<http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2012/10/SRI-LANKA-IMPUNITY-REPORT-NOV-12-FINAL.pdf>.

International Federation of Tamils, Execution-style killings 17 ACF Aid Workers, case report,
<http://tamilnation.co/tamileelam/ift/17%20Aid%20works%20killed.pdf>.

South Asia Human Rights Documentation Centre (SAHRDC), "Commission Sri Lanka's Human Rights - Lack of Transparency Disturbing", Human Rights Features, 30 September 2006,
<http://www.hrdoc.net/sahrdc/hrfeatures/HRF150.htm>.

UTHR, "Hubris and Humanitarian Catastrophe", special report No. 22, 23 August 2006,
<http://www.uthr.org/SpecialReports/spreport22.htm>.

UTHR, "From Welikade to Mutur and Pottuvil: A Generation of Moral Denudation and the Rise of Heroes with Feet of Clay", special report No. 25, 31 May 2007,
<http://www.uthr.org/SpecialReports/spreport25.htm>.

UTHR, "The choice between anarchy and international law", special report No. 23, 7 November 2006,
<http://www.uthr.org/SpecialReports/spreport23.htm>.

UTHR, "Unfinished Business of the Five Students and ACF Cases – A Time to call the Bluff", special report No. 30, 1 April 2008,
<http://www.uthr.org/SpecialReports/Spreport30.htm>.

UTHR, "Third Anniversary of the ACF Massacre", special report No. 33, 4 August 2009,
<http://www.uthr.org/SpecialReports/spreport33.htm>.

• PRESS ARTICLES

"Abductions, white vans and videoing Tamils", The Sunday Leader, 8 July 2008,
<http://www.thesundayleader.lk/archive/20080706/spotlight.htm>.

Maryam Azwer, "ACF Family Members In Fear", The Sunday Leader, 27 May 2012,
<http://www.thesundayleader.lk/2012/05/27/acf-family-members-in-fear/>.

Peter Apps, "Sri Lankan town deserted and devastated by battle", Reuters, 5 August 2006 15:35,
<http://news.oneindia.in/2006/08/06/sri-lankan-town-deserted-and-devastated-by-battle-1154932468.html>.

Peter Apps, "Families tell of Sri Lanka aid staff's final hours", Reuters, 8 August 2006,
http://tamilnation.co/indictment/continuingwar/060804aid_workers.htm#Families_tell_of_Sri_Lanka_.

Peter Apps, "French aid group recovers slain Sri Lankan workers", Reuters, 8 August 2006, http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10395130.

Julien Martin, « La tuerie des humanitaires de Muttur reste impunie », Rue89, 22 May 2007, <http://www.rue89.com/2007/05/22/la-tuerie-des-humanitaires-de-muttur-reste-impunie>.

Peter Apps and Simon Gardner, "Sri Lanka carbomb kills two" by Peter Apps and Simon Gardner, Reuters, 8 August 2006, http://www.canada.com/story_print.html?id=075b7a57-538b-4789-80cc-0c5baf62cb93&sponsor.

Peter Apps, "Sri Lanka's escalating war of words over aid security", Reuters, 16 Aug 2007, <http://www.blackjuly.info/articles/PeterApps.html>.

Ranga Sirilal, "Sri Lanka rights probe hampered, commission's head says", Reuters, 14 July 2009, <http://in.reuters.com/article/2009/07/14/idINIndia-41024520090714>.

• DOCUMENTARIES

Anne Poirer and Gwenlaouen Le Gouil, « Muttur : un crime contre l'humanitaire », 2007, http://www.dailymotion.com/video/xv1tni_muttur-un-crime-contre-l-humanitaire-docu_news.

• OTHER

ACF, Justice for Muttur, <http://www.justiceformuttur.org/>.

II / DOCUMENTS FROM ACF ARCHIVES AND WITNESS TESTIMONIES

Mission d'observation des travaux de la Commission d'enquête sur les violations des droits de l'homme à Sri Lanka (Affaires ACF Muttur & Trincomalee), Ambassade de France à Sri Lanka et aux Maldives, M. Jean-Philippe Rivaud, Magistrat, Rapport d'étape, 19 août 2008.

Human Rights Commission of Sri Lanka, Muthur Fact Finding Mission (9th August – 10th August, 2006), 31 August 2006.

Documents pertaining to asylum requests of ACF staff and family members of the victims.

Written witness statements submitted to ACF.

ABBREVIATIONS

AG	Attorney General
ASP	Assistant Superintendent of Police
CID	Criminal Investigation Department
Col	Presidential Commission of Inquiry
DIG	Deputy Inspector General of Police
GoSL	Government of Sri Lanka
GSL	Government of Sri Lanka
ICJ	International Commission of Jurists
IIGEP	International Independent Group of Eminent Persons
JMO	Judicial Medical Officer
LLRC	Lessons Learnt and Reconciliation Commission's
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non-Governmental Organisation
OIC	Officer in Charge
SCOPP	Sri Lankan Secretariat for Coordinating the Peace Process
SF	Security Forces
SLMM	Sri Lankan Monitoring Mission
SLPA	Sri Lanka Port Authority
SSP	Senior Superintendent of Police

JUSTICE FOR MUTTUR

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