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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

Joint written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organisation in general consultative status, the Congregation of Our Lady of Charity of the Good Shepherd, a NGO in special consultative status, and the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 September 2007]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Killing and Enforced Disappearances of Religious Leaders and Attacks on Places of Religious Worship in SRI LANKA[†]

1. Introduction

The escalation of the conflict between the Sri Lankan Security Forces, Liberation Tigers of Tamil Eelam (LTTE) and other armed groups since late 2005, has led to human rights and humanitarian crisis which has claimed hundreds of lives and led to displacement of at least two hundred thousand being displaced. Among the victims of the violence are religious leaders who have been killed and disappeared: at least three since August 2006.

Religious leaders have played a key role in intervening to protect and provide assistance to people affected by the conflict. They are at the forefront working for human rights, justice and peace which is considered an essential aspect of the four main religious traditions practiced in Sri Lanka. Places of religious worship serve as critical places of refuge where people in danger and seek assistance and sanctuary, but they have also been targeted in the violence over the last few two years.

This violence is part of a wider humanitarian and human rights crisis in Sri Lanka. The targeting of religious personnel and places of worship demonstrate the increasing disregard by the main armed actors, the Government of Sri Lanka and the LTTE towards international humanitarian law, including the Additional Protocol II to the Geneva Conventions of 1977 relating to the Protection of Victims of Non-International Armed Conflicts, Article 9 which calls for religious personnel to be allowed to perform their duties and Article 16 which calls for places of worship to be protected. Other humanitarian and human rights actors have also been targeted including humanitarian workers, journalists and other human rights defenders. Equally alarming is the inability or unwillingness of authorities to ensure independent and impartial inquiries and to prosecute those responsible.

2. Attacks on places of religious worship:

2.1 Attack on a Mosque in Akkairapattu, Ampara district[‡] (November 18 2005)

On November 18 during early morning prayers, two persons had rolled grenades inside the Akkairapattu Grand Mosque. The explosion killed 5 persons and seriously wounded 29 others. Some people of the area had reported to the UN Special Rapporteur on

[†] Association of War Affected Women, Kandy, Centre for Human Rights and Development (CHRD), Colombo, Centre for Policy Alternatives (CPA), Colombo, Centre for Peace and Reconciliation (CPR), Jaffna, Centre for Peace Building and Reconciliation (Cpbr), Colombo, Centre for Society and Religion (CSR), Colombo, Christian Alliance for Social Action (CASA), Colombo, Commission for Justice, Peace and Human Development and Human Rights Secretariat – SETIK-Caritas Kandy, Ecumenical Association of Third World Theologians (EATWOT), Equal Ground Sri Lanka, Colombo, Human Rights Media Resource Centre, Kandy, INFORM Human Rights Documentation Centre, Colombo, Janasansadaya, Panadura, Law & Society Trust (LST), Colombo, Muslim Information Centre – Sri Lanka (MIC), Colombo, Rights Now Collective for Democracy, Colombo, Welcome House, Colombo also shares the views expressed in this statement.

[‡] Report of the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions, Prof. Philip Alston to the 62nd session of the UN Commission on Human Rights, E/CN.4/2006/53/Add.5

Extrajudicial and Summary Executions, who visited the area a few days later that the Karuna group was responsible, while others had told him that it was the LTTE.

2.1 Attack on the Catholic Church at Pesalai, Mannar district[§] (June 17 2006)

Around 6,000 people had sought shelter at the Our Lady of Victory (Catholic) Church in Pesalai, on June 15 and 16, as hostilities broke out between the LTTE and the Sri Lankan government forces around Pesalai. On the morning of June 17, masked men, suspected to be Navy personnel had reportedly shot at the church and thrown two grenades through a window, killing 1 person and injuring 47 people, all of whom had sought refuge in the Church. Five fishermen were shot execution style on the nearby Pesalai beach.

2.2 Shelling of the Catholic Church at Allaipiddy, Jaffna district (August 13 2006)

On August 12, villagers had sought refuge at the Allaipiddy Catholic Church, in the face of intense shelling between the Armed Forces and the LTTE and a military curfew which prevented civilian movement. During the early hours of August 13, the church was also shelled and more than 20 were killed that night and more than seventy five injured.

The Parish Priest, Rev. Fr. Jim Brown, who escaped unhurt, tried to lead the people to safety the next day. The Navy objected and some of the injured were only allowed to proceed after the priest had begged by going on his knees.

3. Killing and enforced disappearance of religious leaders:

3.1 Fr. Nihal Jim Brown, Catholic Priest, Allaipiddy, Jaffna District(August 20 2006)

As mentioned above, Fr. Jim Brown had offered shelter to people seeking refuge during the shelling in Allaipiddy and also intervened with the Navy, to allow the injured to leave the area. Subsequently, he had received threats, reportedly from the Navy Commander of the area. He was last seen at a navy checkpoint on August 20 at Allaipiddy, with Vimalathas, a father of 5 children, in an area tightly controlled by the military. Both men are still missing.

3.2 Ven. Handungamuwe Nandarathna Thero, Buddhist Monk, Morawewa Trincomlaee District (May 13 2006)

Ven. Nanda Rathana a Buddhist monk from Mahadivulwewa was shot dead on May 13. He was a Buddhist Monk who had taken a strong anti war stance, joined fasts to protest against injustice and built up good relationships with all the three communities in the area. He was a rare Buddhist monk who preached in Tamil and ordained a Tamil as a monk. Farmers on their way to the paddy fields had seen the gunmen on two motor

[§] Based on the report of the Catholic Bishop of Mannar, dated 18th June 2006 and report of a fact Finding Mission to Pesalai by the Centre for Policy Alternatives and INFORM Human Rights Documentation Centre dated 28th June 2006

bikes fleeing from the scene, and wonder how the gunmen escaped the barriers of the armed forces.

3.3 Rev. Selliah Parameshwaram, Hindu Kurukkal, Sandivelli, Batticaloa district (February 7 2007)

A Hindu priest, Selliah Parameshwaram (61) was shot dead at Sandiweli on February 7. He had garlanded the President Mahina Rajapakse during his visit to Vakarai, Batticaloa on February 3 2007. According to his relatives the priest was asked to perform a *puja* (religious rites) by the military and had not been told that he would have to bless the President. The slain priest was the father of three.

4. Forced movement of IDPs from Madhu Church, Mannar district (March 2007)**

Madu Church has served as a safe heaven for IDPs over decades of war. In 2006 and 2007, IDPs moved to areas in and around Madhu due to the increasing military operations and recruitment by the LTTE. By March 19, there were over 8,000 of IDPs staying in and around Madhu Church. In March the LTTE also started to put increasing pressure on the church authorities to allow LTTE cadres greater access. The LTTE also announced that it would prevent any new displaced families from seeking shelter at Madhu Church and that IDP families currently inside Madhu Church would be asked to relocate to alternative displacement sites in other LTTE-controlled areas.

From March 23, the LTTE stepped up its efforts to force IDPs to leave Madhu, including measures such as bringing in trucks to the church and forcing IDPs onto them, cutting off supplies and threatening IDPs that those that did not leave would be treated as traitors. By the end of March most of the IDPs had fled. The LTTE denied allegations that they had forced the IDPs to leave Madhu Church.

5. Other incidences involving religious leaders and places of religious worship^{††}:

The Government's Media Centre for National Security had also reported a number of incidences involving the LTTE.

- On June 19 2006 the LTTE reportedly fired small arms at the sacred Somawathi Buddhist temple located in the East.
- On July 9 2006, the LTTE reportedly fired at Buddhist monks who were proceeding to the Mahaweli River from the Somawathi Chaithiya

The security forces also reported finding arms caches in Hindu Temples and Churches.^{‡‡}

** Based on "Conflict Related Internal Displacement in Sri Lanka", a study by the Inter Agency Standing Committee, August 2007

†† Report on the webpage of the Sri Lankan government's Media Centre for National Security, <http://www.nationalsecurity.lk/fullnews.php?id=6287>

‡‡ Report on the webpage of the Sri Lankan government's Media Centre for National Security, <http://www.nationalsecurity.lk/fullnews.php?id=6287>

6. Impunity and lack of independent investigations and prosecutions:

In all the incidences listed above, there has not been any reported progress in investigating the cases and bringing the prosecute perpetrators. Two of the cases, the disappearance of Fr. Jim Brown and the attack on the Pesalai Church are also included in the list of 16 serious human rights violations the Presidential Commission of Inquiry had been mandated to investigate. The Working Group on Enforced and Involuntary Disappearance, a mechanism under the UN Human Rights Council, had also written to the Sri Lankan government on the case of Fr. Jim Brown. But none of these have yielded any outcome. The President also announced a Tri-Service Commission of Inquiry on the Pesalai church attack, but its results and progress is not known.

7. Recommendations:

We urge the government of Sri Lanka to ensure that the above incidences, and similar ones are fully investigated in an impartial manner, and to prosecute all those responsible.

We call upon the Government and all military actors to adhere to international humanitarian law.

We call on the government as well as all armed groups, to respect places of religious workshop as places of refuge and “zones of peace” and refrain from targeting these places, and to ensure that hostilities do not affect people seeking in refuge in such places.

We also call on all actors to respect the right of religious leaders to provide humanitarian assistance and to engage in work related to human rights and ethnic harmony.

In the context that domestic bodies have failed to ensure the security of places of religious worship as well as religious leaders, let alone civilian that they seek to protect and assist, we request that the Government of Sri Lanka favourably considers the assistance being offered by the international community, particularly in the form of a field based UN Human Rights Monitoring presence in Sri Lanka.
