

Presidential probe into Massacre of aid workers

Note by the Editors of Sri Lanka Watch: The Conclusion by the Presidential Commission of Inquiry (COI) into the killing of 17 aid workers of the Ation Contre La faim (ACF), in Muttur, exonerating the Sri Lanka Army and the Navy may have terribly devastated NGOs like the CPA.

The same commission also passed strictures on seven NGOs including the Center for Policy alternatives (CPA) who were involved in pointing a finger at the government forces, as being responsible for these murders. Many INGOs and NGOs started ganging up against the present regime, in Sri Lanka, even though they were a democratically elected government, once they realised that they (GoSL) were not ready to waltz to the tune of their lords and masters who showered the dollars. The NGOs's favourite argument for hating the government was violation of Human/Fundamental Rights.

Nobody is trying to absolve the government of their doings or misdoings, however, NGOs like the CPA just exacerbated the situation the GoSL was facing with the so called International Community (IC), comprising essentially of the Western Powers. It became the CPA's sole vision and mission to bring disrepute to the GoSL in whatever ways possible, either by criticizing the GoSL in public and international forums or by not so public and obvious actions e.g. Dr. Rohan Edrisinha initiated a baseless argument and there by a campaign, by writing to the Newspapers questioning Sri Lanka's suitability to receive GSP+ benefits from the EU on the grounds that Sri Lanka has not ratified 27 conventions of the ICCPR, relating to Fundamental Rights. One tends to wonder whether this is the way to rally round one's motherland in times of difficulty especially while fighting the most ruthless terrorist group in the world.

When the CPA was not suing the government for some 'Rights' violation or the other they were going around the world (with their international donors' dimes) discrediting the GoSL. To them Sri Lanka was the best example of bad governance and the finest example of a failed state. They did and still do everything in their power to paint a bleak picture about Sri Lanka at every possible opportunity they get. The publications funded by their foreign donors stand evidence to my statement.

The question to them is that why is it that they only make a big hue and cry when so called social injustices or Human /Fundamental rights violations are committed against one sections of the Sri Lankan society? If they are an unbiased and responsible organization then they should stand up to all injustices, Human/Fundamental Rights violations, committed against all communities in the Sri Lankan society. Also, we have not seen them surfacing to criticize in their immaculate English, any other perpetrators of violence, if they hadn't even the faintest paw marks of the GoSL.

Hope this stricture by the COL on the CPA and six other NGOs will really make them act without prejudice and maliciousness towards the GoSL, in future, although this could only be a dream!

We re-publish the Titel Story published on the Island Monday the 14th July 2009

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Army and Navy exonerated. ACF must pay compensation for negligence. Severe strictures passed on several NGOs

There is strong evidence of LTTE presence in the city centre on the morning of the 4th August. A Rev. Father and a Divisional Secretary have also testified to the presence of the LTTE in the Mutur town on 4th August.

Army and the Navy have been totally exonerated by the Report of the Presidential Commission Inquiry into the Killing of the 17 aid workers of the INGO, Action Contre La Faim (ACF). The Commission led by Nissanka Udalagama, former Supreme Court Judge, has concluded that the death occurred on the morning of the 4th of August 2006.

The reports states:

"According to the statements until the night of 4th August the Mutur town and the surrounding area was subjected to LTTE attack. There is undisputable evidence that the LTTE were present in the Mutur town on the morning of the 4th August.

There is no evidence of any Army personnel being seen on the 4th in Mutur city centre. However, there is overwhelming evidence, in addition to TamilNet declaration that the LTTE were present in the town of Mutur on the 4th.

There is also the evidence of the death of Lance Corporal Ubayasekera succumbing to gunshot injuries caused from the direction of the town area whilst he was on duty in the marshland adjacent to the Mutur Police station on the morning of the 4th August. This fatal shot had been fired from the direction of the town by the LTTE. Therefore, there is strong evidence of LTTE presence in the city centre on the morning of the 4th August. A Rev. Father and a Divisional Secretary have also testified to the presence of the LTTE in the Mutur town on 4th August."

A report of the UTHR(J) implicated Sri Lanka Naval Special Forces in the killings. The charge has been debunked by the

Commission which in the report states, "The evidence does not disclose the presence of the commandos anywhere near the ACF office during the period, that is, on the morning afternoon or evening of the 4th. There are no Naval Special Forces in the Navy. Furthermore, the ballistic expert has identified the weapons used for the death of the 17 workers as T-56 weapons; weapons identified in the UTHR (J) report as the instrument of death does not include T-56 weapons."

The Report states there has been gross negligence on the part of the ACF office and has made the recommendation of payment of 10 years salary to their next of kin by the ACF.

"The workers were pleading to save their lives and to go out of the office. But they were stubbornly told by the Trincomalee ACF office not to leave the office and stay together as it would be difficult for the ACF to collect them if they leave and go to the camps. ACF was looking more for their comfort and convenience than that of the safety and security of their workers. They, by their conduct, before the Commission established this fact, by abandoning the cause of their deceased employees, by leaving the Commission without notice, left the families of the deceased in the lurch. In fact, one family member of a deceased complained in writing to the Commission the plight he was faced with and having to seek the assistance of the counsel for the Army/Navy to have the compensation package enhanced."

The Commission has passed strictures on the seven civil society organisations consisting of Centre for Policy Alternatives, Home for Human Rights, INFORM, Law and Society Trust, Mothers and Daughters of Lanka, Right Now - collective for Democracy and Sri Lanka National Commission of Jurists.

The lawyers who represented the said organisations and the next of kin though purportedly watching matters of public interest as set out in the civil society mandate placed in writing before the Commission, showed total disregard in matters affecting the interests of the deceased persons' next of kin. This aspect should have been the prime fact of concern in terms of the mandate presented to show their interest and gain representation in the case but they appeared to be more anxious to safeguard the interest of the foreign based NGO, the ACF. It was said that their contribution was negligible with regard to enhancing the compensation package due to the next of kin, which should have been a matter in which they should have interested themselves. Instead they left it to the others who assisted the Commission."

"It appears there has been a preconceived plan or a conspiracy to discredit the Commission by making false allegations and or exaggerating and twisting the truth to suit their purpose in order to achieve the long term objective of interested parties including their paymasters to discredit and disrupt the Commission for the consumption of some international organisations."

Mr. R. K. W. Goonesekera represented the unofficial bar for the prosecution. Mr. Yasantha Kodagoda with Dulip Jayakody and Lakmali Karunanyake represented the Commission.

Gomin Dayasri and Manoli Jinadasa appeared for the Army and Navy with Army/Navy legal officers.