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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by African Development Association, a non-governmental organization in special consultative status

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

[31 May 2021]

* Issued as received, in the language(s) of submission only.



Justice delayed is Justice denied ‘Trinco five’

‘.....There can be no peace without justice and there can be no justice without respect for Human rights and Rule of Law.....’

-Kofi Annan, Former U.N. Secretary General

The ‘Trinco 5 case’, involving the murder of five students on a beach in Trincomalee on January 2, 2006, is an emblematic case of impunity in Sri Lanka. The case became well-known thanks to the courage of Dr Manoharan, the father of one of the students. Dr Manoharan knew the security forces were involved with the killings and testified at an early inquiry.

International human rights organisations joined with local activists to demand justice for the Trinco 5. Such was the attention the case garnered, it was included in a Presidential Commission of Inquiry (COI) established by former President Mahinda Rajapaksa in 2007. The commission acknowledges “[strong grounds to surmise the involvement of uniformed personnel in the commission of the crime” and yet effective investigations have stalled.

Today is the 15th year remembrance of the brutal murder of trincomalee five students masacar, Unlike most other human rights abuses under international law and human rights violations committed during Sri Lanka’s blood-spattered civil war, ‘The Trinco Five’ University students’ murder case has received considerable attention from the international community. It has been the subject of government-appointed commissions and discussions at the United Nations Human Rights Council as well, but as of today, 15 years later, none of those responsible have been found guilty.

On January 2, 2006, when the killings occurred, over 1,000 military troops were stationed in Trincomalee, a city whose population was less than 100,000. That day, around 50 military personnel, including Navy checkpoints on each side, and a police superintendent were in the vicinity where the boys were brutally killed.

That evening, the action started when a grenade was thrown out of a three-wheeler near a common gathering place for students near Trincomalee Beach. At that very moment, seven 20-year-old recent college graduates, all Tamils, relaxed on the beach. Within few minutes to Grenade explosions, between 10 and 15 uniformed officers belonging to the elite Special Task Force police unit arrived at the beach in jeeps. The officers allegedly beat the boys with rifle butts then shot them, killing five and wounding two. Three of those killed were shot in the head, while the other two died from gunshot wounds to the chest and abdomen.

The five students names as follows;

- Manoharan Ragihar 22.09.1985
- Yogarajah Hemachchandra 04.03.1985
- Logitharajah Rohan 07.04.1985
- Thangathurai Sivanantha 06.04.1985
- Shanmugarajah Gajendran 16.09.1985

Investigation Process

The case (DR-11/1-2006) in the Trincomalee court was being kept alive by Colombo and the subservient judges for procedural purposes only. The magistrates have been postponing hearings routinely for the past 12 years, first asking the Criminal Investigation Division (CID) to produce reports of investigations, and then accepting without scrutiny CID’s response that the investigation is still in progress. Yet there has been no effective inquiry into the incident and the family of the one boy who pursued a legal remedy has been forced to flee the country for their own safety. Twelve Special Task Force members who were initially arrested were quickly released. On July 3, 2019, the magistrate acquitted 12 members of the Special Task Force and one police officer due to ‘lack of evidence.’

A U.S. State Department cable released by WikiLeaks in 2006 shows that Basil Rajapaksa, brother and adviser to then-President Mahinda Rajapaksa, told the U.S. Ambassador to Sri Lanka that the security forces were responsible for the killings, but claimed there was no evidence to convict them. 'We know the STF did it, but the bullet and gun evidence shows that they did not,' Basil Rajapaksa is quoted as saying. "They must have separate guns when they want to kill someone."

In February 2018, the U.N. High Commissioner for Human Rights, Zeid Ra'ad Al Hussein stated that the killings were among several on the island that demonstrate ongoing impunity. His report said, 'The failure to show major progress in these emblematic cases strengthens the argument for the establishment of a specialized court to deal with the most serious crimes committed by state actors.... staffed by specialized personnel and supported by international practitioners.'

To bring the perpetrators to justice or to provide peace to the families of the victims the international community has to call for global accountability for this particular case with the international judges. With international human rights mechanisms or United Nations has to implement a special probation or appoint a special rapporteur to investigate the Trinco Five Students murder case.

STF members acquitted over 'Trinco 5' murder case

On July 3rd nearly five years after the Magisterial inquiry into the murders of five youth from Trincomalee in January 2006 commenced, the Trincomalee Magistrates Court dismissed all 13 law enforcement personnel who had been accused. One of the most emblematic cases in the East during the country's long drawn out conflict, had eventually ended without justice being served. 12 Special Task Force (STF) personnel and one policeman who were named as suspects in the case, walked free on the day.

The Criminal Investigations Department (CID) had not been able to provide any evidence of significance and were also unable to present several key witnesses in courts. The CID claimed that they were unable to locate the two survivors of the incident and the father of one victim, medical doctor Kasipillai Manoharan, (now a refugee in the UK), hence the case was adjourned several times over a time period of five years. Despite offers to Dr Manoharan to testify via video from the Sri Lankan High Commission in London, these overtures were turned down by him, citing security concerns. As a result, the Chief Magistrate was forced to release the suspects due to the lack of evidence. However, the Trincomalee Chief Magistrate M.M Hamza also noted that the discharge of the accused will not prevent the Attorney General from reinitiating a Magisterial Inquiry if new evidence is discovered.

Thirteen Special Task Force (STF) members who were accused of murdering five youths in Trincomalee in 2006 had been acquitted in the case last 3 July 2019.

Trincomalee Chief Magistrate, M. Hansa had acquitted the STF officers who were charged on 15 accounts due to a lack of evidence against the suspects in the murder case.

Trincomalee Chief Magistrate, M. Hansa acquitted 13 Special Task Force members who were suspected of executing five youth at the Trincomalee beach in 2006.

The parents of all five boys fled overseas after facing death threats when they pushed for answers over the murders of their children.

This is the Sri Lankan Justice Mechanism which always part of Structural Genocide of Eelam Tamils.

We call upon the UNHRC members and other affiliated UN agencies and member states to adopt, as a matter of utmost urgency, the following measures:

- Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February, 2015.
- Direct appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.

- India should work together with Council Members to have a new Resolution under Agenda 4 to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil people.
- a) Monitor and investigate human rights violations, transmits urgent appeals and letters to Sri Lanka on alleged violations of human rights;
- b) Undertakes country visit to Sri Lanka and to the region and engage with relevant stakeholders;
- c) Submit reports to the General Assembly and Human Rights Council on the situation of human rights in the North and East of Sri Lanka; and
- d) Engages publicly on issues of concern, including through press releases.
- All political detainees to be released or brought to justice without any further delay.

Gouvernement en Exil du Tamil Eelam, GLOBAL TAMIL MOUVEMENT, ASSOCIATION DES CHRETIENS TAMOULS POUR LA PAIX ET JUSTICE, Centre Bishop Rayappu Joseph pour la Justice et la paix, NGO(s) without consultative status, also share the views expressed in this statement.