



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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## COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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### **Sri Lanka:**

### **ICJ inquest observer raises concerns about removal of key evidence in ACF case: Calls for renewed investigation**

The International Commission of Jurists (ICJ) today released an "addendum" to the report of its observer of the investigation and inquest into the killing of 17 *Action Contre la Faim* (ACF) aid workers in Muttur, Sri Lanka, in August 2006.

In April 2007, the ICJ published the first report of the observer, senior British barrister, Michael Birnbaum QC. In it he expressed concerns over the continuity and integrity of the transmission of the ballistics exhibits. In his "addendum" report he raises serious concerns about evidence that a bullet has been removed from the evidence submitted on 7 March by the Criminal Investigation Department (CID) as exhibits to the Kantale Magistrates Court in charge of the inquest.

Given this new information, the ICJ is calling for the President of Sri Lanka to order renewed, impartial and thorough investigations into the killing of the 17 aid workers in Muttur in August 2006 and to ensure those responsible are prosecuted.

During a meeting of the ICJ's Secretary-General with the President of Sri Lanka in Geneva on 14 June 2007, President Rajapaksa made a commitment to establish a taskforce within the regular criminal justice system to vigorously renew these investigations. The ICJ will closely monitor progress on this and other similarly grave cases.

In his "addendum" report Michael Birnbaum QC makes a detailed analysis of all the forensic reports now available relating to the killings, and in particular, the recently published report of an eminent Australian pathologist, Dr. Malcolm Dodd. At post mortems on the bodies of exhumed victims carried out in October 2006, eight bullets were recovered from seven bodies. Mr Birnbaum compared the descriptions of those bullets given by the two pathologists Dr. Waidaratne and Dr. Dodd, with those given in the report of the Government Analyst. Dr. Dodd found that one of the eight bullets was of 5.56 calibre. In contrast, the Government Analyst concluded that all of the bullets appeared to be of 7.62 calibre. There is therefore evidence to indicate that the 5.56 calibre bullet was removed from the evidence submitted as exhibits to the Kantale Magistrate, and that another bullet of a different type was substituted.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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The “addendum” report notes that 5.56 calibre bullets are used in M-16 riffles and that Sri Lankan Special Task Force and some Special Forces within the army and navy are known to use such weapons. It also notes that such weapons and ammunition may have been stolen or purchased or otherwise acquired by other parties. It notes that members of a naval special force armed with M-16s were reportedly in Muttur in early August of 2006.

The report also urges the Presidential Commission of Inquiry that is currently looking into the killings of the 17 aid workers to conduct a full investigation into the recovery, transmission and examination of the ballistic exhibits.

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