

Emblematic cases of impunity in Sri Lanka The killing of 17 Action contre la Faim workers in Muttur 2006

Questions and Answers

(1) What happened?

On 4 August 2006, 17 aid workers of the humanitarian NGO Action Contre la Faim (ACF) were shot at close range and killed on the grounds of the ACF office in Muttur, Sri Lanka. Sixteen were Tamil and one was Muslim. Multiple organizations, including the Sri Lanka Monitoring Mission and the University Teachers for Human Rights, have indicated that there is evidence to suspect that members of the Sri Lankan security forces were involved in the killings.

(2) Has anyone been arrested or prosecuted for the ACF killings?

No. There have been no arrests and no formal indictment has been laid against any of the persons responsible for the ACF killings.

(3) What are the key criticisms of the investigation process thus far?

Following the killings, a Magistrate began an inquest into the hearing. The location of the hearing was changed twice, without clear reasons, from Muttur to a more predominately Sinhalese province. A new magistrate was also appointed.

An independent observer of the International Commission of Jurists (ICJ) reported investigations conducted by the Criminal Investigation Department lacked impartiality, transparency and effectiveness. The ICJ observer further concluded there was a serious concern that a bullet of the type used by members of the Sri Lankan military and special forces units was removed from the evidential exhibits and substituted with another bullet of a different caliber.

An International Independent Group of Eminent Persons tasked with overseeing the commission of inquiry assigned to investigate the ACF case terminated its mission after concluding the commission of inquiry's proceedings lacked transparency and did not meet international standards.

(4) What has been the international response to the ACF case?

The United Nations High Commissioner for Human Rights, Navi Pillay, in her recent statement on Sri Lanka expressed concern that there had been "relatively little progress" in the ACF case investigation. The High Commissioner has set a March 2014 deadline for Sri Lankan authorities to engage in a credible national inquiry, failing which the international community should call for an international investigation mechanism.

The 2011 Sri Lankan Lessons Learnt and Reconciliation Commission also recommended further investigation and prosecution of the offenders of the ACF case.

The ICJ and ACF call Commonwealth member States to take measures to ensure the Government of Sri Lanka upholds its duty under the Commonwealth Charter to promote and protect human rights and engage in a credible investigation and prosecution of the killings in the ACF case as well as the other emblematic cases of impunity in Sri Lanka.

NOTES:

- The ICJ commissioned an independent observer, Michael Birnbaum QC, to conduct an independent assessment of the investigation into the ACF killings in Muttur. The ICJ issued a report a 60-page, *Sri Lanka: The investigation and Inquest into the killing of 17 aid workers in Muttur in August 2006* on April 2007.
- An Addendum to the April 2007 report was issued in June 2007 after Dr Malcolm J Dodd, a distinguished pathologist, issued his report, *Independent Forensic Investigation of the Muttur Massacre in Sri Lanka August 2006*.