



HUMAN RIGHTS COMMISSION OF SRI LANKA

7-6-2017

His Excellency Maithripala Sirisena
President of the Democratic Socialist Republic of Sri Lanka
Presidential Secretariat
Colombo 1.

Your Excellency,

Memorialisation and Reconciliation

The Human Rights Commission has received a complaint from Rev. Fr. Elil Rajendran of the Society of Jesus (Jesuits) Mullaitivu, who has been summoned numerous times by the police to be interrogated in relation to a memorialisation activity he had organised to remember those who lost their lives during the latter stages of the armed conflict. The memorialisation was to be established by carving the names of those who had died on stones to be placed at a permanent memorial in Mullaivaikkal, Mullaitivu.

On several occasions the police had summoned Fr. Elil to appear at different police stations (Mullaitivu and Vavuniya) for questioning about the event. The police had also sought and obtained a judicial injunction to prevent the event from taking place. Following the court order the police had summoned Fr. Elil and had requested him to submit all names that were to be carved on stones for memorialisation to ensure there were no names of LTTE cadres.

Fr. Elil complained to our Commission that repeated questioning by the police at police stations and at his residence on this ceremony constituted harassment and placed fetters on his freedom of movement, expression and association- rights which are enshrined in the Constitution of Sri Lanka. Further, the questioning of Fr. Rajendran's elderly parents has caused them great distress and anxiety.

After a thirty year armed conflict Sri Lanka is at present attempting to rebuild ethnic relations and work towards reconciliation. In this process it is important that all communities have the space and ability to mourn the loss of their loved ones and remember them. Hence, memorialisation is an important and integral part of the reconciliation process. In Sri Lanka we have built many memorials to commemorate the soldiers who have lost their lives during the armed conflict. Likewise, all communities should have the right to construct memorials to remember their family members and loved ones. The fact that the person who died was a LTTE cadre should not be used as the reason to deny the family to mourn and remember their loved one. Every family has

the right to remember and memorialise their loved ones irrespective of their status or political beliefs.

The Commission is of the view that allowing families the space to do so would enable them to feel they too have, and are able to exercise their rights as citizens of Sri Lanka, and are part of a common journey towards reconciliation. Denial of such an opportunity will only serve to deepen ethnic divisions and hamper reconciliation efforts.

In this spirit, the Commission requests Your Excellency, particularly in your capacity as Minister of National Integration and Reconciliation, to ensure the right of families to engage in memorialisation activities, and also the security of persons who engage in such activities.

We set out in the attached annex the chronology of events as provided to the Commission by Rev. Fr. Rajendran.

Dr. Deepika Udagama
Chairperson

Cc: Hon. Prime Minister
Hon. Minister of Law & Order
Hon. Minister of Co-existence, Dialogue and Official Languages
Chairperson, Office of National Unity and Reconciliation



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MAIN FACTS OF THE COMPLAINT BY FR. ELIL RAJENDRAN TO THE COMMISSION

1. **16th May 2017:** Fr Elil Rajendran and two others were summoned by the Police at 7.30 pm. They were asked if any LTTE names were included in the names being carved into stones at the memorial in Mullivaaykkal.
2. **17th May 2017:** The Police approached the Mullaitivu Magistrate and were granted a ban on commemoration events on land adjacent to St Pauls Cathedral, Mullivaaykkal East.
3. **18th May 2017.** Police pasted the court order at various places, and via loud speakers announced that no one should go near the site and that no religious observances would be allowed.

Around 1 pm Fr. Rajendran received a phone call from Vavuniya SP demanding that he come to Vavuniya to record a statement. The same night around 8.30 pm the police visited Fr. Rajendran's residence with written summons.

4. **19 May 2017 -** The questioning by the police in Vavuniya focused on whether names of LTTE cadres were on the stones.

On the same day Fr Rajendran's parents' house in Ilavalai, Jaffna, was visited by the police who inquired from them about his work, activism and whereabouts.

5. **20 May 2017 –** Fr. Rajendran received written summons from Mullaitivu HQI to record a statement in connection with the ongoing case on 22 May 2017. Police made inquiries from the villagers about the stone-carving project. The area Grama Niladhari was also summoned to the police station on 22 May to record a statement.
6. **21 May 2017 -** DIG Welikanda called Fr Rajendran in the evening and informed him that he will not have to go to the Mullaitivu Police on 22 May but requested him to submit the list of names carved on the stone to the police for the TID to investigate. The DIG called him again at 9 pm and inquired about the list.
7. **25 May 2017-** Fr. Elil handed over the list of names to be carved on the stones but the police said they wanted the addresses of the names on the list. When Fr. Elil said he didn't have the names the police said they didn't want the list. The police also told him that he could not carve anymore stones until they complete their investigation of all the names.