

HUMAN RIGHTS

At the conclusion of Krishanthi Kumaraswamy murder trial, one of the accused who was sentenced to death, made a statement claiming that he knew of a mass grave in Chenmai in Jaffna where nearly four hundred bodies of Tamils, killed by the army extra-judicially, are buried. Three weeks into this revelation, no concrete action appears to have taken by any responsible authority. The Human Rights Commission made a statement that it would be sending one of its members to investigate the report of the existence of a mass grave. Meanwhile, the government is reported to have ordered the CID to launch an investigation into the allegation made by the convicted soldier.

Concerning mass graves, it is exceedingly important that reports are investigated expeditiously and scientifically. When an investigation is delayed after the existence of a mass grave is revealed, there is enough time for perpetrators or their collaborators to re-visit the site and destroy important evidence. Similarly, rushing into excavating mass graves without expert participation can also be counter-productive. Quite a number of such graves in the South have been excavated since 1994 with little or no care for forensic detail. Human rights organizations have repeatedly warned the authorities of the folly of unscientific 'grave-digging'.

While there seems to be some official apathy towards this latest report of mass graves, we publish below a statement issued by Sri Lankas Civil Rights Movement.

THE ALLEGED MASS BURIALS AT CHEMMANY IN THE NORTH

The need for scientific investigation

It is essential that steps be taken to test the veracity of the reported statement by two of the accused in the Krishanthi Kumaraswamy murder case that several hundred human bodies were buried by the members of the armed forces at Chemmany near where the remains of Krishanthi and her family were found. This allegation has to be considered in the context of reports that several hundred persons have disappeared in the North subsequent to the armed forces taking control of the Jaffna peninsula in mid 1996, many of whom remain unaccounted for.

The manner in which any preliminary physical investigation is made at the site, as well as any follow-up excavation that may be found necessary, is of particular concern to the Civil Rights Movement. CRM reiterates here the concerns it raised in 1994 in relation to the excavations in the South at Suriyakanda and elsewhere.

The excavation of a mass burial site, where many bodies may be packed in to one place, poses technical problems much greater than the exhumation of individual graves. An enormous amount of information can be revealed about how people died, who they were, and how they came to be there, *provided the excavation is done with the necessary skill, avoiding the danger of irreversible destruction of vital evidence in the process.*

So seriously does the international community take this question that the United Nations has published a Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. This publication includes a section which is a *model protocol for the disinterment and analysis of skeletal remains.*

This UN Model Protocol, which CRM has reproduced in its Briefing Paper No. 2 of 1994, describes the finding and excavating of the grave site as the *archaeological phase* of the investigation. At this stage, the training of an archeologist plays a crucial role. Advice as

to how to locate a grave site is given (e.g.. Surface contours and variations in local vegetation, signs of top soil being disturbed and mixed with sub-soil, use of a metal probe to locate the less compact soil which is characteristic of a grave fill etc.). A numbering system should be devised and the site mapped. Any remains found should first be pedestaled, that is to say excavated by digging all around so they are fully exposed without being disturbed. The UN Protocol specifically warns that:

A burial recovery should be handled with the same exacting care given to a crime-scene search. Efforts should be coordinated between the principal investigator and the consulting physical anthropologist or archeologist. Human remains are frequently exhumed by law enforcement officers or cemetery workers unskilled in the techniques of forensic anthropology. Valuable information may be lost in this manner and false information is sometimes generated. Disinternment by untrained persons should be prohibited. The consulting anthropologist should be present to conduct or supervise the disinternment.

There have been great strides in this field of forensic anthropology in recent years. Mass burial sites have been excavated with the help of international expert teams in Argentine, El Salvador, Guatemala, Kuridstan Iraq, the former Yugoslavia and Ethiopia. The United Nations and international NGOs are prepared to provide personnel, both to assist in the disinternment process itself and also to train local staff to do the work in the future. Subsequent to the experience of Suriyakanda, there have been workshops held in Sri Lanka with foreign forensic anthropologists and our own scientists have now had some opportunity of seeing what basic procedures should be followed.

CRM urges that careful investigation of the allegations made by the accused in the Krishanthi Kumaraswamy case be instituted and that any examination of the alleged site of burials in accordance with modern scientific methods, with the help if need be of UN or other international expertise in addition to our own scientists.