

# MASS GRAVES AT SURIYAKANDA

A team of opposition MPs led by Western Provincial Council Chief Minister Chandrika Bandaranaike, together with a select group of journalists, photographers and parents of the missing school children were able to begin the excavation, on 3 January 1944, of three pits identified as mass graves at the summit of the Suriyakanda mountain at Kolonne, in the Ratnapura district. The grave site was a few hundred meters below two heavily guarded, state-owned television and telecommunication towers, in an uninhabited and remote location. The clearing adjacent to the graves appeared to have been bulldozed recently. On the first day, the excavation uncovered 11 skulls and an assortment of skeletal bones estimated, by opposition sources, to belong to about 20 bodies. The graves constituted three pits believed to be about 30 feet deep and roughly about 4 to 6 feet in breadth.

After the fact of these pits being graves was established, information was conveyed to the Embilipitiya Magistrate, Mr. P. Ranasinghe within whose jurisdiction the area lay. Thereafter, the pits were excavated to a depth of about 4 feet in the presence of the Magistrate. A few parents present attempted to identify the unearthened remains among which were pieces of blue drill commonly used for school shorts, ball point pens, sarongs and a saffron robe.

Some of the parents of the 31 Embilipitiya school boys, missing since December 1989, had been present at the exhumation. At a press conference held later by the opposition, it was reported that one of the fathers had identified the distinctive coloring and pattern (orange and brown stripes) of the sarong worn by his son on the night of his disappearance (father—S. K. Gunaratne, Agricultural Instructor and son—Nalin Kumar Gunaratne, one of the 31 school boys missing).

Once the remains were recovered, the graves were cleared and the evidence sealed in the presence of opposition politicians and conveyed to the Embilipitiya Magistrate's Court. Lawyers, appearing on behalf of those responsible for beginning the exhumation, had subsequently argued that the remains should not be sent to the Government Analyst, but rather the Judicial Medical Officer (JMO) in Colombo. This argument was accepted by the Magistrate who directed the JMO to verify if the bones discovered were human bones and to determine the period at which the deaths may have occurred and the cause of death.

## Re-examination of Graves

On an order by the Magistrate that the graves can be further excavated on 8 January, a large group of people made the trek to Suriyakanda on the morning of the 8th. Opposition politicians, journalists and human rights activists were among those who were able to get past over 500 armed and fortified convoys of policemen to reach the summit of the mountain. Hundreds of parents who had gathered at the turnoff to the telecommunication towers about 1.5 kilometers from the site were barred from proceeding further.

On the re-examination of the graves, opposition lawyers, led by Mr. S. A. Premaratne, immediately lodged a protest with the Magistrate Mr. Ranasinghe that the graves had been tampered with since the last exhumation. It was alleged that one of the pits had been widened; one of the pits had been waterlogged but had subsequently been covered with fresh soil; and a skull had been introduced into one. It was also alleged that the soil had been disturbed and a saffron robe introduced into one of the pits. The Magistrate ordered that this new 'evidence' be separately sealed for further investigation, and digging recommenced at the furthest pit. By afternoon a new pit hidden under a boulder was unearthed. The first and second pits were also further exhumed. By the end of the day, 12 more skulls and 4 bagfuls of skeletal remains had been collected. Some of the limb bones obviously belonged to adolescents; at least two of the skulls had blindfolds round the eye sockets, one in a strip of black-and-white shirting. Some of the bones recovered also indicated that hands had been tied together with coir rope, with the rope still intact and in place. Whole skeletons lying flat as they fell; jaw bones with all the teeth intact; rotting flesh; and a denture were among the debris. It was not possible to hazard a guess as to the number of bodies that may have been buried in the graves, except that the bones belonged to more bodies than the number of skulls unearthed.

In an ominous twist, on the morning of the 8th, human skeletal remains were found scattered in front of the Pelmadulla residence of SLFP Sabaragamuwa Provincial Council Member, Dharmadasa Waniarachchi. It was here that the convoy of lawyers, parliamentarians, journalists, etc., were to meet before proceeding to Suriyakanda, which was a few kilometers away on the Rakwana/Deniyaya road. A skull and bones were also scattered by the post office in the heart of the Kahawatte town and at



Pelmadulla, believed to have been from graves desecrated in the Kahawatte area.

While the Criminal Investigations Department (CID) officers, present at the site, ASP Gamini Wijesinghe and HQI Mahesh Perera denied that the CID had tampered with the graves between their exhumation on 3 and 8 January, the lawyers present told the Magistrate that according to information received from police personnel at the site, CID officials had conducted investigations in the locality of the graves during that period. Meanwhile, the government has appointed a CID team to investigate the findings of the mass graves.

The magisterial inquiry into the findings at the grave site continued on 10 January, with parents being given access for the first time to attempt an initial identification. Two persons had indicated that they could identify some of the remains from pieces of sarong, dentures, etc., that were among the productions.

Attorney-at-law Mr. S. A. Premaratne, who had reported the finding of the graves to the Embilipitiya Magistrate and had been present at the magisterial inquiry on the morning of the 10th, was shot at from a vehicle while he was returning home from the hearings. He reported this to the police and said that he could identify the vehicle from which the shots had come.

Recording of evidence in relation to identification was to continue on 17 January 1994. The proceedings on that day were, however, postponed on a request by lawyers on the basis that some of the witnesses had received threats to their lives and that an attempt had been made on the life of the chief opposition lawyer, Mr. S. Premaratne. The CID was ordered to continue with the investigation and report regularly to the Magistrate.

On the resumption of hearings on 1 February, the opposition requested that further exhumation of the grave site be ordered. The Magistrate in response, ruled that any application to exhume skeletons claimed to be buried in Suriyakanda could be considered if such applications were made by the CID through the Attorney-General. There were also several other identifications.

The Magistrate ordered that full security be provided to the grave site and postponed the inquiry to 15 February.

The exposure of the graves at Suriyakanda is a political act that should be located in the current political context of the country, particularly in relation to the imminent elections to the Southern Provincial Council; it could not have come to light otherwise. However, the fact is that

skeletal remains of persons killed extra-judicially and buried at a site not normally recognized as a place of burial have been found. In the context of mass disappearances and extra-judicial killings that occurred in the south of Sri Lanka in 1988 and 1989, this discovery is one that has to be fully investigated.

## Problems Encountered

**S**ome problems have already arisen because of the very manner of discovery and exhumation:

1. The exhumations have been done in an amateurish way without the maintenance of proper records.
2. The identifications have been haphazard. Some identifications are of those 'disappeared' by the security forces. Other identifications point to those killed by the JVP.
3. The government and the Opposition have contradictory political interests which have worked to obscure the facts.
4. The attempt on the life of Mr. Premaratne and death threats communicated to other Opposition politicians who have played a leading role in the discovery are possibly designed to stifle further inquiry.

## Appeal by HR Groups

**I**n this context, human rights organizations are pressing for an independent and competent exhumation of the entire area and the determination of the facts so as to identify the bodies, ascertain the causes of death and the circumstances under which death took place, and ultimately to identify and punish the perpetrators.

The UN Working Group on Disappearances which has investigated disappearances in Sri Lanka has recommended that "the Government may wish to consider attracting forensic expertise from abroad, through the United Nations, for the purpose of identifying possible victims of disappearances in particular egregious cases."

Human rights organizations in Sri Lanka are therefore appealing for an independent inquiry into this with the involvement of the UN Working Group on Disappearances.