

Written Statement (30 January 2024)

Human Rights Situation in Sri Lanka: the need to ensure accountability for the 2019 Easter Sunday Attacks

1. The Easter Sunday Attacks took place on 21 April 2019 in Sri Lanka and targeted three Christian Churches, three luxury hotels, a guest house, and a residence. It can be considered the most brutal massacre in Sri Lanka after the end of the civil war in 2009. The attacks killed 315 people, including 40 foreign nationals and 45 children, and injured around 600 people. Two organizations, Jaamiyathul Millathu Ibrahim (JMI) and National Thowheed Jama'ath (NTJ), are believed to be the principal authors of the attacks. Almost five years later, justice is still being delayed for the victims, and impunity prevails.
2. A Presidential Commission was appointed to investigate the Easter Sunday Attacks, but only the executive summary of the Presidential Commission's report was published. Following an order by the Right to Information Commission in 2023, four of the most critical pieces of evidence provided by the Commission were released to the Center for Society and Religion (CSR). After reading and analyzing the evidence, CSR issued a press release on 19 January 2024 with the following conclusions:
 - i) The Sri Lankan intelligence units had not only known about Zahran Hashim (leader of the suicide bombers) for a long time but also about the organization Jaamiyathul Millathu Ibrahim (JMI), run by Inshaf Ahmed Ibrahim and Ilham Ibrahim (the two brothers who carried out suicide attacks). JMI was based in Colombo and had been under surveillance. It is difficult to understand how the intelligence failed to prevent the attacks, despite having an insider planted within JMI as well as receiving information regarding the plan for the possible attacks (1).
 - ii) It must be publicly revealed under whose influence the bomb attacks were not prevented and who was behind these events, despite the intelligence units being aware of National Thowheed Jama'ath (NTJ - the leading organization responsible for the attacks), whose representatives were summoned for a discussion at the Ministry of Defence and were continuously under surveillance (2).
 - iii) On 26 April 2019, the Police raided a house in Saithamaruthu to arrest Pulasthini Rajendran (Sarah). She is the wife of Atchchi Muhammadu Muhammadu Hasthun, one of the alleged nine suicide bombers of the Easter Sunday Attacks. It was reported that Sarah was killed in an explosion linked to the raid, and her body could not be found. After the raid, Fathima Hadiya, Zahran Hashim's wife, provided testimony that she met a woman who resembled Sarah. There are certain concerns regarding these incidents and contradictions, which could lead to suspicion of a conspiracy around the Easter Sunday Attacks. No proper inquiry or investigation has been carried out to address these concerns (3).
 - iv) It is worth noting that the information revealed by this evidence should be sufficient to establish that the reason behind other evidence and volumes of the

Presidential Commission of Inquiry on the Easter Sunday Attack being kept in confidence could be to avoid unraveling the conspiracy behind the attack (4).

3. Several criminal cases have been filed regarding the main incidents related to the Easter Sunday Attacks. However, none of the cases have ended up with a conviction. As of today, no one has been made accountable for the attacks.
 - i. Criminal case number HC (TAB) 2972 in the Colombo High Court against 24 accused related to all the bomb blasts that took place on 21 April 2019 is the main criminal case at present relating to the Easter Sunday Attacks. In this case, indictments containing 23270 charges were served to the accused on 4 October 2021 before a trial at the bar. Due to various reasons, such as the lack of Tamil-speaking lawyers and the non-availability of Tamil translations of the indictments, the trial was delayed. Finally, the case was first trialed on 10 October 2023. Since then, the case has been trialed on 32 days (mostly three times a week), and the evidence of 29 witnesses was concluded. The case will be taken up on 6 February 2024 for evidence of more witnesses. As the defense has not admitted to carrying out the bomb blasts, throughout these 32 days, the persecution had to call witnesses to establish the fact that suicide bombers carried out bomb blasts on Easter Sunday Attacks.
 - ii. Indictments were served on the then Inspector General of Police (IGP) and the then Defense Secretary over the criminal negligence concerning the Easter Sunday Attacks in two separate Trials at Bars at the Colombo High Court under the cases numbers HC (TAB) 2900/21 and HC (TAB) 2899/2021 (5). Courts acquitted both accused on 18 February 2022 without even calling for evidence from the defense. Both these matters were appealed to the Supreme Court by the Attorney General with the case numbers S.C.TAB No.02/23 and S.C.TAB No.03/23 and argued together before a five-judge bench from 4 July 2023 onwards. The hearing was concluded on 8 September 2023, and judgment was reserved.
 - iii. Several other vital criminal cases were filed about the Easter Sunday Attacks, but most of these cases have seen very little progress, and some cases seem to be unsuccessful.

Case No. HC 78/2021 was filed in Puttlam High Court against the attorney-at-law Hejaaz Hisbullah and another for his alleged connection to Save the Pearls Charity that had ties to one of the Easter Attack Bombers. On 9 October 2023, the case took a significant turn when one of the Prosecution's witnesses admitted that his previous statements to the Criminal Investigation Department (CID) and the High Court were fabricated and that he had lied (6). On 16 January 2024, Mr. Hisbullah was accompanied by Catholic clergy to the Court to show him solidarity, which implies that the Catholic Church highly doubts the role of the prosecutors in indicting and prosecuting Mr. Hisbullah as an accused connected to the easter attacks. This case will be taken up for further trial in March 2024.

Case No. HC 148/2021 was filed against a young poet, Ahnab Jeseem, under the Prevention of Terrorism Act (PTA) on allegations of extremism related to his book Navarasam (7). After taking the evidence of five witnesses of the prosecution on 12 December 2023, the Court ordered the acquittal of Mr Jeseem (8). He had been detained for over one and a half years under PTA before being bailed out.

Case No. 23084/22 was a private plaint filed on 16 September 2022 against former President Maithreepala Sirisena in the Fort Magistrate Court. In this case, the Plaintiff has alleged that during the Easter Sunday Attacks, the Accused failed to discharge his legal duties as the Minister of Defense. The then President Maithreepala Sirisena filed the case Writ 354/22 on 29 September 2022 in the Court of Appeal alleging that the Order made by the Magistrate Court in Case No. 23084/22 issuing summons on him to be present before the Fort Magistrates Court on the 19 October 2022 is illegal, and the private plaint cannot be maintained. Both cases are pending in the Court.

Case No. Puttalam/Tab/107/2021 is against 6 Accused concerning a training camp and explosives relating to Easter attacks discovered in Vanathavilluwa. The trial of this case has started and is currently pending for the voir dire inquiry regarding the confession of the 3rd Accused. The following case dates are May 28 - 29, June 25 - 27, and July 16 - 18, 2024.

4. In 2019, twelve fundamental rights applications were filed relating to the Easter Sunday Attacks by Petitioners aggrieved by these attacks. On 12 January 2023, after a lengthy hearing, a full bench of the Supreme Court ruled that Respondents had violated the fundamental rights of the Petitioners. The court ordered Former President Maithripala Sirisena to pay Rs. 100 million, Former Inspector-General of Police (IGP) Pujith Jayasundara and Former Director of State Intelligence Services Nilantha Jayawardene to pay Rs. 75 million each, Former Defense Secretary Hemasiri Fernando to pay Rs 50 million, Former director of National Intelligence Service Sisira Mendis to pay 10 million, and the State to pay 1 million to compensate the victims. The court also ordered the State to take disciplinary action against the former director, SIS Nilantha Jayawardena (9). By 11 September 2023, the former president had paid Rs. 15 million, former IGP Pujith Jayasundara had paid Rs. 1,7 million, and former director of State Intelligence Services Nilantha Jayawardene had paid Rs. 4.1 million, Former Defense Secretary Hemasiri Fernando has paid Rs. 25 million, Former director of National Intelligence Service Sisira Mendis has paid Rs. 10 million, the State has paid Rs. 1 million, and all together, Rs. 34,3 million has been deposited to an account maintained by the Government of Sri Lanka. However, we note that the compensation ordered is relatively low compared to previous compensation awarded by the Supreme Court to victims of torture, considering the seriousness of the crimes and the large number of survivors, victims' families, and affected communities. There is also no direction to prosecute those responsible for the crimes and criminal negligence.
5. The documentary "Sri Lanka's Easter Bombings: Dispatches," recently published by a United Kingdom-based Television Channel 4 and released in September 2023, highlights the connection of Major General Suresh Sallay with the suicide bombers who are responsible for the Easter Sunday Attack and his relationship with the Rajapaksa regime. However, the facts presented require further investigation (10).

Recommendations

6. We call on the UN Human Rights Council to recommend to the Government of Sri Lanka:
 - o To release all information pertaining to the Easter Sunday Attack, including the full report of the Presidential Commission of Inquiry.

- Take steps to implement the Supreme Court judgment in the Fundamental Rights cases SCFR 163/2019 and others.
 - To investigate, identify, and eventually prosecute all those who planned the Easter Sunday Attacks, especially those most responsible, based on principles of command responsibility, those directly involved, and those who assisted them.
 - To prosecute all the political leaders, State Officials, Police, and intelligence Service Officials who did not prevent the Easter Sunday Attacks.
 - To expedite all Court cases connected to the Easter Sunday Attacks.
7. We call upon UN Member States to
- Prosecute the perpetrators of the Easter Sunday Attacks in their own jurisdictions.
 - Observe the trials in Sri Lanka related to the attacks.
 - Following the failure of a proper investigation of the Easter Sunday Attacks, urge the Government of Sri Lanka to get the assistance of an international investigation mechanism.
8. We call upon the UN High Commissioner for Human Rights to
- Include the latest development of the case of Easter Sunday Attacks in his reports and updates to the Human Rights Council.
 - Include the latest development of the Easter Sunday Attacks in the Office of the High Commissioner for Human Rights (OHCHR) Sri Lanka Accountability Project (O-SLAP).

Endnotes:

1. 30 January 2024, Press release, <https://rticsr.info/wp-content/uploads/2024/01/Press-release-in-English-19.-01.-2024.pdf>.
2. 30 January 2024, Press release, <https://rticsr.info/wp-content/uploads/2024/01/Press-release-in-English-19.-01.-2024.pdf>
3. 30 January 2024, Press release, <https://rticsr.info/wp-content/uploads/2024/01/Press-release-in-English-19.-01.-2024.pdf>
4. 30 January 2024, Press release, <https://rticsr.info/wp-content/uploads/2024/01/Press-release-in-English-19.-01.-2024.pdf>.
5. 6 July 2022, Easter Attacks: Court serves charges on Pujith and Hemasiri, <http://www.adaderana.lk/news/77358/easter-attacks-court-serves-charges-on-pujith-and-hemasiri>
6. 30 January 2024, Ongoing trial of Sri Lankan Lawyer Hejaaz Hizbullah, <https://lawyersforlawyers.org/en/ongoing-trial-of-sri-lankan-lawyer-hejaaz-hizbullah/>
7. 30 January 2024, Poet Ahnaf Jazeem acquitted, <https://www.themorning.lk/articles/Rg7ob4f7ixHw51ZJlzUq>
8. 30 January 2024, Poet Ahnaf Jazeem acquitted, <https://www.themorning.lk/articles/Rg7ob4f7ixHw51ZJlzUq>
9. 31 January 2023, Supreme Court order Sirisena, Ex-Police Chief & others to pay compensation for Easter Attacks Victims, <https://www.newsfirst.lk/2023/01/12/breaking-supreme-court-order-sirisena-ex-police-chief-others-to-pay-compensation-for-easter-attacks-victims/>
10. 17th December 2023, Sunday Island, 'Channel 4- Why Now? Why Not?', < <https://island.lk/channel-4-why-now-why-not/>