



INTERNATIONAL COMMISSION OF JURISTS

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Sri Lankan Government prevents ICJ observing inquest into deaths of 17 ACF aid workers

The International Commission of Jurists (ICJ) today expressed deep concern after the Sri Lankan Government informed it that the ICJ's official representative would be prevented from entering the country to observe the inquest into the killing of 17 *Action Internationale Contre la Faim* (ACF) aid workers in Muttur in August.

"It is regrettable that the Government has chosen not to allow our independent international observer to attend this vital inquest", said Nicholas Howen, Secretary-General of the ICJ.

"At a time when the High Commissioner for Human Rights and the Special Rapporteur on extrajudicial executions have warned that investigations and accountability mechanisms have failed to bring justice to victims in Sri Lanka, it is particularly important for the Government to demonstrate that every stage of its processes, including inquests and trials, are open, transparent and credible", he added.

The ICJ had informed the Sri Lankan authorities that it intended to send a senior British based lawyer (Queens Counsel), to observe the inquest. However, the ICJ was informed that it could not observe these hearings and that its representative would not be granted an appropriate visa if he applied.

The ICJ sends observers all over the world to assess whether legally-related proceedings are carried out in line with national and international standards. Most recently the ICJ observed an inquest in Thailand. One of the international standards relevant to an inquest are the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

The Sri Lankan Government has invited the Australian Government to provide technical forensic expertise for the investigation into the deaths, as and when specifically requested by Sri Lanka. But the Australian forensic team is not mandated to observe the proceedings, assess whether they comply with international standards, or to report publicly. Such necessary technical assistance is not a substitute for independent observation.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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Inquests in Sri Lanka are carried out under the Code of Criminal Procedure Act No. 15 of 1979. This Act states that such inquiries shall be open to the public. The inquirer, however, can, on a case-by-case basis, decide to exclude the public in very limited and exceptional circumstances.

Seventeen aid workers from *Action Internationale Contre la Faim* (ACF) were killed in and around their office in Muttur, Trincomalee on or around 5 August 2006. The inquest, which began in the Muttur Magistrate's Court, was transferred to the Anuradhapura Magistrate's Court in early September. The inquest recommenced on 20 September, when the presiding magistrate summoned the witnesses to appear before him on 4 October, in Kantale. The ICJ called on the Government of Sri Lanka to ensure witnesses are properly protected against threats to their lives and well-being.

The ICJ said that this inquest should be the first stage in the process of establishing the cause of death of these 17 Sri Lankan aid workers, identifying who was responsible for their execution-style killings and commencing prosecutions against those responsible.

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