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PROJECT

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PRESS RELEASE: Sri Lanka - yet more problematic military promotions.

Johannesburg: The Sri Lankan President has promoted to Major General, former military intelligence director, Tuan Suresh Sallay, who allegedly forced a Tamil doctor in custody in 2009 to give false testimony by denying him medical treatment and threatening him. Dr. Thurairajah Varatharajah was a government doctor who served in the war zone in 2009 and was then detained for approximately 100 days at the end of the war. Such prolonged detention without trial constitutes cruel and inhuman treatment or punishment, in violation of the Convention against Torture.

EXECUTIVE DIRECTOR:
YASMIN SOOKA

"The alleged conduct - prolonged detention without trial, psychological torture and deprivation of medical treatment - is a violation of the Convention Against Torture to which Sri Lanka is a signatory and for which those with command responsibility can be held accountable including under universal jurisdiction," said the ITJP's Executive Director, Yasmin Sooka. *"Dr. Varatharajah is an extremely brave former government servant whose medical team saved many thousands of lives at huge risk to themselves - he deserved a medal, not to be locked up".*

Dr. Varatharajah, who is now treating Covid-19 patients in the United States where he fled for his safety, identified Suresh Sallay as the military intelligence officer responsible for his torture and who coerced and prepared him to give false testimony in a staged news conference in Colombo where he and other doctors were forced to deny the extent of civilian casualties in the war.

"Colonel Suresh threatened us all with many years' imprisonment... Our families were also threatened," stated the doctor, who says Suresh made it clear he was acting on the orders of Gotabaya Rajapaksa who was the powerful secretary of defence at the time.

In addition to threats, Dr. Varatharajah alleges Suresh Sallay used as leverage the fact that he needed essential surgery on his arm which was very badly injured in the war to compel him to participate in the news conference against his will. The delay in allowing the doctor to have the surgery caused permanent residual damage to his hand in the form of pain, sensory issues and loss of fine motor movement required by a surgeon¹.

The Tamil doctors who stayed in the war zone to treat casualties were recognised at the time by the media watchdog *Reporters Without Borders* as fulfilling an essential role during the war providing vital information to the world's news media². This role made them targets when the war ended. On 8 July 2009, the doctors including Dr. Varatharajah were forced to lie in a news conference and were then bizarrely rewarded by their handlers with a surreal trip to eat at a Kentucky Fried Chicken restaurant before being returned to their cells³.

US leaked telexes acknowledged at the time that most international observers doubted the veracity of the doctors' "confessions"⁴. A telex published by Wikileaks said the doctors had told an embassy contact that they had been pressured to give the press conference and had been *"heavily coached for the press conference, given specific lines to say, and even practiced with several members of the local media beforehand"*. In addition the telex reported that the doctors *"said they were visited and questioned several times by the Secretary of Defense while in custody"*⁵.

Absurdly the doctors were instructed to say at the news conference that there were only up to 650 deaths in the last five months of the war⁶ even though the Government itself later admitted the death toll was higher. Indeed a mere count of photographs of corpses would easily exceed that number, let alone the UN's meticulously cross checked casualty estimates up until April 2009. As US diplomatic telexes commented at the time, the Government of Sri Lanka appeared "to be continuing its efforts to downplay the extent of civilian suffering and deaths during the last weeks and days of the war". Diplomats at the time worried the doctors, when finally released, were at risk of abduction or extrajudicial killing⁷.

In addition, Suresh Sallay was summoned to appear in court in 2016 in connection with the investigation into the 2009 murder of the Sunday Leader editor, Lasantha Wickrematunge⁸. Sallay's top aide was reportedly picked out as a suspect in the Lasantha case in an identification parade in 2016 while a second suspect, Kandegedara Piyawansa, was kept on Sallay's personal staff⁹.

¹ The operation on his hand only took place in August 2009 as confirmed by Wikileaks cable 09COLOMB0830_a.

² <https://reliefweb.int/report/sri-lanka/sri-lanka-army-holding-three-doctors-who-gave-information-press>

³ <https://www.bbc.co.uk/programmes/p02w11dv>, Witness, BBC, Tamil Doctors and the Sri Lankan War, 8 July 2015.

⁴ 09COLOMB0695_a, 13 July 2009.

⁵ 09COLOMB0830_a, 24 August 2009.

⁶ 09COLOMB0695_a, 13 July 2009.

⁷ 09COLOMB0830_a, 24 August 2009.

⁸ <http://www.thesundayleader.lk/2016/06/19/two-key-army-officers-to-appear-in-court/>

⁹ Military Intelligence Chief Replacement Inevitable, 31 July 2016,

<http://www.thesundayleader.lk/2016/07/31/military-intelligence-chief-replacement-inevitable/>

He has also been summoned to court in connection with the disappearance of cartoonist Prageeth Eknaligoda in 2010 whom police found was abducted and detained by Military Intelligence. There were allegations raised in the Sri Lankan press that Suresh Sallay had attempted to help the suspects obtain bail by getting the state counsel removed in the case¹⁰. Reports at the time said the Criminal Investigation Department of the Sri Lankan police accused Suresh Sallay of not cooperating with their investigations, with the result that civil society groups urged he be replaced as Military Intelligence Director¹¹.

Last week, the Sri Lankan President appointed Prasanna de Alwis as the new Director of the Criminal Investigation Department, who is another close ally of the President Gotabaya Rajapaksa also alleged to be complicit in torture¹². Alwis too was questioned regarding the murder of journalist Lasantha Wickrematunge after Suresh Sallay's staffer, Kandegedara Piyawansa, made a statement in open court in 2016 alleging that Alwis had tried to influence him into implicating the former Army Commander Sarath Fonseka in the journalist's assassination, with the promise of being made a state witness and given overseas employment¹³.

"What we are seeing is a complex web of alleged perpetrators who have spent years in the security services protecting each another now being promoted to the highest office by the President," said Ms Sooka. *"Impunity is now so deeply embedded that it's impossible to talk of any kind of institutional reform."*

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¹⁰ Army Commander In A Soup?, 24 Jan. 2016, Sunday Leader, <http://www.thesundayleader.lk/2016/01/24/army-commander-in-a-soup/>

Startling Details Emerge In Keith Noyahr Abduction Probe, The Sunday Leader, 26 Feb 2017, <http://www.thesundayleader.lk/2017/02/26/startling-details-emerge-in-keith-noyahr-abduction-probe/>

¹¹ Sri Lanka: 2016 –The year of National Security Rhetoric, 29 Dec. 2016, SI Guardian.

<https://www.slguardian.org/2016/12/sri-lanka-2016-the-year-of-national-security-rhetoric/>

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¹² <https://itjpsl.com/assets/press/English-26-May-2020-Alwis-press-release.pdf>

¹³ <https://www.vikalpa.org/?p=19250>

