

INTERNATIONAL
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PROJECT

10th December 2019

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PRESS RELEASE: New Dossier released on alleged war crimes by Sri Lanka's new secretary of defence.

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Johannesburg: There is compelling evidence to charge Sri Lanka's newly appointed secretary of defence, retired Major General Kamal Gunaratne, with war crimes and crimes against humanity. The South Africa based International Truth and Justice Project (ITJP) has released a 100-page dossier on the secretary of defence, focusing on his role as the 53 Division commander in the war and the Competent Authority for IDPs and commander of Joseph camp, an army camp notorious for torture after the war. This follows the ITJP's publication earlier this year of a dossier on Lieutenant General Shavendra Silva, whose subsequent promotion to Army Commander, sparked enormous concern from the EU, US and UN¹.

"There is just as compelling a prima facie case against Kamal Gunaratne as there was against the current Army Commander, Shavendra Silva," said the ITJP's executive director, Yasmin Sooka. *"Sri Lanka is intentionally and deliberately promoting impunity by appointing alleged war criminals to positions of power,"* she added.

As 53 Division commander, Gunaratne led the assault from the southern front on Puthukkudiyiruppu in February 2009, according to his own account, directly receiving orders from the the man who is now President, Gotabaya Rajapaksa. Gunaratne's forces were then part of the assaults on Puthukkudiyiruppu, Putumattalan and Mullivaikkal, which involved

¹ The Delegation of the European Union (EU) issues the following statement in agreement with the Embassies of Germany, Italy, Netherlands, the UK High Commission, the Embassies of Norway and Switzerland. https://eeas.europa.eu/delegations/sri-lanka_en/66564/Joint%20Statement

"The allegations of gross human rights violations against him, documented by the United Nations and other organizations, are serious and credible," the U.S. Embassy in Colombo said in a statement. Sri Lanka names war veteran as army chief, U.S., U.N. critical of decision, Reuters, <https://www.reuters.com/article/us-sri-lanka-army/sri-lanka-names-war-veteran-as-army-chief-u-s-critical-of-decision-idUSKCN1V918K>

Appointment of alleged war criminal to head of Sri Lanka army 'deeply troubling', says UN human rights chief, <https://news.un.org/en/story/2019/08/1044501>

repeated attacks on civilian hospitals, makeshift hospitals and food distribution points, resulting in tens of thousands of civilian casualties and the destruction of civilian objects.

Gunaratne writes in his autobiography that he and Shavendra Silva received instructions on 14 May 2009 directly from then secretary of defence Gotabaya Rajapaksa to hasten the end of the war so as to avoid succumbing to US pressure to halt the fighting. Kamal Gunaratne said at the time that there was no option but to continue the attacks and “crush the terrorists”, claiming there were no more civilians left inside the war zone. This in spite of the fact that he was fully aware that a day earlier the Sri Lankan Government itself had estimated there were still at least 15-20,000 civilians trapped inside the war zone² - which turned out to be a deliberate underestimate as the UN later said 60-80,000 people emerged alive³.

The legal analysis of the evidence concludes that Major General Kamal Gunaratne can and should be held criminally responsible for ordering attacks in which civilians, and civilian and medical objects were the objects of attack, as well as for failing to prevent his troops from indiscriminately, disproportionately and intentionally attacking civilians and civilian, medical and other protected objects, including civilians at food distribution points, hospitals and in the densely populated areas of the “No Fire Zones”.

The Sri Lankan Army has credited Gunaratne’s 53 Division with the killing of well-known TV presenter Isaipriya. She was filmed alive surrendering to the Sri Lankan army; forensic analysis of images of her corpse conducted by the United Nations shows she was summarily executed and her body desecrated. There is no indication that Gunaratne tried to take all necessary and reasonable measures to prevent such violations or to punish those responsible.

The ITJP dossier also examines Gunaratne’s role in running the army garrison in Vavuniya, the Security Force Headquarters - Wannai, commonly known as Joseph Camp. It cites ten victims who allege they were tortured in the camp when he was the commander. The dossier concludes Gunaratne should be held criminally responsible for the crimes of rape, torture and sexual violence committed by officials at Joseph Camp under his effective command and control.

Post-war Gunaratne was also in charge of almost 300,000 Tamil war survivors unlawfully detained in Manik farm against their will and subjected to screening in military-run sites described innocuously as Internally Displaced People (IDP) Camps. The dossier finds reasonable grounds to believe that the IDPs who included women and children were treated as LTTE suspects and unlawfully detained because of their Tamil ethnicity and because they had come out of LTTE-controlled territory. This amounts to discrimination under international human rights law, and, if proven may amount to the crime of persecution.

² Vanni, North of Sri Lanka, IDP Movements as on 13 May, WHO,

https://reliefweb.int/sites/reliefweb.int/files/resources/E5A96FAF8D534C10852575BE0058A9A8-Full_Report.pdf

³ https://reliefweb.int/sites/reliefweb.int/files/resources/64AAA43FD0FA1D9D852575BA0072916D-Full_Report.pdf

"The appointment of Major General Kamal Gunaratne as the Defence Secretary poses a major ethical dilemma for countries that purport to adhere to international law and human rights standards," said Ms. Sooka. "When you start looking at the appointments made by the newly elected President, Gotabaya Rajapaksa, you cannot help wondering if the President and some members of his new regime could be considered a joint criminal enterprise, who could all find themselves on trial one day when their immunity runs out".

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