

DIRTY DOZEN

First of the lot

Genocidaires/War Criminals

Vol: 01

**Sri Lankan perpetrators
of War Crimes and Genocide on Tamils**



THE LIST

THE MOST WANTED SRI LANKAN GENOCIDARIES AND WAR CRIMINALS



NO. 1 MOST WANTED

Percy Mahendra “Mahinda” Rajapaksa 1



NO. 2 MOST WANTED

Chandrika Bandaranaike Kumaratunga 3



NO 3 MOST WANTED

Gotabaya Rajapaksa 5



NO. 4 MOST WANTED

Sarath Fonseka 7



NO. 5 MOST WANTED

Jagath Dias 9



NO. 6 MOST WANTED

Shavendra Silva 11



NO. 7 MOST WANTED

Nandana Udawatta 13



NO. 8 MOST WANTED

Kamal Guneratne 14



NO. 9 MOST WANTED

Thisara Samarasinghe 15



NO. 10 MOST WANTED

G.A. Chandrasiri 17



NO. 11 MOST WANTED

Wasantha Karannagoda 19



NO. 12 MOST WANTED

Palitha Kohana (Kohona) **20**

Lankan perpetrators of War Crimes and Genocide on Tamils

**LETTER FROM THE PRIME MINISTER OF THE
TRANSNATIONAL GOVERNMENT OF TAMIL EELAM
VISUVANATHAN RUDRAKUMAREN, ESQ.**

The Government of Sri Lanka is in retreat, with its tail well between its legs. The international civil society has acknowledged the extent of the atrocities on the Tamil people leading to genocide. The Human Rights Council has called for an international investigation. The UN High Commissioner for Human Rights has placed Sri Lanka on a watch list for four years. Instead of pursuing remedial justice, the chauvinist mindset of the Sri Lankan Government has sought to create smokescreens to hide its multitude of sins. Its campaign against the Tamil Diaspora which it brands as consisting of “terrorists” is misplaced. The Diaspora entities, including the TGTE, operate in accordance with the laws of the states in which they function. They consist of citizens in those states who are committed to pursue their political objectives in accordance with the laws of their home states. The Sri Lankan Government commits an illegality in branding them as “terrorists” without any proof that their activities are illegal.

When the TGTE's Centre for the Study of Genocide releases the names of those it asserts are guilty of genocide, crimes against humanity and war crimes, it makes no transgression of the law. Instead, it grounds its assertions built on credible evidence. Those who commit genocide are guilty under the domestic laws of many states. In addition, Genocide is a crime of universal jurisdiction. Every court of every state has a right to prosecute them. They are guilty under international law of the most heinous of crimes known to mankind, the killing of people on the basis of their ethnicity. They can be prosecuted before both domestic courts and international tribunals.

The TGTE is committed to ensuring that those guilty of genocide are punished. Though it focuses on the genocide of the Tamils in the island of Sri Lanka, it is mindful that the struggle involves other people in other lands. It fights their causes as well, so that they could live without fear of being persecuted on the basis of their ethnicity or religion.

Successive Governments of Sri Lanka have brought grief to Tamils through persecution from 1958 onwards. Brutality against the Tamils has spilled over into callous disregard of Muslims and Christians as well with their places of worship being targeted for attack and destruction.

The project of finding those guilty of Tamil genocide is being pursued by the TGTE and through lawful means. Today, we are releasing the names of the “Dirty Dozen,” the first batch of the lot. More names of perpetrators will follow.

The purpose of releasing these names is not for simply “naming and shaming” and the Sri Lankan perpetrators seem to enjoy immunity to such naming and shaming. As former US Supreme Court Justice Robert Jackson said in the opening statement for the Nuremberg Prosecution that the International Justice should be even handed. The clutches of the justice should target not only non-state entities but also the states. We believe that domestic prosecutions should be initiated in the various countries where they live and function. As a first step, we hope that this list will be the basis for smart sanctions in the form of travel bans and asset freezes of the individuals mentioned in the list. The list provides “reasonable grounds to believe”, as the standard required for inadmissibility to various countries, that the individuals whose names are on the list either committed or aided and abetted the commitment of international crimes.

The TGTE strongly believes that such actions constitute the necessary catharsis for change towards remedial justice, peace and accountability for all living in the island of Sri Lanka.

Visuvanathan Rudrakumaran, Esq.
Prime Minister TGTE

EXECUTIVE SUMMARY

Under domestic and international law, accountability for serious violations of international humanitarian or human rights law is an obligation and a duty for every state. The credibly alleged violations that have been repeatedly shown on every media outlet and they demand a serious investigation and the prosecution of those responsible. If proven, those who are accountable, including Sri Lanka Army commanders and senior Government officials, as well as military and civilian individuals acting under their control, should bear criminal liability for international crimes.

International Criminal Law (ICL) deals with individual criminal responsibility for the most serious violations of human rights (IHRL) and international humanitarian law (IHL) violations. International crimes are defined by a certain criteria that when found will be the basis to establish individual responsibility for these crimes. What constitutes an international crime is a matter defined by treaties and customary international law (CIL). Under customary international law, torture, enforced disappearances, war crimes, crimes against humanity, genocide and aggression are all international crimes. International, internationalized and domestic tribunals can, and ben empowered to try individuals suspected of having committed war crimes, crimes against humanity and genocide.

The purpose of this list is to inform, educate and motivate concerned citizens and humanitarians about serious and egregious violations of domestic and international law that occurred, and are occurring presently, in Sri Lanka. This list is meant to urge you to remember the victims and survivors of Sri Lanka's genocide by participating in a process that is committed to justice and accountability for the human rights abuses that so many have and continue to endure. This list will be supplemented periodically with the names of other violators and persecutors of human rights. Hopefully, participation in this process will inspire you and others to remain vigilant and cognizant. At this very moment all concerned people must help stop the violations and assist the victims and survivors in accessing justice and the protections of human rights laws.



NO. 1 MOST WANTED

NAME: PERCY MAHENDRA “MAHINDA” RAJAPAKSA

TITLE: Current President of Sri Lanka and Commander in Chief of Sri Lankan Armed Forces. (Elected 2005, Re-elected 2010)

CURRENT LOCATION: Resides in Sri Lanka

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

In April 2011, Secretary General of the United Nations [Ban Ki-moon](#) published the *REPORT OF THE SECRETARY-GENERAL'S PANEL OF EXPERTS ON ACCOUNTABILITY IN SRI LANKA* by a UN-appointed panel of experts, which concluded that as many as 40,000 people were killed in the final weeks of the war between the Tamil Tigers and government forces. Importantly, the UN Expert Panel found five core categories of potential serious violations committed by the Government of Sri Lanka: (i) killing of civilians through widespread shelling; (ii) shelling of hospitals and humanitarian objects; (iii) denial of humanitarian assistance; (iv) human rights violations suffered by victims and survivors of the conflict, including both IDPs and suspected LTTE cadre; and (v) human rights violations outside the conflict zone, including against the media and other critics of the Government.¹

At the time of the 2009 conflict, the structure of the Sri Lanka Security Forces (SF) comprised an Army, Air Force, Navy and the Police. From November 19, 2005, when he was sworn in for his first presidential term, the Commander-in-Chief has been Mahinda Rajapaksa. As part of his duties as President, Mahinda Rajapaksa served as the Commander-in-Chief of the SFs and chaired meetings of the National Security Council (NSC), which was tasked with formulating and executing defense policies.² Attendant to his role as the head of the government, President Rajapaksa is liable under the doctrine command responsibility for all crimes and violations committed by his officers, his ministers and members of his security forces.

Some of the criminal activities President Rajapaksa is responsible for include:

¹ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §100. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

² International Crimes Evidence Project, February 2014. “Island of Impunity?” §16.6

- There are reasonable grounds to suspect that the war crime of murder or the crime against humanity of murder, or both, were committed in the killing of the LTTE Political Wing leaders Nadesan and Pulidevan, Colonel Ramesh, the Tamil newsreader Isaipriya, and the 12-year- old Balachandran.³
- Killing of civilians through widespread shelling and bombing of government authorized and defined “No Fire Zones” (NFZ), as well as, shelling of hospitals, medical facilities, and humanitarian targets such as UN and INGO humanitarian relief centers, relief convoys, relief ships, and food distribution centers.
- Genocide as a result of employing coercive population controls on the Tamil people.⁴ Evidence shows that President Rajapaksa ordered the sterilizations of Tamils and the illegal killing of fetuses from 2009 onwards. The methods of reducing Tamil births included performing abortions under false pretenses and injecting Tamil females with progesterone to induce miscarriages under the pretext that the injections were actually vitamin supplements to ward of malnourishment.⁵
- Between 2009 to 2011, over 200,000 Tamil civilians were unlawfully detained in a military run internment camp called Manik Farm in the Northern Sri Lanka.⁶ Thousands were killed, abducted or disappeared by the Sri Lankan security forces. Hundreds of women were kidnaped, sexually assaulted and raped by the security forces.⁷ No investigations ever took place for these crimes.

STATUS: Two civil lawsuits charging genocide and crimes against humanity have been filed and litigated against President Rajapaksa in the United States. The first lawsuit, filed in 2011 in the United States District Court for the District of Columbia and the second was filed in 2012 the United States District Court of New York, Southern Division. Both cases were dismissed under a doctrine commonly referred to as “Head of State” immunity. Under international law, the doctrine of sovereign or diplomatic immunity means that certain holders of high-ranking office in a State such as the Head of State enjoy immunities from jurisdiction in other States, both civil and criminal. That means that national courts are unable to try a high official of another state who is suspected of committing crimes – no matter how serious – as this would constitute a violation of state sovereignty. The United Nations is based on the principle of the sovereign equality of all member states, whereby a state is not permitted to interfere in affairs that are within the domestic jurisdiction of another state. Sovereign immunity covers both a head of state and the state itself. Personal immunity only extends to incumbent heads of state; in the case of *DRC v Belgium*, the International Court of Justice said this was necessary in order for the head of state to be able to exercise his functions effectively. In both cases filed in the United States, the federal judges ruled that President Rajapaksa was immunity from any lawsuit alleging conduct that was performed under his role as president of the country. The judges also relied on letters from the U.S. Department of State and U.S. Department of Justice, which instructed the Court to dismiss the complaints because under customary international law, President Rajapaksa is immune from suit for as long as he maintains his current office.

3 International Crimes Evidence Project, February 2014. “Island of Impunity?” §9.3

4 The Social Architects, Coercive Population Control in Kilinochchi, Groundviews, (Sept. 13, 2013), *available at* <http://groundviews.org/2013/09/13/coercive-population-control-in-kilinochchi/>.

5 Robert Blake, *Sri Lanka: GSL Complicity in Paramilitary*, Wikileaks, <http://wikileaks.org/cable/2007/05/07COLOMBO728.html> (May 18, 2007)

6 Amnesty International Report 2013, 2013. “The State of the World’s Human Rights.” Intro.

7 Amnesty International, 2013. “Locked Away, Sri Lanka’ Security Detainees.” p. 248.



NO. 2 MOST WANTED

NAME: Chandrika Bandaranaike Kumaratunga

TITLE: Former President of Sri Lanka from November 12, 1994 to November 19, 2005.

CURRENT LOCATION: Resides in Sri Lanka

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS

During Chandrika Kumaratunga's tenure as president of Sri Lanka there were several mass killings of Tamil civilians, which amount to War Crimes, Crimes Against Humanity and Genocide. Like Mahinda Rajapaksa, Chandrika Kumaratunga is liable under the doctrine of command responsibility for crimes committed by herself, her former officers, former ministers and any other individuals that were working under her command. However, unlike President Rajapaksa, Ms. Kumaratunga is no longer a sitting head of government and is not able to claim the same immunities currently available to foreign heads of state.

The criminal events she is responsible for include:

- Her role in the mass killing in Navali at St. Peters Church on July 9, 1995. Credible evidence shows that the Sri Lankan military ordered civilians to take refuge in Temples and Churches. Around 2,500 Tamils took refuge in Navali St. Peters Church and its surroundings. At least eight bombs were dropped by the Sri Lankan Air Force on this Church. 155 bodies of civilians were recovered from the Church and 250 people were seriously injured.
- The bombing of a high school in Nagarkovil on May 22, 1995. The high school was bombed while in session resulting in the death of twenty students and seriously injuring 42 students.
- President Chandrika Kumaratunga launched a war called "War for Peace" and went on heavily bombing and shelling civilian targets in Jaffna. Over a period of two days over 450,000 civilians fled the attack and walked to safety in Killinochi. Many women reported having been raped by the Sri Lankan security forces during the government's campaign. Approximately 700 people were reported disappeared or missing after the campaign. A mass grave was later found in Chemani and it is believed that this is the resting place for many of the disappeared and missing.

- Market Bombing in Tambirai on May 17, 1996. Sri Lankan Air Force planes bombed the market killing seven civilians and seriously injuring many more.
- Killings in a Rehabilitation Center on October 25, 2000. The Bindhunuwewa Rehabilitation center was one of three centers to rehabilitate young LTTE suspects and those who surrendered. A Sinhalese mob stormed the camp and massacred the inmates while 60 police officers stood by. Approximately 28 inmates were killed and 14 inmates were seriously injured.
- Bombing of St. Mary's Catholic Church in Madhu on November 20, 1999. People sheltering in a church were attacked when Sri Lankan Security Forces attacked. As a result, 40 people, including many children, were killed and more than 60 others were seriously injured.

STATUS: Chandrika Kumaratunge has never been charged with any criminal or civil charges as a result of her violations of domestic and international laws for the above referenced acts. According to the website <http://www.presidentcbk.org> Chandrika Kumaratunga's she is currently "engaged in social entrepreneurship and is Chairperson of the CBK Foundation for Democracy and Justice (FDJ) and the South Asia Policy and Research Institute (SAPRI). Both are non-profit, non-political bodies." As part of her duties, she travels extensively around the world on non-diplomatic and non-governmental missions. As such, Ms. Kumaratunge subjects herself to the jurisdiction of several forums that exercise universal jurisdiction and, with careful and proper planning she could be made to answer for these acts in certain judicial forums.



NO. 3 MOST WANTED

NAME: GOTABAYA RAJAPAKSA⁸

TITLE: Secretary to the Ministry of Defense and Urban Development⁹ Appointed by his brother who was elected President¹⁰

CURRENT POSITION: Secretary to the Ministry of Defense and Urban Development¹¹

LOCATION: Resides in Colombo, Sri Lanka.¹² It is important to note that Gotabaya Rajapaksa travels extensively to foreign jurisdictions on non-diplomatic and non-governmental projects. For example, in May of 2014, he traveled to Malaysia to attend the 14th Defense Services Asia Exhibition and Conference.¹³ Furthermore, Gotabaya Rajapaksa is a United States citizen, and under certain circumstances, would be under the jurisdiction of the US judicial system.¹⁴

PUBLISHED REPORTS OF CRIMES AND VIOLATIONS:

Several accounts have been written discussing the criminal and illegal conduct of Gotabaya Rajapaksa. A sample of this allegations include:

- As per the Wikileaks website, General Sarath Fonseka had accused Defense Secretary Gotabaya Rajapaksa of ordering at the end of the war the shooting of any LTTE leaders who might try to surrender

8 Tamils Against Genocide – On the Dock: <http://www.tamilsagainstgenocide.org/OnTheDock.aspx>; Report of the Secretary-General's Panel of Experts on Accountability, ¶170, 171

9 http://www.defence.lk/main_abt.asp?fname=SoD

10 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §57. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

11 Report of the Secretary-General's Panel of Experts on Accountability, *supra*, Footnote 10.

12 http://www.defence.lk/main_abt.asp?fname=SoD

13 <http://www.asiantribune.com/node/78916>

14 http://www.warwithoutwitness.com/index.php?option=com_content&view=article&id=242&Itemid=67

under flags of truce. ¹⁵His implication in the “white flag” incident, in which LTTE political leaders conveyed their desire to surrender but were killed after being promised that their surrender would be accepted subjects Gotabaya to criminal prosecution for violation of the Geneva Conventions. ¹⁶ Mr. Gotabaya alleged to have threatened to execute General Fonseka if he had revealed any information regarding this operation.

- Ordered the abductions of media personnel, high level diplomats, TNA officials, and anyone else perceived to be anti-government or opposed to the Rajapaksa regime.
- An assassination unit operated out of "white vans" under the direction of the Defense Secretary Gotabaya Rajapaksa in order to kill civilians. These vehicles were mentioned in the United Nations [report](#) in 2011 as one of the many "credible allegations" of crimes against humanity made against the Sri Lankan government. The alleged assassinations were committed by what the source described as "hit squads" consisting of a group of men handpicked by the defense secretary and assembled upon his appointment to high office. The UN report refers to "an elite squad within the Special Task Force (STF) ... implicated in running these white van operations" that were used to abduct civilians to "secret locations" where they were "interrogated and tortured in a variety of ways." The report further states that many of the abductees "were killed and their bodies were disposed of secretly."

STATUS: Defense Secretary Gotabaya has not be formally indicted or charged with any criminal or civil claim, yet. Various media account discuss possible criminal actions and investigations currently underway that target Gotabaya for illegal conduction and violations of human rights and humanitarian law committed by Gotabaya and officials and agents working under his control.¹⁷

15 Wikileaks (ref id 09COLOMBO1139 created on 2009-12-14 13:50 – viewed at <http://wikileaks.org/cable/2009/12/09COLOMBO1139.html>

16 Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka, March 2011, §170-71. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

17 <http://www.tamilsydney.com/content/view/1879/37/>



NO. 4 MOST WANTED

NAME: SARATH FONSEKA¹⁸

TITLE: Former Army Chief/Commander of Sri Lanka Army and former Chief of Defense Staff (appointed by President Mahinda Rajapaksa)(resigned on November 16, 2009).

LOCATION: Sri Lanka

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- General Fonseka played a key role in the final stages of the conflict as Commander of the Army, and is responsible for the violations of humanitarian and human rights laws committed by the Sri Lankan Armed Forces that served under his command during the conflict.
- Made statements in the media that he was involved in a plan carried out whereby Sri Lankan troops shot dead surrendering Tamil Tiger leaders on the orders of the defense secretary. General Sarath Fonseka said Gotabhaya Rajapakse -- the brother of the current president -- instructed soldiers not to take rebel prisoners in the days before the end of the conflict in May 2009.¹⁹
- Rajapakse spoke with the "commander of the army's 58th division, giving orders not to accommodate any LTTE (Tiger) leaders attempting to surrender and that they must all be killed", Fonseka said. He told the privately run Sunday Leader newspaper that senior Tamil Tigers had used foreign mediators to organize a plan in which they would carry white flags and give themselves up to the army.²⁰

STATUS: He ran for president in the 2010 presidential election against President Rajapaksa but lost. Shortly after, he was arrested and accused of planning a coup against the government.²¹ The High Court in

18 Tamils Against Genocide – On the Dock: <http://www.tamilsagainstgenocide.org/OnTheDock.aspx>

19 http://www.warwithoutwitness.com/index.php?option=com_content&view=article&id=279:former-army-commander-general-sarath-fonseka-implicate-gotabhaya-rajapakse-on-war-crime&catid=41:daily-hr-report&Itemid=65

20 Id.

21 http://news.bbc.co.uk/2/hi/south_asia/8356676.stm
<http://www.timesnow.tv/Gen-Fonseka-arrested-to-be-court-martialled/articleshow/4338099.cms>

Colombo found him guilty on the charge of "spreading disaffection" - relating to a newspaper interview in which he apparently backed allegations that defense secretary Gotabaya Rajapaksa, the president's brother, ordered surrendering Tamil Tiger leaders to be shot in May 2009.²² He was released after serving more than 2 years in prison.²³

22 <http://www.bbc.co.uk/news/world-asia-15787672>

23 <http://www.bbc.com/news/world-asia-18143907>
<http://www.theguardian.com/world/2012/may/20/sri-lankan-president-releases-rival>



NO. 5 MOST WANTED

NAME: JAGATH DIAS

TITLE: Major General Commanding 57th Division of the Sri Lankan Army²⁴

CURRENT POSITION: Security Forces Commander of the District – Mullaitivu²⁵ and the Colonel Commandant of Vijayabahu Infantry Regiment²⁶

LOCATION: Mullaitivu, Sri Lanka

NOTES: He was the Deputy Ambassador of Sri Lanka to Switzerland, Germany and the Vatican but was stripped of his diplomatic statute due to allegation of having committed war crimes in 2011.²⁷

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- In September 2008, the 57th and 58th Divisions advanced on Killinochi, the main LTTE stronghold. UN still maintained a humanitarian hub in LTTE territory in Killinochi. By late summer 2008, the Killinochi box was subject to several artillery and aerial attacks, in spite of its designation as a safe area.
- On September 8, 2008, the government announced that it could no longer ensure the safety of humanitarian workers in the Vanni and requested that the international staff of the UN and international NGOs leave by the end of that month. The threat however was mainly posed by the SLA offensive.²⁸

24 <http://www.trial-ch.org/srilanka-en/dias.html>; see also Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §62.

http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

25 <http://www.uktamilnews.com/tamil/english/news/latest-updates/suspected-war-criminal-jagath-dias-returns-to-mullaitivu.html>; <https://www.colombotelegraph.com/index.php/suspected-war-criminal-jagath-dias-returns-to-mullaitivu/>; <http://www.army.lk/sfhqmlt/>

26 <http://www.army.lk/detailed.php?NewsId=7276>

27 <http://www.trial-ch.org/en/activities/litigation/trials-cases-in-switzerland/jagath-dias-sri-lanka-2011.html>; <http://tamilnet.com/art.html?catid=13&artid=33899>

28 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §73-74. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

- From December 2008 to January 2009, the city of Kilinochchi, was shelled by the 57th Division of Jagath Dias. The artillery completely devastated the city and entirely destroyed all infrastructures, including the hospital, forcing tens of thousands of civilians to flee.²⁹
- The 57th Division took part in the bombardment of the “no fire zones”, protected areas set up by the government, causing a bloodbath. But the massacre did not end there. Trying to escape from the shelling, the survivors who fled the “no fire zones” were also victims of extremely violent artillery bombardment.³⁰

STATUS: TRIAL and the Society for threatened peoples (SPM) decided to launch an active campaign demanding the removal of Mr. Dias' diplomatic status. These associations have written numerous letters to the federal authorities and also met with them in Bern. The Swiss authorities have also been seized of the matter through an [interpellation](#) filed by Josef Lang, member of the National Council. Confronted with the passivity of the authorities, the two associations sent another letter to the Federal Department of Foreign Affairs on 21 July 2011. On the 4 august 2011, TRIAL and the SPM filed a criminal complaint with the Federal Attorney General against Jagath Dias for war crimes. At the beginning of September 2011 Mr. Dias was eventually stripped of his diplomatic status. This represented the first case ever where a diplomat is dismissed due to allegations of having committed international crimes. Commenting on the criminal complaint, the Swiss Federal Attorney General then decided that a criminal investigation would be launched if Mr. Dias were to come back on Swiss territory.³¹

29 <http://www.trial-ch.org/en/activities/litigation/trials-cases-in-switzerland/jagath-dias-sri-lanka-2011.html>

30 Id.

31 Id.; *see also* [European Center for Constitutional and Human Rights - Dossier for General Dias](#)



NO. 6 MOST WANTED

NAME: SHAVENDRA SILVA

TITLE: Brigadier Major General of the 58th Division³²

CURRENT POSITION: Deputy Permanent Representative to the UN in New York.³³ He was also appointed to be on the Special Advisory Group on Peacekeeping Operations in January 2012³⁴ but was excluded from participating in the committee³⁵

LOCATION: New York, USA. On April 12, 2014, he had met a group of Amnesty International representatives following a protest held outside the Sri Lankan Mission in New York the day before (Friday).³⁶

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- Through force and threats of indiscriminate attacks, the Sri Lanka Armed Forces under the command of General Silva had managed to force the exclusion of international presence from the Vanni.³⁷
- Shelling of hospitals, make shift medical centers, and humanitarian facilities were repeatedly the targets of shelling and bombings.³⁸

32 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §62.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

33 <http://www.washingtontimes.com/news/2010/dec/5/sri-lanka-war-crime-suspect-post-representative-un/>; see also Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §129.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

34 <http://www.bbc.com/news/world-asia-16763509>

35 <http://www.bbc.com/news/world-asia-17137224>

36 <http://colombogazette.com/2014/04/12/shavendra-amnesty-meet-on-demo/>

37 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §74-75.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

38 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §90-95.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

- Shelling into No Fire Zones (NFZs) including Mullivaikkal Hospital.³⁹
- Eyewitnesses have come forward to support allegations that the Sri Lankan army executed two Tamil Tiger rebel leaders after they surrendered, carrying a white flag, at the close of the island's civil war in 2009.⁴⁰ One of the witnesses says he was taken to the front by members of the Sri Lankan military on the morning of 18 May 2009, and positioned behind an earth embankment. His job was to confirm the identity of the Tamil political leaders as they walked towards the army carrying white flags. He says it looked like a well-organized surrender with hundreds of soldiers, including senior officers with bodyguards, present.⁴¹ According to credible sources, and General Fonseka, the order to execute the surrendering troops came directly from Gotabaya Rajapaksa. The accusation from a Sri Lanka Army officer, is that the Brigadier was ordered by the defense secretary "to finish the job by whatever means necessary." It is a strong charge, and coming from one of Silva's own junior commanders, makes it far more credible.
- Video evidence has surfaced showing the arrest, custodial interrogation, beatings, and corpse of T. Thurairajasingham, whose call sign was Romeo Sierra, and *nom de guerre* was Colonel Ramesh. The video shows a man in the custody of the Sri Lankan armed forces, excerpts from his interrogation and preparations to conceal his impending execution. It's important because, together with a batch of newly discovered photographs, it is evidence of a chain of events that places this man consistently in the custody of authorities until his murder and the disposal of his body.⁴²

STATUS: In September 2011, UNROW filed a civil law suit under the Alien Torts Claims Act and the Torture Victim Protection Act in the U.S. District Court for the Southern District of New York against Shavendra Silva, a retired military general, who currently serves as a diplomat at Sri Lanka's Permanent Mission to the United Nations in New York. Brought on behalf of the relatives of victims, the lawsuit alleges that Silva had command responsibility over the death of a civilian killed by intentional shelling and the extrajudicial killing of a man who was no longer participating in hostilities when captured by the Sri Lankan authorities. The complaint was dismissed based on diplomatic immunity, and UNROW filed a motion for reconsideration, which was also denied.

Furthermore. Southern Africa Litigation Centre (SALC), a non-profit group that promotes human rights and rule of law in South Africa, noting that South Africa's President is constitutionally mandated, in terms of section 84(2)(h) of the Constitution, to either receive and recognize foreign diplomats or to decline the sending state's request, and asserting that "[a]uthoritative and extensive information, including a high-level UN Secretary-General's report, exists linking General Silva to the commission of war crimes and crimes against humanity during the Sri Lankan civil war," concludes "General Silva [as] ineligible for the nominated diplomatic post," and that South Africa is compelled to refuse to receive and recognize him as such." SALC said it has learnt that "South Africa has declined to receive General Silva, although there is no official confirmation of this."⁴³

39 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §109.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

40 <http://www.independent.co.uk/news/world/asia/witnesses-support-claim-that-sri-lanka-army-shot-prisoners-8508617.html>

41 Id.

42 Gordon Weiss, The Death of Colonel Ramesh, The Global Mail, March 21, 2012. *available at* <http://www.theglobalmail.org/feature/the-death-of-colonel-ramesh/141/>

⁴³ <http://www.southernafricalitigationcentre.org/2012/12/08/salc-in-the-news-south-africa-rejects-silva-for-deputy-ambassadorship/>



NO. 7 MOST WANTED

NAME: NANDANA UDAWATTA

TITLE: General Officer Commanding 59th Division⁴⁴

CURRENT POSITION: Deputy Chief of Mission of Russia⁴⁵ as of January 4, 2012

LOCATION: Russia

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- Killing of civilians through widespread and indiscriminate shelling as a means to capture Mullaittivu.⁴⁶
- Participated in the intentional shelling of civilians by the Sri Lankan armed forces; intentional shelling of hospitals by the Sri Lankan armed forces; intentional shelling of humanitarian operations by the Sri Lankan armed forces; and deliberate obstruction of food and medical treatment for the civilian population by the Sri Lankan armed forces.⁴⁷
- Reports found evidence that suggested that during 2009 tens of thousands of Tamil civilians were killed, countless wounded and hundreds of thousands deprived of basic food and medical care which resulted in further, unnecessary deaths.

STATUS: Udawatta has never been formally charged with a criminal or civil claim as a result of his illegal activities.

⁴⁴ <http://www.srilankaembassy.org/en/embassy/diplomats-officials/>; see also Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §120.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

⁴⁵ Id.

⁴⁶ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §62.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

⁴⁷ International Crisis Group. May 2011, "War Crimes in Sri Lanka." Executive Summary and Recommendations.



NO. 8 MOST WANTED

NAME: KAMAL GUNERATNE

TITLE: Former General Officer Commanding 53rd Division⁴⁸ and currently Deputy Head of Mission of Brazil.⁴⁹

LOCATION: Brazil

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- Working in a coordinated attack with the 55th Division, Gunerante helped take the Elephant pass with the 55th Division.⁵⁰
- Involved in human rights violations suffered by victims and surviving IDP civilians, as well as the torture and execution of LTTE members.⁵¹
- The Sri Lanka Ministry of Defense claims 53 Division troops killed Isaipriya, one of the female bodies shown in the video screened by Channel 4 News.⁵²

48 <http://www.army.lk/detailed.php?NewsId=966>; Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §62. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

49 <http://www.srilankaguardian.org/2012/12/2-more-military-officers-given.html>

- Sri Lanka Embassy of Brazil website – http://srilankaembassy.com.br/Contact_us.html

Other news articles about his appointment:

- <http://srilankaoneislandtwonations.tumblr.com/post/35105451719/alleged-war-criminals-appointed-again-militarisation>
- <https://www.colombotelegraph.com/index.php/alleged-war-criminals-appointed-again-militarisation-of-diplomatic-service-continues/>
- <http://www.tamilguardian.com/article.asp?articleid=6224>

50 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §77. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

51 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §149. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

52 <http://truelabour.wordpress.com/2013/08/07/who-are-sri-lanka-armys-53-division/>

STATUS: Guneratne has never been formally charged with a criminal or civil claim as a result of his illegal activities.



NO. 9 MOST WANTED

NAME: THISARA SAMARASINGHE

TITLE: Former Commander of the Eastern and Northern Naval Area (2007-2009) but during the final month of war he was Navy Chief of Staff⁵³

CURRENT POSITION: High Commissioner to Australia⁵⁴

LOCATION: No confirmation that he returned to Sri Lanka.

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- A former chief of Sri Lanka's navy, Samarasinghe was seen as "problematic" by the Foreign Affairs Department last year after being nominated for the post. He had served as Sri Lanka's navy chief during the final years of the civil war. But his appointment was allowed, only for the International Commission of Jurists in Australia to lodge a complaint in October with the federal police, alleging he was involved in war crimes.⁵⁵
- Recently, some witness testimony to the effect that the Sri Lankan government has forced some people in Sri Lanka to identify where some of the civilian mass graves are located and participate in exhuming those human remains and then destroying those human remains.⁵⁶

53 <http://www.theage.com.au/world/sri-lankan-envoy-war-crimes-20111016-1lrm7.html>

- http://www.colombopage.com/archive_12A/Jul18_1342598556CH.php
- http://defence.lk/new.asp?fname=20090715_07

54 High Commission of Sri Lanka to Australia website – <http://www.slhcaust.org/the-high-commissioner/>

- <http://www.dailymirror.lk/news/11728-new-form-of-diplomacy-needed-mr.html>

55 <http://www.canberratimes.com.au/national/call-for-sri-lankan-envoys-expulsion-20120717-228qd.html#ixzz321UGdS9a>

56 <http://www.abc.net.au/worldtoday/content/2013/s3938442.htm>

STATUS: In October 2011, while serving as High Commissioner to [Australia](#), Admiral Samarasinghe was accused of [war crimes](#) by the [International Commission of Jurists](#) for his role in the final offensives against the [Tamil Tigers](#).⁵⁷ However, the Australian Federal Police (AFP) dismissed these the war crimes allegations. On 18 July 2012, a spokeswoman for the Federal Police stated the [International Commission of Jurists](#) was advised of this decision on March 3, 2012.⁵⁸

57 ["Sri Lankan Envoy 'war crimes'"](#). *Age* (Melbourne). 2011-10-17.

58 ["Australian Federal Police says it dismissed war crimes allegations against Sri Lanka's envoy"](#). *ColomboPage* (Sri Lanka). 2012-07-18



NO. 10 MOST WANTED

NAME: G.A. CHANDRASIRI

TITLE: Former Commander 52nd Division (2002-2003) and former Security Forces Commander – Jaffna (December 2005-2009).

CURRENT POSITION: Governor of Northern Province.⁵⁹

LOCATION: Sri Lanka.

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- As the former commander of the Sri Lankan Army in the North, many have blamed the former SLA commander for committing war crimes. Hundreds of people were extra-judicially abducted and allegedly slain by the SL military during the times when G.A. Chandrasiri was the commander of the SLA in Jaffna.⁶⁰
- A leaked “secret “ US diplomatic cable, dated May 18, 2007, updated the Secretary of State on Sri Lanka’s issue of paramilitary operations shows then military commander in Jaffna and present Governor, Northern Province Major General G.A. Chandrasiri, confided Ministry of Defense instruction to US Ambassador Robert O. Blake.
- The cable reads: “In the meantime, these paramilitary groups give the GSL a measure of deniability. Jaffna Government Agent K. Ganesh told us that some military commanders in Jaffna, including Major General Chandrasiri, want to clamp down on paramilitaries but have orders from Defense Secretary Gotabaya Rajapaksa to not interfere with the paramilitaries on the grounds that they are doing ‘work’ that the military cannot do because of international scrutiny. On December 7, 2006, Chandrasiri confided to Ambassador Blake in Jaffna that the Defense Ministry had instructed him not to interfere with ‘military intelligence’ operations (ref E).” the US Embassy Colombo informed Washington.⁶¹

⁵⁹ http://www.np.gov.lk/index.php?option=com_content&view=featured&Itemid=122

⁶⁰ <http://www.globalpeacesupport.com/2012/06/the-sl-military-governor-of-north-major-general-retd-g-a-chandrasiri-who-was-the-former-commander-of-the-sla-in-north-has-exerted-pressure-on-district-secretariat-officials-last-week-to-appropria/>

- Under the subheading “GSL Finds Paramilitaries Useful” the Ambassador wrote “The GSL sees several advantages in allowing paramilitary groups to operate in the country. Paramilitary groups in the North and East help the GSL fight the LTTE and compete with the LTTE for public support and new recruits. These groups also enhance security in Colombo by kidnapping and sometimes killing those suspected of working with the LTTE. Frequent abductions by paramilitaries keep critics of the GSL fearful and quiet. Ultimately, the GSL’s objective is to turn Karuna and EPDP leader Douglas Devananda into pro-GSL political leaders in the East and North, respectively. The government hopes this will ensure long term control over these areas even if some form of devolution is instituted.”⁶²

STATUS: Chandrasiri has never been formally charged with a criminal or civil claim as a result of his illegal activities.

61 <https://www.colombotelegraph.com/index.php/wikileaks-major-general-chandrasiri-confided-mod-instruction-to-us/>

62 Id.



NO. 11 MOST WANTED

NAME: WASANTHA KARANNAGODA

TITLE: Commander of the Sri Lankan Navy⁶³

CURRENT POSITION: Ambassador to Japan⁶⁴

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

- Estimates by the United Nations and other independent sources say that at least 40,000 innocent Tamils have reportedly died during the last phase of the three-decade bloody civil war.

⁶³ <http://www.navy.lk/index.php?id=2797>

⁶⁴ <http://www.trial-ch.org/srilanka-en/dias.html>

- Embassy of Sri Lanka to Japan website
http://lankaembassy.jp/index.php?option=com_content&view=article&id=20&Itemid=19

- The extensive sources of evidence and the reporting contained therein, including references to tens of thousands of disappearances and the institutionalization of torture, supports a finding that the navy and security forces' acts were part of a widespread or systematic attack on Sri Lanka.⁶⁵

STATUS: Following the civil war, the Navy Leader gave statements to a federal court of law in Australia regarding information on LTTE leadership and recruitment. The appearance of Sri Lanka's Navy Commander in an Australian court of law has raised questions about whether Sri Lanka has waived its sovereignty and has subjected itself to the domestic laws of Australia. If so, Australia could be a possible host for a lawsuit, both criminal and civil, against the Navy Commander.

⁶⁵ <http://news.nationalpost.com/2012/07/02/former-sri-lankan-naval-officer-complicit-in-war-crimes-immigration-and-refugee-board/>



NO. 12 MOST WANTED

NAME: PALITHA KOHANA

TITLE: Permanent Secretary to the Ministry of Foreign Affairs⁶⁶ and Secretary-General of the Secretariat for Coordinating the Peace Process (SCOPP)⁶⁷

CURRENT POSITION: Ambassador and Permanent Representative of Sri Lanka to the UN⁶⁸

LOCATION: New York, USA

PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:

⁶⁶ <http://www.mea.gov.lk/index.php/component/content/article/278-dr-tb-palitha-kohona-assumed-duties-as-the-secretary-of-ministry-of-foreign-affairs-today->

⁶⁷ <http://www.asiantribune.com/node/64802>

⁶⁸ <http://www.slmission.com/index.php/ambassador>

- As a result of the government's low estimates, the food delivered by WFP to the Vanni was a fraction of what was actually needed, resulting in widespread malnutrition, including cases of starvation.⁶⁹
- On February 12, 2009, Foreign Secretary Dr. Kohona stated that 80 to 90 percent of all food and essentials, health services and medicine and relief had been provided by the government throughout the conflict and it would continue.⁷⁰
- Was part of the negotiations with two LTTE political leaders wanting to surrender (Nadesan and Pulidevan).⁷¹ Nadesan had asked for a UN witness but Kohona had told him that he had the Sri Lankan President's guarantee of safety.⁷²

STATUS: Australia soft on prosecuting KOHONA's alleged war crimes – 04/05/11

<http://tamilnet.com/art.html?catid=13&artid=33760>

- ICC – Kohona complaint reference -
http://tamilnet.com/img/publish/2011/04/International_Criminal_Court_07_03_2011.pdf

69 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §128.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

70 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §128 fn 74.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

71 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 2011, §170.
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

72 <http://www.abc.net.au/news/2009-12-07/sri-lanka-war-crime-allegations-surface/1172710?section=world>

- http://www.warwithoutwitness.com/index.php?option=com_content&view=article&id=255:culpabale-war-criminal-dr-palitha-kohona-named-as-permanent-representative-of-sri-lanka-to-the-united-nations&catid=39:by-war-without-witness&Itemid=62