

**JOINT PRESS RELEASE: What Vetting of Sri Lankan Diplomats?**

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**Johannesburg:** The UK, the UN and the international community have an obligation to step up their screening and vetting of Sri Lankan public and security officials for alleged involvement in atrocities during and after the civil war. This should include all military engagement and training.

**EXECUTIVE DIRECTOR:**  
YASMIN SOOKA

*"We believe a number of military officers who were active in the final phase of the Sri Lankan war are still posted as diplomats abroad,"* said the ITJP executive director, Yasmin Sooka, *"It's time the vetting requirement of UN HRC Resolution 30/1 is enforced by the international community, even if Sri Lanka itself flouts it, despite being a co-sponsor of the resolution. Surely this is the very least we owe victims even if criminal accountability is a distant prospect"*.

On 4 February, Brigadier Fernando Priyanka, the defence attache in the Sri Lankan High Commission in London, was filmed thrice making slitting throat gestures at Tamil protestors<sup>1</sup>. Given his war record in command of frontline combat troops around Mullaitivu for the 59 Division, Brigadier Fernando's threats of violence are particularly disturbing. More so factoring in the ongoing surveillance of Tamil events abroad and the continued use by the security forces of photographs of these events during interrogations that involve very brutal torture and sexual violence<sup>2</sup>.

Initially the Ministry of Foreign Affairs of Sri Lanka announced the suspension of the defence attache for what it called "offensive behaviour" pending an investigation<sup>3</sup>. Today the media says the Sri

<sup>1</sup> <https://www.youtube.com/watch?v=fpWtUUzxp8>

<sup>2</sup> Page 54-5, Unstopped, July 2017, [http://www.itjpsl.com/assets/ITJP\\_unstopped\\_report\\_final.pdf](http://www.itjpsl.com/assets/ITJP_unstopped_report_final.pdf)

<sup>3</sup> <http://www.mfa.gov.lk/images/stories/MediaRel-SLUK.pdf>

Lankan President reversed that decision, reinstating the Brigadier in his diplomatic position in London.

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*“What we see in Sri Lanka is a perpetual state of denial,”* said Bashana Abeywardena of Journalists for Democracy in Sri Lanka (JDS), *“Impunity is a conscious policy of the state and this latest decision is just another manifestation of the disregard for victims of the conflict who are still waiting for criminal accountability”*.

Sri Lanka’s investigation into Brigadier Fernando’s actions in London is to involve the Army but media reports say the Army Commander, Mahesh Senanayake, has been praising Brigadier Fernando for his war record<sup>4</sup>. This yet again raises the question of the army’s lack of independence and impartiality as a body to investigate its own personnel. To date the Sri Lankan Army has been unable to show it can investigate any human rights violation credibly, including serious allegations of sexual exploitation by its UN peacekeepers<sup>5</sup> and videos showing extrajudicial executions by soldiers of naked bound Tamil prisoners obtained by JDS<sup>6</sup>.

*“The UK should never have accepted the credentials of a man like Brigadier Fernando,”* said Ms. Sooka. *“A brief examination of his past would have revealed he had frontline combat experience in the final war and therefore should have been vetted, based on criteria used by OHCHR for Sri Lankan peacekeepers. The ITJP and Journalists for Democracy in Sri Lanka produced a brief on Brigadier Fernando’s war record<sup>7</sup> - research that the Foreign and Commonwealth Office should have done before accepting his credentials”*.

The Sri Lankan army commander says Brigadier Fernando was a commander of a unit of the 59 Division, who “saved” Tamil civilians during the recapture of Mullaitivu. The notion that civilians were ‘saved’ is a travesty given the 2015 UN investigation detailed repeated attacks on the Mullaitivu Hospital in August, October, December 2008 and January 2009. The UN said multi-barrelled rocket launchers were fired at the hospital from Sri Lankan army positions south of the town – from where the 59 Division was advancing.

This is not the first time a defence attache has been posted in the UK who was involved in the final war in Sri Lanka. Major Genreal Prasanna Silva, who is named in the UN investigation for his role as the commander of the 55 Division, was also accredited as Sri Lankan defence attache post war<sup>8</sup>.

In August 2017, using the provisions of universal jurisdiction, the ITJP filed four law suits in Brazil, Peru, Chile and Colombia against

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<sup>4</sup> Sri Lanka Mirror, <http://www.srilankamirror.com/news/7077-slpp-s-new-slogan-is-against-suspension-of-brig-over-offensive-gesture>

<sup>5</sup> For example: UN Peacekeepers: How a Haiti child sex ring was whitewashed, 26 May 2017, <https://www.apnews.com/96f9ff66b7b34d9f971edf0e92e2082c>

<sup>6</sup> [http://www.channel4.com/news/articles/world/asia\\_pacific/execution%20video%20is%20this%20evidence%20of%20war%20crimes%20in%20sri%20lanka/3321087.html](http://www.channel4.com/news/articles/world/asia_pacific/execution%20video%20is%20this%20evidence%20of%20war%20crimes%20in%20sri%20lanka/3321087.html)

<sup>7</sup> [http://itjpsl.com/assets/press/brigadier\\_api\\_fernando\\_final.pdf](http://itjpsl.com/assets/press/brigadier_api_fernando_final.pdf)

<sup>8</sup> Sri Lankan diplomat may avoid questioning on war crimes claims, 5 April 2012, <https://www.theguardian.com/politics/2012/apr/05/sri-lankan-diplomat-war-crimes-allegations>

Sri Lanka's Ambassador in Latin America, General Jagath Jayasuriya, accusing him of command responsibility for war crimes.

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*"The Government of Sri Lanka has failed to take action against General Jayasuriya despite his superior officer, Field Marshall Fonseka, who is now a cabinet minister, corroborating some of the allegations we levelled against him and saying he'd be willing to testify in a court", said Ms. Sooka. "Sri Lanka is a text book case of impunity and this latest incident in London is just another symptom of that impunity".*

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