



Press Release: #TimetoSanction Sri Lankan Generals under UK Global Magnitsky Act.

13 January 2022

Johannesburg: British Tamils and human rights groups are urging the UK Government to use the Global Magnitsky Act to sanction Sri Lankan Generals with command responsibility for alleged war crimes in the final stages of the civil war in 2009.

This comes as the International Truth and Justice Project (ITJP) sent the UK Government's sanctions department a 100-page submission on a second Sri Lankan General - former Army Commander, Jagath Jayasuriya. In 2021, the ITJP submitted a file on the current Army Commander, General Shavendra Silva, who is already designated for gross violations of human rights in the United States¹. Silva was a brigade commander subordinate to Jayasuriya during the 2009 war, in which a UN investigation found reasonable grounds to say the Sri Lankan Army committed war crimes and crimes against humanity².

"The British government has a duty to protect the rights of the hundreds of Tamil victims of these Sri Lankan Generals who are now living in the United Kingdom; the Tamil community's calls for Magnitsky sanctions to extend to Sri Lanka need to be heard by British politicians who solicit their votes in future," said Yasmin Sooka, executive director of the ITJP. "Britain is the pen holder for the Geneva process on Sri Lanka which led to the establishment of the evidence gathering mechanism precisely to support accountability steps but this is not enough; the UK needs to extend accountability initiatives to sanctions and universal jurisdiction cases, as called upon by the High Commissioner for Human Rights. It would be a travesty for the UK to lead the accountability process but then fail to set a good example itself."

Media reports say Jayasuriya is the current Chairman of the National Boxing Selection Committee of Sri Lanka, which is focusing on competing in the 2022 Commonwealth Games due to be held in Birmingham, England.

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¹ Under Section 7031c of the Department of State Foreign Relations and Related Programs the Appropriations Act.

² <https://itjpsl.com/reports/shavendra-silva>

"The very least the UK can do is to open an investigation, in anticipation of arresting Jayasuriya under universal jurisdiction if he attends the Commonwealth games this year with his team," said Sen Kandiah of Tamils for Labour.

For a year British Tamils have been meeting scores of members of parliament, who have written to the Foreign and Commonwealth and Development Office asking why Magnitsky sanctions have yet to be applied to Shavendra Silva.

"It is time the government stop prevaricating on this matter and actually deliver some sanctions for alleged war criminals," said Gajen Raj of British Tamil Conservatives. *"This is not the criminal accountability victims deserve but sanctions are a first step towards recognition of what our community has suffered at the hands of these men who now flaunt their impunity."*

"Sanctioning Jagath Jayasuriya, a coward who fled from justice in Latin America is an easy first step," said LibDem Councillor Thay Thayalan, *"He is retired and holds no official position – the political cost for UK is minimal but for our community it would be a huge morale boost and gesture of solidarity."*

The All Party Parliamentary Group for Tamils has also come out in support of action on Sri Lanka under the UK Global Magnitsky Act. *"We urge all our members to write to the FCDO to ask them to apply sanctions to army officers, some of whom are already designated in other countries. We must act if we want to maintain the trust and loyalty of the extensive and influential Tamil community in this country,"* said the Chair of the APPGT, Elliot Colburn. *"I will be calling on all my colleagues in Westminster to reaffirm that it's time to sanction Sri Lanka when they make their annual Thai Pongal or Tamil Harvest Festival messages of support to the Tamil community next week."*

"Given the UK's leadership on accountability for Sri Lanka, it's time the government looked at these submissions carefully – after all there was enough of a prima facie case for the United States to designate Shavendra Silva, and for Chile to appoint a prosecutor to look into the complaint against Jagath Jayasuriya" said Charlie Loudon, International Legal Adviser at Redress, which runs the Secretariat for the All Party Parliamentary Group on Magnitsky Sanctions.

"These two Generals should be just the beginning – there is a case to be made against several others involved in alleged war crimes in 2009 and now holding key positions in the current government," added Melissa Dring, Campaign Director of Sri Lanka Campaign for Peace and Justice.

Background

General Jagath Jayasuriya was the Vanni Security Force Commander from 2007-9, who by his own admission oversaw the entire conduct of the final phase of the war, during which Tamil civilians were indiscriminately shelled and bombed and hospitals targeted in Sri Lanka. General Jayasuriya was also based in one of Sri Lanka's most notorious torture sites, the Vanni Security Force Headquarters, commonly known as "Joseph Camp". This site had purpose-built torture chambers, equipped with manacles and chains, pulleys for hoisting detainees upside down, bars for handcuffing them to the ceiling and underground holding cells.

In 2017 the ITJP and local partners filed several universal jurisdiction cases against Jagath Jayasuriya who was posted as Sri Lanka's Ambassador in Latin America³. Instead of remaining in Brazil to defend himself in legal proceedings, General Jayasuriya fled and returned to Sri Lanka, where no further investigation was initiated. In an interview after his return home, Jayasuriya did not deny torture took place in "Joseph Camp" but rather suggested it was not his responsibility

³ <https://itjpsl.com/reports/the-case-against-jagath-jayasuriya>

as the senior most officer in the base⁴. In the interview, he appeared to acknowledge that extrajudicial executions, sexual violence against prisoners of war, and mutilation of female corpses may have occurred at the frontline in the final days of the war⁵ but claimed he was not aware of them, even though he has been photographed inspecting piles of corpses there. It is worth noting that Jayasuriya was appointed Army Commander two months after the war ended and could have initiated a credible criminal investigation; in the interview he said he was too busy with other things⁶.

Jayasuriya also confirmed in the interview that frontline commanders reported directly to the defence secretary, Gotabaya Rajapaksa, who is now President of Sri Lanka.

“Given the men whom the United Nations has named for alleged war crimes in 2009 are now running Sri Lanka, it is no surprise that there has been no genuine will to hold anyone accountable,” commented Ms. Sooka.

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⁴ 3 Sep. 2017, Ceylon Today. Interview Jagath Jayasuriya.

<https://web.archive.org/web/20170909174426/http://www.ceylontoday.lk/print20170401CT20170630.php?id=29100>

“A: That allegations came up since intelligence were there and maybe they held interrogations inside. That is why it is interpreted that way.”

“? So you’re saying you were not responsible for any torture?

A: How can I be responsible if somebody else was doing it? The entire complex was not under my command.

? So basically you did not know what was going on in that part of the camp?

A: No.”

⁵ Ibid, “A: I have seen those videos, but I am not aware of these incident. Those things may have had happened on the frontline at the last minute I think. I am not personally aware of these things”.

⁶ “Why didn’t you at least investigate to know whether it was true or false?

A: No. I don’t think we have done that.”

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