

Joint Letter from British Tamil Organisations

Hon. Lord Ahmad of Wimbledon
Minister of State for South Asia
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

28 November 2020

Dear Lord Ahmad,

RE: Sri Lanka's Defence Attaché to the United Kingdom Brigadier DBSN Bothota

Thank for your letter dated 29 September 2020 which appeared to acknowledge Brigadier Bothota was indeed a senior military official involved in the end of the conflict during which a number of atrocious war crimes of the most heinous kind were committed but questions whether there is evidence of his personal responsibility for those crimes.

Unfortunately, the genocidal war that the Sri Lankan government carried out against the Tamils was a war without witnesses. I am sure you would be aware before the Sri Lankan government forces moved into the LTTE administered Tamil areas they made sure that the international observers such as the UN officials were asked to leave. This explains why direct link to the commanders of the armed forces who prosecuted this genocidal war is difficult to come by. Nevertheless, many reputable international agencies such as the Channel 4 news as well as some former members of the UN who were stationed in Vanni have commented about the direct involvement of the Sinhalese military generals in the genocidal war under the supervision and guidance of the then defence secretary and the current president Mr Gotabaya Rajapaksa.

We write to clarify what the FCO's vetting criteria and procedures are for:

- (a) diplomatic appointments from Sri Lanka
- (b) UK training of Sri Lankan security force officials
- (c) UK engagement with on a diplomatic level with Sri Lankan officials and
- (d) the granting of visas.

As the penholder for the UN HRC resolutions following 30/1, the UK must uphold the proper application of vetting and screening of public and security officials from Sri Lanka given it is specifically stated in the resolution. We understand the UK cannot compel the GOSL to vet and screen, but the UK can show the way and abide by the spirit of the Resolution as its principal champion.

We are interested that you raise the issue of evidence of personal responsibility for crimes - if this is the threshold for the UK's vetting- as it pushes the bar extremely high.

1- Could you advise what is meant by evidence in your letter - a credible allegation, indictment or a conviction?

2- Furthermore, does Her Majesty's Government not recognise the concept of command and superior responsibility?

Additionally, we understood the UK employed the same threshold as the UN Department of Peace Keeping Operations does for peacekeeping vetting. The UN vetting (which the UK supports) is not only based on credible allegations against an individual of direct or command responsibility for alleged grave violations of human rights but also based on the likely risk that an individual might have been involved in those alleged gross violations of human rights given they were involved in frontline combat in 2008-9 in Sri Lanka. Brigadier Bothota clearly fits the latter category, and your letter does not dispute this.

3- Could you please advise why the UK not using the same criteria as the UN uses for peacekeeping deployments?

In the past we and our human rights colleagues have never achieved any clarity about who in the FCO or wider government vets and screens Sri Lankan security officials, where they seek information from, what criteria they apply and if anyone has ever been screened out? We begin to wonder if this is because there simply is no policy or written guidelines.

In the past Colombo based diplomats have said in meetings with NGOs that (a) they just know who is problematic and do not need policy guidelines (b) that military intelligence does the vetting of diplomats and employs the same criteria as the UN for peacekeeping and (c) that all military officers employed in frontline combat in 2009 were screened out (but not those involved in logistics support).

We urge you to provide a clear policy statement on this issue and hope that it will also be communicated to your relevant staff.

Yours Sincerely,

Joint Letter Coordinator for and on behalf of following Tamil organisations



British Tamil Conservatives



International Centre for Prevention & Prosecution of Genocide



PEARL



TAMIL COORDINATING COMMITTEE UK
தமிழர் ஒருங்கிணைப்புக் குழு
பிரித்தானியா

Tamil Coordinating Committee



Tamils for Labour



Tamil Information Centre



Tamil Youth Organisation



Together Against Genocide



Political Affairs Ministry
Transnational Government of Tamil Eelam
அரசியல் விவகாரங்களுக்கான அமைச்சு
நாடுகடந்த தமிழீழ அரசாங்கம்

Transnational Government of Tamil Eelam



World Tamil Historical Society