

Gamini Silva [Full legal name: Palliyaguruge Sarath Gamini Silva (*a.k.a.* Gamini de Silva)]



Date of Birth: September 3, 1953

Career:

- Member of the National Police Commission (May 2023 – April 2024);¹
[Retired from police force in December 2013];²
- Senior Deputy Inspector General (Senior DIG) (April 2010 – December 2013);³
- DIG (2002-2010);⁴
- Senior Superintendent of Police (SSP) – Chilaw (*circa.* 1998-2002);⁵
- SSP – Vavuniya (*circa.* 1995-1998);⁶
- Superintendent of Police (Gampaha) (*circa.* 1991-1995);⁷
- Assistant Superintendent of Police (ASP) (July 1988-1990);⁸
- Inspector of Police [Headquarters Inspector (HQI) Tangalle, and later HQI Mannar, then HQI Gampaha] (1986-1989);⁹

¹ *New NPC members appointed*, CEYLON TODAY, May 17, 2023, <https://ceylontoday.lk/2023/05/17/new-npc-members-appointed/>, and *Former Senior DIG Gamini De Silva Passes away*, CEYLON TODAY, April 10, 2024, <https://ceylontoday.lk/2024/04/10/former-senior-dig-gamini-de-silva-passes-away/>.

² *Pujitha Jayasundara new Senior DIG in charge of North*, ADA DERANA, December 1, 2013, <https://www.adaderana.lk/news.php?nid=24940>.

³ *Former Senior DIG Gamini De Silva Passes away*, CEYLON TODAY, April 10, 2024, <https://ceylontoday.lk/2024/04/10/former-senior-dig-gamini-de-silva-passes-away/>, and Keerthy Mendis, *Shantini was strangled and thrown in the forest*, DINAMINA, March 15, 2011, archived at https://archives.dinamina.lk/manchu/art.asp?id=2011/03/15/mpg04_0 [original article in Sinhalese].

⁴ ITJP investigator.

⁵ ITJP investigator.

⁶ ITJP investigator.

⁷ See SC Application No. 01/91, <https://www.janasansadaya.org/uploads/files/84-%2001-1991.pdf> (Gamini Silva was named as the 3rd respondent and his title was SP, Gampaha)

⁸ Confidential source.

⁹ *DIG Gamini de Silva retires after 33 years*, SUNDAY OBSERVER, December 1, 2013, <https://archives.sundayobserver.lk/2013/12/01/sec05.asp>.

- Sub-Inspector (Galle Division, then at the Badulla, Moneragala, Bandarawela, and Bibile police stations, and finally the Officer-in-Charge of the Hungama police station) (August 1974 – 1986)¹⁰

Allegations against Gamini Silva regarding Violations of Human Rights

1. Violations of Human Rights related to the Second JVP Uprising

Gamini Silva, a former member of the National Police Commission, was in the Sri Lankan police force for nearly 40 years (from 1974 to 2013). From 1987 to 1990, during the second uprising of Sri Lankan political party and former militant organization Janatha Vimukthi Peramuna (JVP),¹¹ Gamini Silva was deployed in Gampaha in the Western Province of Sri Lanka as an Inspector (Chief Inspector of the Gampaha headquarters police station, or Headquarters Inspector/HQI) and later an Assistant Superintendent of Police (ASP) (*circa.* 1989 to 1990).¹² Based on (1) the report of a Sri Lankan Presidential commission of inquiry into involuntary removals and enforced disappearances, (2) confidential sources, and (3) separate complaints regarding enforced disappearances made to the UN Commission on Human Rights (CHR, precursor of the UN Human Rights Council) and the Working Group on Enforced or Involuntary Disappearances (WGEID), as well as open source information, it is alleged that Gamini Silva was responsible for gross violations of human rights, particularly extrajudicial killings and enforced disappearances, while he was in the police force in Gampaha.

¹⁰ *DIG Gamini de Silva retires after 33 years*, SUNDAY OBSERVER, December 1, 2013, <https://archives.sundayobserver.lk/2013/12/01/sec05.asp>.

¹¹ See Janatha Vimukthi Peramuna, Wikipedia, https://en.wikipedia.org/wiki/Janatha_Vimukthi_Peramuna and *AI slams US State Department rights report on Sri Lanka*, TAMILNET, May 8, 2003, <https://www.tamilnet.com/art.html?artid=8945&catid=13>.

¹² Gamini Silva was referred to as the Chief Inspector of Police and commander of the Gampaha headquarters police station at the time of a parliament bomb attack on August 18, 1987. See Srinath Prasanna Jayasuriya, *How the suspects in the parliament bomb case were caught*, LANKADEEPA, November 27, 2017, <https://www.lankadeepa.lk/rasawitha/%E0%B6%B4%E0%B7%8F%E0%B6%BB%E0%B7%8A%E0%B6%BD%E0%B7%92%E0%B6%B8%E0%B7%9A%E0%B6%B1%E0%B7%8A%E0%B6%AD%E0%B7%94-%E0%B6%B6%E0%B7%9D%E0%B6%B8%E0%B7%8A%E0%B6%B6-%E0%B6%B1%E0%B6%A9%E0%B7%94%E0%B7%80%E0%B7%9A--%E0%B7%83%E0%B7%90%E0%B6%9A%E0%B6%9A%E0%B6%BB%E0%B7%94%E0%B7%80%E0%B6%B1%E0%B7%8A-%E0%B6%87%E0%B6%BD%E0%B7%8A%E0%B6%BD%E0%B7%96-%E0%B7%84%E0%B7%90%E0%B6%A7%E0%B7%92/57-520671> [original article in Sinhalese]. Confidential sources. To note, a separate public source referred to Gamini Silva as an HQI in December 1989 (see Dharman Wickremaratne, *JVP insurgency II: death strikes 724 bhikkus*, LANKAWEB, August 10, 2015, <https://www.lankaweb.com/news/items/2015/08/10/jvp-insurgency-ii-death-strikes-724-bhikkus/>), but this is likely a mistake as information from two reliable sources confirmed him as an ASP.

During the second JVP uprising, JVP targeted many members of the Sri Lankan security forces and their families, as well as members of the ruling party and other political parties.¹³ In response, the Sri Lankan government launched a “counter-terror” campaign during which tens of thousands of people were “disappeared” (presumably killed or abducted) by the government security forces; arbitrary detention and torture of suspected JVP members or supporters were also widespread.¹⁴ The main arm of the Sri Lanka Police that was responsible for the operation against the JVP were the Counter Subversive Units (CSUs) that were set up in all police divisions across the country.¹⁵ These units were led by Assistant Superintendents of Police (ASPs).¹⁶ The ASPs were answerable to the Officers-in-Charge (OICs) of the relevant police divisions (generally in the ranks of Superintendent of Police or Senior Superintendent of Police), who were in turn answerable to the Deputy Inspectors General (DIGs) of the relevant police ranges.¹⁷

In this context, a reliable source has identified Gamini Silva as the ASP that headed the CSU of the Gampaha Police Division from 1989 to 1990,¹⁸ and police officers under his command committed a wide range of human rights abuses in the name of counter-insurgency, particularly extrajudicial killings and enforced disappearances, a number of which was documented by one of the three zonal commissions of inquiry set up by the Sri Lankan government in December 1994 to investigate involuntary removals and enforced disappearances that occurred after January 1, 1988.¹⁹ This commission, named the Commission of Inquiry into Involuntary Removal or Disappearance of Persons in Western, Southern, and Sabaragamuwa Provinces (*hereinafter* the WSSP Commission), received complaints of 8,739 disappearances (which is most likely only a fraction of the total number of disappearances²⁰), with 1,027 in the Gampaha District.²¹ These

¹³ See Janatha Vimukthi Peramuna, Wikipedia, https://en.wikipedia.org/wiki/Janatha_Vimukthi_Peramuna and *AI slams US State Department rights report on Sri Lanka*, TAMILNET, May 8, 2003, <https://www.tamilnet.com/art.html?artid=8945&catid=13>.

¹⁴ *Id.* and Amnesty International, Sri Lanka Briefing, ASA 37/20/9, September 1990, <https://www.amnesty.org/en/documents/asa37/020/1990/en/>.

¹⁵ Report of the Commission of Inquiry into the Establishment and Maintenance of Places of Unlawful Detention and Torture Chambers at the Batalanda Housing Scheme, [*hereinafter* Batalanda Commission Report], February 9, 2000, p. 37.

¹⁶ *Id.*

¹⁷ *Id.* at p. 37-38.

¹⁸ Confidential source.

¹⁹ United States Institute of Peace, Commissions of Inquiry: Sri Lanka, January 1, 1995, <https://www.usip.org/publications/1995/01/commissions-inquiry-sri-lanka>.

²⁰ Disappearances may be underreported as the WSSP Commission observed a pattern of police stations flatly refusing to entertain complaints as well as obstructing the proper conduct of investigations and even victims’ families speaking to the press or lawyers. See Final Report of the Commission of Inquiry into Involuntary Removal or Disappearance of Persons in Western, Southern, and Sabaragamuwa Provinces [*hereinafter* The WSSP Commission Report], September 1997, Volume I, p. 155-158. Amnesty International has estimated that, from 1989 to 1990 alone, 30,000-60,000 Sinhalese young people suspected of affiliation with the JVP were killed or forcibly disappeared by government-operated death squads. Amnesty International, *Sri Lanka: Refusing to Disappear*, ASA 37/5497/2017, 2017, p. 11, <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA3754972017ENGLISH.pdf>.

²¹ The WSSP Commission Report, September 1997, Volume I, p. 13.

disappearances occurred between 1988 and 1996, with the overwhelming 87.44% of them in 1989 and 1990.²² The WSSP Commission investigated 7,761 out of the total complaints before its mandate expired and found an involuntary removal or disappearance was established in 7,239 of them (of which 844 were in Gampaha).²³ The victims in those cases were either extrajudicially killed “on the spot” at the time they were abducted, or “disappeared” after unlawful arrests (or abductions) and arbitrary detention, which the WSSP Commission stated was only “a euphemism for the death caused by extrajudicial killings”.²⁴

Moreover, the WSSP Commission identified that perpetrators of 4,858 of those proven cases were agents of the State or paramilitary groups in collaboration with them.²⁵ The WSSP Commission also found that “the common features of the narration by thousands of humble petitioners in respect of thousands of abductions and disappearances” reflected “an orchestrated phenomenon and not a series of isolated instances explicable in terms of ‘excesses’ by individual transgressors”;²⁶ the clandestine nature of the enforced disappearances showed that the acts were done with the knowledge that the conduct was “altogether outside permitted boundaries of the law”.²⁷ The WSSP Commission further observed that there was a systematic attempt to prevent the deaths and disappearances from being recorded in official annals, with the local police refusing to record complaints, “blatantly” using vehicles without number plates, and refusing to allow the victims’ families to take possession of the bodies identified by them and obtain death certificates.²⁸

Based on its inquiry into the numerous complaints, the WSSP Commission identified individual perpetrators responsible for the respective cases and compiled a list of “Details on Responsible Officers (Individuals)”, in which Gamini Silva was identified as the perpetrator responsible for two enforced disappearances on November 24, 1989, both in Gampaha.²⁹ To note, to be designated as a “responsible” officer by the WSSP Commission meant that there was “credible material indicative of the person responsible to warrant further investigations for the purposes of legal proceedings”.³⁰ However, despite the findings and recommendations of the WSSP Commission, there appears to be no subsequent investigation into Gamini Silva.

²² *Id.* at p. 18, Table 7.

²³ *Id.* at p. 23-24 and List of Names of the Disappeared, in *The WSSP Commission Report*, Vol. 2, p. iii. (The number 7,238 on p. 23, para. II was likely a typo, as the number of investigated complaints is 7,239 as cited in all other places in the report at p. 29 and in the List of Names of the Disappeared.)

²⁴ *The WSSP Commission Report*, Volume I, p. 24-27 and 33.

²⁵ *Id.* at p. 29.

²⁶ *Id.* at p. 32.

²⁷ *Id.* at p. 33.

²⁸ *Id.* at p. xv, para. 2.

²⁹ Details on Responsible Officers (Individuals), Entries 06 and 07. To note, Gamini Silva’s rank in the list was recorded SP (Superintendent of Police) only because the Western Zonal Commission used the ranks the police officers were in at the time of the inquiry, as opposed to those at the time of the enforced disappearances, and Gamini Silva was an SP in 1991, so his rank at the time of the inquiry (which began in 1995) was SP rather than ASP.

³⁰ *The WSSP Commission Report*, Volume I, p. 28.

Besides the cases of disappearances brought before the WSSP Commission, many Sri Lankans reported the disappearances of family members to UN institutions. In a complaint made to the CHR and WGEID regarding an enforced disappearance on September 13, 1989, the complainant (father of the disappeared victim who witnessed the arrest of the victim in their home), specifically identified “ASP Gamini Silva” as the police officer whom the complainant informed about the enforced disappearance when he reported it to the police at the Gampaha police station.³¹ According to the complainant, Gamini Silva told him the victim would be released after an inspection and that the local member of parliament would be informed,³² which implies that the victim was indeed in police custody and that Gamini Silva personally knew about it. However, on the following day, Gamini Silva denied having ever arrested the victim,³³ which suggests that the victim had been extrajudicially killed or otherwise forcibly disappeared by Gamini Silva (and/or officers under his command) and that Gamini Silva lied to the complainant to cover it up.

Apart from reports to the CHR and WGEID, Sri Lanka’s Office on Missing Persons (OMP) also collects data on complaints of missing persons and disappearances; 241 individuals were reported to be missing or disappeared in the Gampaha District, of which 187 happened from 1987 to 1990, while Gamini Silva was deployed in Gampaha as an Inspector and later an ASP; two more cases occurred while he was likely the Superintendent of Police in Gampaha roughly from 1991 to 1995.³⁴

To put it in context, the entire Gampaha District is about 1,387 km² (536 sq. mi) (smaller than the size of London) and had a population of 1,390,900 in 1981,³⁵ which makes the disappearance of hundreds of people impossible to remain unnoticed by local authorities. It is highly unlikely that Gamini Silva did not know about the large number of disappearances while he was in the area, and he was most probably even involved in the disappearances.

Furthermore, Gamini’s active role in the “counter-terror” campaign has come up in the report of the Commission of Inquiry into the Batalanda Housing Scheme, a housing compound in the Batalanda village located in the Gampaha District and used by the Kelaniya Police Division in the Greater Colombo Police Range to illegally detain, torture, and extrajudicially kill individuals under the pretext of suspected JVP connections. In the report, the Batalanda Commission of Inquiry quoted a recommendation letter from then SSP Nalin Delgoda (Kelaniya Police

³¹ Report on the Enforced or Involuntary Disappearance of a Person, September 3, 1990. This complaint was found in Amnesty International’s records, ASA_37-1998-014_3, p. 15-19.

³² *Id.*

³³ *Id.*

³⁴ See List of Complaints and Information Regarding Missing and Disappeared Persons Received by the Office on Missing Persons (as of 30 June 2020).

³⁵ Sri Lanka Department of Census and Statistics, Population by sex and district, census years, <http://www.statistics.gov.lk/abstract2020/CHAP2/2.1>. The next census was in 2001, and the population in Gampaha then was 2,063,700. Although the exact population size of Gampaha from 1987 to 1990 is unclear, the 1981 and 2001 census numbers provide a rough idea of Gampaha’s population size during this period.

Division) to DIG Merrill Guneratne (Greater Colombo Police Range), stating that together with ASP Douglas Peiris (Kelaniya Police Division), ASP Gamini Silva (Gampaha Police Division) “pioneered” the campaign against the JVP and “played a crucial role in helping first the destabilization and thereafter the decline of the JVP”.³⁶ Importantly, the Batalanda Commission of Inquiry concluded, “In that process, not only were actual terrorists eliminated, but also a host of other innocent youth, who had not been responsible for any illegal activity, were either harmed or murdered. This period also witnessed [p]oliticians of the ruling party getting actively involved in Police activities, and in certain instances even directing the Police.”³⁷ In fact, Ranil Wickremesinghe, who was first the Minister of Youth and Employment (until the end of January 1989) and then the Minister of Industries, Science and Technology (until 1994),³⁸ was found by the Batalanda Commission of Inquiry to have abused his public powers and allocated the Batalanda houses to the Kelaniya police.³⁹ The Batalanda Commission further concluded that Ranil Wickremesinghe was directly involved in the CSU’s activities and that he was in fact in charge of handling and directing the operation of the Kelaniya CSU.⁴⁰ Moreover, ASP Douglas Peiris had been found by the Batalanda Commission to have undoubtedly been directly involved in the establishment and maintenance of places of unlawful detention and torture at the Batalanda Housing Scheme.⁴¹ The Batalanda Commission of Inquiry characterized Ranil Wickremesinghe and Douglas Peiris as the two “main architects” of securing and allocating the houses at the Batalanda Housing Scheme;⁴² their gross human rights violations have been detailed in an ITJP sanctions submission to the United States Department of State. Another news article further stated that Gamini Silva worked closely with Douglas Peiris and characterized Gamini Silva as a person who was “allied to the Batalanda operation”.⁴³ Though the activities of the Gampaha CSU exceeded the Batalanda Commission of Inquiry’s mandate in terms of geographical limit and subject matter, and Gamini Silva’s specific involvement in human rights violations was not probed, all this evidence strongly suggests that Gamini Silva was similarly implicated in gross violations of human rights while he was the ASP of the Gampaha Police Division.

At the very least, Gamini Silva failed to take appropriate and adequate actions to investigate these cases and prevent further occurrences. The lack of acknowledgement and proper investigations on Gamini Silva’s part could thus only be construed as a willful refusal to perform his legal duties as an ASP, a deliberate attempt to cover up the gross human rights violations committed by the police force, and encouragement and acquiescence to his subordinates to commit further abuse.

³⁶ Batalanda Commission Report, p. 10.

³⁷ *Id.* at p. 123.

³⁸ *Id.* at p. 12.

³⁹ *Id.* at p. 28-29 and 34.

⁴⁰ *Id.* at p. 74-75.

⁴¹ *Id.* at p. 62.

⁴² *Id.* at p. 34.

⁴³ Rajan Hoole, *The PRRA Killer’s Diary: Ranil W, Rajitha R And The Left*, COLOMBO TELEGRAPH, February 28, 2014, <https://www.colombotelegraph.com/index.php/the-prra-killers-diary-ranil-w-rajitha-r-and-the-left/>.

Gamini Silva's involvement in extrajudicial killings and enforced disappearances is further supported by an online article on the second JVP uprising. It described how a police team led by Gamini Silva captured eleven JVP bhikkus (Buddhist monks) organized through the Socialist Bhikku Union and four of them subsequently "disappeared" (later said to have been killed).⁴⁴ This suggests that Gamini Silva and the team of police officers he led were responsible for the abduction of the eleven bhikkus as well as the extrajudicial killing of four of them.

Additionally, he was a named respondent in a fundamental rights petition filed by the brother-in-law of deceased JVP leader Rohana Wijeweera, and in which the Sri Lankan Supreme Court found the petitioner to have been arbitrarily detained in violation of his fundamental rights from January 1991 to the day of the judgment.⁴⁵

Despite these reported cases of enforced disappearances and extrajudicial killings clearly pointing to his involvement and responsibility, no proper investigation into Gamini Silva has ever been conducted. To the contrary, he was consistently promoted. He had been a Senior Superintendent of Police (SSP) since at least 1995 and became a Deputy Inspector General (DIG) in 2002.⁴⁶ In 2010, he became the Senior DIG for the Northern Province.⁴⁷ After he retired in 2013,⁴⁸ he went back to public services as he was appointed to the National Police Commission in May 2023,⁴⁹ under a government that is purportedly in pursuit of truth, reconciliation, and accountability,⁵⁰ until he passed away in April 2024⁵¹. This illustrates the extent of impunity, as well as the Sri Lanka security forces' systematic practice of knowingly

⁴⁴ Dharman Wickreematne, *JVP insurgency II: death strikes 724 bhikkus*, LANKAWEB, August 10, 2015, <https://www.lankaweb.com/news/items/2015/08/10/jvp-insurgency-ii-death-strikes-724-bhikkus/>. As noted in a previous footnote, although this open source referred to Gamini Silva as an HQI in December 1989, this is likely a mistake, as information from two reliable confidential sources confirmed him as an ASP.

⁴⁵ *Dr. Subbash Chandra Fernando v. Kapilaratne and others*, SC Application No. 01/91, December 10, 1991, <https://www.janasansadaya.org/uploads/files/84-%2001-1991.pdf>.

⁴⁶ ITJP investigator.

⁴⁷ *Id.*, and Keerthy Mendis, *Shantini was strangled and thrown in the forest*, DINAMINA, March 15, 2011, archived at https://archives.dinamina.lk/manchu/art.asp?id=2011/03/15/mpg04_0 [original article in Sinhalese].

⁴⁸ *Pujitha Jayasundara new Senior DIG in charge of North*, ADA DERANA, December 1, 2013, <https://www.adaderana.lk/news.php?nid=24940>, and ITJP investigator.

⁴⁹ *New NPC members appointed*, CEYLON TODAY, May 17, 2023, <https://ceylontoday.lk/2023/05/17/new-npc-members-appointed/>.

⁵⁰ See generally Himal Kotelawala, *Sri Lanka cabinet nod for truth & reconciliation mechanism as talks threaten to collapse*, January 17, 2023, ECONOMYNEXT, <https://economynext.com/sri-lanka-cabinet-nod-for-truth-reconciliation-mechanism-as-talks-threaten-to-collapse-109429/>; *Sri Lanka: Foreign Minister concludes working visit to South Africa*, ZAWYA, March 28, 2023, <https://www.zawya.com/en/press-release/africa-press-releases/sri-lanka-foreign-minister-concludes-working-visit-to-south-africa-ukvoc0p2>; *Government gives priority to national unity and reconciliation*, THE SUNDAY TIMES, April 9, 2023, <https://www.sundaytimes.lk/230409/columns/government-gives-priority-to-national-unity-and-reconciliation-516742.html>; and Sahan Tennekoon, *Truth, Unity, and Reconciliation Comm. Bill gazette*, THE MORNING, January 2, 2024, <https://www.themorning.lk/articles/u0Lv7MqYB4TpnUMKlryo>.

⁵¹ *Former Senior DIG Gamini De Silva Passes away*, CEYLON TODAY, April 10, 2024, <https://ceylontoday.lk/2024/04/10/former-senior-dig-gamini-de-silva-passes-away/>.

abusing human rights, which was observed by the WSSP Commission but is in no way solely limited to the numerous cases presented before this single commission.

2. Violations of Human Rights during the Civil War

As the Sri Lanka Police's human rights violations related to the JVP has largely been ignored, and individuals involved in these abuses acted with the acquiescence of and were shielded by the government at the time, the impunity has significantly contributed to the continuous disrespect and violation of international human rights in Sri Lanka and the weakening of democracy and stability in the country.⁵² The repeated failure to hold perpetrators accountable serves as a reward to them and "enabled more bloodshed",⁵³ particularly against the Tamil population during the civil war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE). As some have observed, "[t]he Sri Lankan security forces committed atrocities against the majority Sinhala population during [the JVP era] and then again in the ethnic conflict against Tamils. Many of the older generation police officers involved in the brutal torture today against Tamils learned their tactics in the JVP time."⁵⁴ In Gamini Silva's case, he was indeed later deeply embroiled in the civil war as he was deployed to the Northern Province as a SSP and later a DIG after the JVP era; during this time, he was quoted in the news several times speaking on behalf of the police and commenting on certain attacks,⁵⁵ meaning that he was closely involved

⁵² See e.g., Human Rights Watch, *Open Wounds and Mounting Dangers: Blocking Accountability for Grave Abuses in Sri Lanka*, February 1, 2021, <https://www.hrw.org/report/2021/02/01/open-wounds-and-mounting-dangers/blocking-accountability-grave-abuses-sri-lanka>; ITJP, *Sri Lanka: Torture & Sexual Violence by Security Forces 2020-21*, September 2021, <https://itjpsl.com/assets/ITJP-Torture-report-2021-Sep-ENGLISH.pdf>; and Human Rights Watch, "In a Legal Black Hole": Sri Lanka's Failure to Reform the Prevention of Terrorism Act, February 7, 2022, <https://www.hrw.org/report/2022/02/07/legal-black-hole/sri-lankas-failure-reform-prevention-terrorism-act>.

⁵³ *Id.*

⁵⁴ Christopher Finnigan, *Long Read: Why has Sri Lanka's Transitional Justice process failed to deliver?*, SOUTH ASIA @ LSE BLOG, February 6th, 2019, <https://blogs.lse.ac.uk/southasia/2019/02/06/long-read-why-has-sri-lankas-transitional-justice-process-failed-to-deliver/>.

⁵⁵ Gamini Silva was deployed as a Senior Superintendent of Police in Vavuniya circa. 1995-1998; and then as a Deputy Inspector General (DIG) in different locations in the Northern Province circa. 2002-2010, and later as Senior DIG of the Northern Province from 2010-2013. ITJP investigator. He was quoted in several news articles commenting on attacks against the police. See e.g., *Sri Lanka cease-fire unravels as air force strikes rebel bases*, THE NEW YORK TIMES, April 26, 2006, <https://www.nytimes.com/2006/04/26/world/asia/sri-lanka-ceasefire-unravels-as-air-force-strikes-rebel-bases.html> (referred to as the police chief of the Vavuniya area in the Northern Province and commented on the killing of a prominent Tamil businessman); *Soldier killed in Sri Lanka blast*, BBC, June 12, 2006, http://news.bbc.co.uk/1/hi/world/south_asia/5070524.stm (referred to as a police official and commented on a mine explosion near Vavuniya); *Three killed in Sri Lankan violence*, ABC NEWS, June 18, 2006, <https://www.abc.net.au/news/2006-06-19/three-killed-in-sri-lankan-violence/1780430> and *Sri Lanka villagers in shock, panic after church attack - Asia - Pacific - International Herald Tribune*, THE NEW YORK TIMES, June 18, 2006, <https://www.nytimes.com/2006/06/18/world/asia/18iht-web.0618lanka.1993771.html> (referred to in both articles as a DIG and commented on the same explosion near Vavuniya); and *Mass arrest following attack on military camp*, BBC, August 23, 2011, https://www.bbc.com/sinhala/news/story/2011/08/printable/110823_jaffnaarrest (referred to as the DIG who arrested

in the police activities in the area during wartime and could not have been ignorant of – and most likely even directed – the human rights abuses committed by the police force in the area at the time. The OHCHR Investigation on Sri Lanka (OISL) has noted the countless unlawful killings, arbitrary detention, torture, sexual violence, and enforced disappearances by government security forces during wartime, including by the police, which reflected “a disturbing pattern of violations of the rights to life that continued with almost complete impunity”.⁵⁶

3. Post-War Human Rights Violations

Post-war human rights violations in the northern and eastern part of Sri Lanka committed by State forces, including the police, are also well-documented by UN bodies and non-governmental organizations,⁵⁷ as well as in the U.S. State Department’s country reports on human rights practices in Sri Lanka⁵⁸. Gamini Silva, as the DIG of the Northern Province following the war and before his retirement (from 2010 to 2013), must have been involved in the police activities and the human rights abuses committed by the police force in the area. Additionally, during the local council polls in 2011, the Tamil National Alliance (TNA) and the JVP (both opponents to the majority United People's Freedom Alliance, UPFA) complained of widespread harassment and intimidation of their candidates and supporters in Jaffna, but Gamini Silva was quoted to have downplayed the scale of the incidents by saying there was “not a single serious incident among the 28 incidents recorded by the police”,⁵⁹ which reveals his dismissive attitude towards the hostility and violence against the Tamil community that constituted the majority population in the region he was serving.

a hundred villagers from Navanthurai, Jaffna, Northern Province, for attacking a local army detachment in August 2011).

⁵⁶ UN High Commissioner for Human Rights, Report of the OHCHR Investigation on Sri Lanka (OISL) [*hereinafter* OISL Report], A/HRC/30/CRP.2, September 16, 2015, paras. 216, 228-229, 233-237, 280-281, 360, 368-376, 412, 541, 544-545, 628, 1129, https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx.

⁵⁷ *Id.* at para. 216; Human Rights Watch, “*In a Legal Black Hole*”: Sri Lanka’s Failure to Reform the Prevention of Terrorism Act, February 7, 2022, <https://www.hrw.org/report/2022/02/07/legal-black-hole/sri-lankas-failure-reform-prevention-terrorism-act>; ITJP, *Torture 2020-21*, September 2021, <https://itjpsl.com/assets/ITJP-Torture-report-2021-Sep-ENGLISH.pdf>; Human Rights Watch, *Open Wounds and Mounting Dangers: Blocking Accountability for Grave Abuses in Sri Lanka*, February 1, 2021, <https://www.hrw.org/report/2021/02/01/open-wounds-and-mounting-dangers/blocking-accountability-grave-abuses-sri-lanka>; ITJP, *Ongoing Torture*, February 2019, <https://itjpsl.com/reports/ongoing-torture>; *Silenced: survivors of torture and sexual violence in 2015*, January 2016, <https://itjpsl.com/reports/silenced-survivors-of-torture-and-sexual-violence-2016>; and *An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014*, 2014, https://itjpsl.com/assets/STOP_report.pdf;

⁵⁸ See e.g., U.S. State Department, *2010 Country Reports on Human Rights Practices – Sri Lanka*, April 2011, <https://2009-2017.state.gov/documents/organization/160476.pdf>; U.S. State Department, *2011 Country Reports on Human Rights Practices – Sri Lanka*, May 2012, <https://2009-2017.state.gov/documents/organization/186687.pdf>; U.S. State Department, *2012 Country Reports on Human Rights Practices – Sri Lanka*, April 2013, <https://2009-2017.state.gov/documents/organization/204623.pdf>; and U.S. State Department, *2013 Country Reports on Human Rights Practices – Sri Lanka*, February 2014, <https://2009-2017.state.gov/documents/organization/220616.pdf>.

⁵⁹ *Pro-LTTE TNA sweeps local polls in Lanka's war-ravaged north*, DECCAN HERALD, July 24, 2011, <https://www.deccanherald.com/world/pro-ltte-tna-sweeps-local-2431407/>

Ren years after his retirement from the police force, Gamini Silva was appointed one of the members of the National Police Commission (NPC) in May 2023. Given Gamini Silva’s record of gross human rights violations, having an individual like him on the NPC posed a significant risk of further abuse by the Sri Lankan police, and exacerbates the problem that Sri Lanka lacks an independent authority to investigate complaints against the police.⁶⁰ Yet he served in this public post until he passed away in April 2024. In effect, he had never been held accountable for the numerous violations of human rights he had committed in his professional life as a police officer.

⁶⁰ U.S. State Department, *2010 Country Reports on Human Rights Practices – Sri Lanka*, April 2011, p. 10, <https://2009-2017.state.gov/documents/organization/160476.pdf>, and Human Rights Watch, “*We Live in Constant Fear*”, *Lack of Accountability for Police Abuse in Sri Lanka*, October 2015, <https://www.hrw.org/report/2015/10/23/we-live-constant-fear/lack-accountability-police-abuse-sri-lanka>.