

MAJOR GENERAL (RET.) DAYA RATNAYAKE

Dossier

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INTERNATIONAL
TRUTH
AND JUSTICE
PROJECT

RATNAYAKE MUDIYANSELAGE DAYA RATNAYAKE



“Ours was a humanitarian operation, maintaining zero casualties to civilians..”¹

“...the Sri Lankan military carried out the world's most intense and best humanitarian operation in the last days of the war...Therefore allegations of the military being involved in war crimes are baseless and false”².

Career

12 Dec. 2019

Appointed as Chair of the Port Authority³.

Oct 2016

Summoned to the Presidential Commission investigating alleged acts of Fraud Corruption, Abuse of Power, State Resources and Priviledges, PREIFAC, to give a statement regarding alleged corruption⁴. He was investigated regarding the removal of iron from the Kankesanthurai Cement factory situated in the High Security Zone in the Jaffna Peninsula, along with Maj. Gen. Udaya Perera, Maj. Gen. Hathurusinghe and former Additional Defence Secretary Siripala Hettiarachchi⁵. Siripala Hettiarachchi (now Secretary to the Ministry of Public Administration, Internal Affairs, Provincial Councils and Local Government⁶) in a statement to the commission confirmed

¹ <https://www.mfa.gov.lk/sin/they-know-the-truth-general-daya-ratnayake/>

² <https://www.britishasianews.com/news/newsDisplay.aspx?newsID=162136>

³ <https://www.newsfirst.lk/2019/12/12/general-daya-ratnayake-appointed-as-the-chairperson-of-the-sri-lanka-port-authority/>

⁴ <http://www.hirunews.lk/145664/former-army-commander-daya-ratnayake-at-precifac>

⁵ <http://www.dailynews.lk/2017/07/11/local/121593/gota-signs-affidavit-testify-against-two-ex-army-officers-precifac>

⁶ <https://www.dailynews.lk/2019/11/28/local/204181/siripala-hettiarachchi-assumed-duties>

that he had approved in writing, the removal of the stock of iron from the cement factory following specific instructions given by Gotabhaya Rajapaksa.”

Ratnayake was also questioned about the distribution of flood relief one week before the presidential elections which was clearly intended to adversely influence the outcome of the elections in misuse of his official position - it was alleged there was misappropriation of Rs. 50 million, allocated to distribute building materials for those in the flood-hit areas of Kurunegala, Ampara and Vavuniya⁷ (see below).

Feb. 2015	Retired ⁸ .
1 Aug.2013-Feb. 2015	Commander of the Army, replacing Jagath Jayasuriya ⁹ .
19 April 2012	Uncontested Chairman of the Sri Lanka Athletics Federation ¹⁰ .
Feb 2010- Aug 2013	Chief of Army Staff ¹¹ .
6 Aug 2009	Commissioner General, Rehabilitation ¹² .
Unknown	He did a “stint in military intelligence ¹³ ”.
Unknown	Commanding Officer of Sri Lanka Military Academy.
16 Aug 2009	Colonel of the Regiment, Sri Lanka Light Infantry (SLLI).
21 Dec 2005-28 Aug 2007	Welikanda, 23 Division Commander ¹⁴ , including Vakarai.
2004-6	Military Spokesperson
90’s	In the war in North-East, including Operation Riviresa.
Late 80s (JVP era)	In the Southern Province, attached to the Intelligence unit ¹⁵ .
18 Jul. 1981	Commissioned as a Second Lieutenant on 18 July 1981 in the Sri Lanka Light Infantry (SLLI).
6 Feb.1980	Joined Army as Cadet officer.
Education	
1972	Maliyadeva Maha Vidyalaya, Kurunegala.
Primary	Udabaddawa Maha Vidyalaya.

⁷ <http://www.ft.lk/article/575179/PRECIFAC-grills-ex-army-chief-Ratnayake-on-flood-relief-distribution>

⁸ <https://www.newsfirst.lk/2015/02/21/former-army-commander-daya-rathnayake-bids-farewell-35-year-career-military/>

⁹ <http://www.asiantribune.com/node/62845>

<https://www.outlookindia.com/newswire/story/lanka-appoints-new-army-chief-reinstates-fonseka-loyalists/882250>

¹⁰ <http://www.ft.lk/article/88043/Unsporting-behaviour>

The election in which he became chair was allegedly corrupt, which led to the 15th Asian Junior Athletic Championship 2012, which was scheduled to be held in Colombo from 9 to 12 June, being cancelled.

¹¹ Sporting achievements at <http://www.timeslanka.com/tag/army-commander-daya-ratnayake/>

¹² “I figured out that the best rehabilitation lesson available was the story of the subduing of the murderer Angulimala (*Angulimala Dhamanaya*). As for taking care of those in utter despair, what better example, I thought to myself, than that of Patachara? Rehabilitation is something that is inside of us. We can draw it out and put it into practice.”

<http://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>

“Prof. Rohan Gunaratne had put him in touch with a rehabilitation expert in Singapore”.

¹³ http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=84841

¹⁴ <https://alt.army.lk/sfhqeast/23division>

<http://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>

¹⁵ <http://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>

22 Feb. 1958

Date of Birth¹⁶.

He is married to Priyadarshani Damayanthi and has two sons and a daughter.

Training:

He was trained in India, the UK, Hawaii, China and Bangladesh¹⁷.



Daya Ratnayake with Gotabaya Rajapaksa.

Daya Ratnayake was in the army during the JVP era, was also involved in the final war in the East of Sri Lanka and then put in charge of the “rehabilitation” programme for ex LTTE combatants which the UN OISL Inquiry found, constituted arbitrary detention and involved torture.



Lieutenant Ratnayake

¹⁶ Lt. General Daya Ratnayake, youngest son of Muthu Banda and Ran Menika, hails from a farming community in a small village called Siyambalangamuwa, off Tittawella, about 4 km from Kurunegala on the road to Puttalam.

<http://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>

¹⁷ “Junior Command and Senior Command Courses in India, Governance and Management of Defence Course at Cranfield University, UK, Higher Level Security Studies Diploma Course and Advanced Communication Skills Course in Asia-Pacific Centre for Security Studies in Honolulu, Hawaii, USA. He also graduated from Defence Service Command and Staff College, Bangladesh, National Defence University, China and Army Intelligence School, Fort Huachuca, Arizona, USA”. <http://www.ft.lk/front-page/Daya-Ratnayake-appointed-SLPA-Chairman/44-691557>

JVP era

Daya Ratnayake said regarding his experience during this period in Sri Lanka:

“I believe I learned to become a good interrogator. It is about using the opponent’s strength against him. It is about identifying a weak point, using it to leverage an advantage and eventually breaking the opponent.”¹⁸

An Amnesty International report focused on the period 1987-9 said, “Thousands of people simply ‘disappeared’ after arrest, their fate and whereabouts unknown; others were killed in reprisal killings, their bodies dumped in public; yet more were known to have been tortured and killed in custody¹⁹.”

Ratnayake is said to be very close to Gotabaya Rajapaksa according to an article by an unnamed army officer²⁰.

Commissioner General of Rehabilitation

This is a programme of arbitrary detention that was rife with torture in the early years after the 2009 war. The 2018 Report of the Working Group on Arbitrary Detention on its visit to Sri Lanka (87 b) made the following recommendation to the Government at the time, in relation to the rehabilitation of ex-combatants:

“Ensure that those who are currently detained and have previously been detained at the centre receive public acknowledgement of wrongful imprisonment and compensation and/or guarantees of non-repetition, including the immediate cessation of harassment and surveillance by the authorities of the detainees and their families.”

The UN’s recommendation was never implemented.

2010 role in Fonseka court martial

Ratnayake played a key role in the court martial proceedings against former 2009 Army Commander and 2010 presidential candidate, Sarath Fonseka:

“The summary of evidence, recorded by Army Chief of Staff Major General Daya Rathnayaka as appointed Recording Officer was completed within a period of 22 days (February 13th - March 6th) after obtaining evidence from 35 individuals, inclusive of 22 Army personnel, 7 Police officers and 6 civilians.”²¹

¹⁸ <http://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>

¹⁹ SRILANKA EXTRAJUDICIALEXECUTIONS, 'DISAPPEARANCE' TORTURE 1987 TO 1990
<https://www.amnesty.org/download/Documents/200000/asa370211990eng.pdf>

²⁰ <https://srilankabrief.org/2015/03/general-daya-ratnayake-gotas-main-man/>

²¹ <https://www.army.lk/news/two-courts-martial-appointed-hear-charges-against-general-sarath-fonseka>

2013 Threat

Ratnayake was quoted as threatening to chop off the heads of his critics and given that decapitation occurred in 1989 during the JVP period²², this cannot be discounted as mere rhetoric.:

*"The message we give to the masses here is that as long as the people do politics or related activities within the democratic framework, we all can live happily. Instead, if anyone deviates from it and becomes extremists or tries to divide the country, it is not the country that will be divided, but their heads that will be severed from their bodies"*²³.

Weliweriya Shooting

The day Ratnayake was appointed Army Commander, the military shot and killed three people who took part in a protest for clean water. The military Court of Inquiry into the Weliweriya shooting then presented its report to the Army Commander on August 21st 2013. *"The Court has prepared a comprehensive report..."* the army announced. A week later, Ratnayake as the Army Commander, suspended a Brigadier and three Lieutenant Colonels implicated in the Weliweriya killings. The military said that those who broke the military law would be court-martialled. The report was never made public²⁴. Media reports quoted Ratnayake as saying: "The Court of Inquiry report ... indicated that the Army had gone beyond their legal duties during the post shooting incidents"²⁵.

Nevertheless Brigadier Deshapriya Gunawardena (58 Division in 2009²⁶) who ordered the shooting went to become a Sri Lankan diplomat²⁷ and media reports said the other suspended officers were quietly reinstated²⁸. In September 2019, the Attorney General filed 94 indictments in Gampaha High Court against four defendants including Brigadier Anura Deshapriya Gunawardena in connection with the fatal shooting of three protesters and assault of several others during the protest²⁹.

<https://www.thehindu.com/news/international/Sri-Lanka-Army-completes-summary-of-evidence-against-Fonseka/article16548484.ece>

²² "Some had been decapitated; some were left hanging from trees and lamp-posts; some had been burned on tyres. Most of the bodies were naked. The killings were generally attributed to "pro-government vigilantes" in the press, but it was widely believed that the security forces were responsible." Amnesty report, P13-14. <https://www.amnesty.org/download/Documents/200000/asa370211990eng.pdf>

²³ <http://www.salem-news.com/articles/october222013/ratnayake-confession-rv.php>

²⁴ <https://srilankabrief.org/2014/05/sri-lanka-military-personal-suspended-for-weliweriya-killings-reinstated-inquiry-report-still-a-secret/>

²⁵ WELIWERIYA SHOOTING: ARMY EXCEEDED ITS REMIT, <https://srilankabrief.org/2013/10/weliweriya-shooting-army-exceeded-its-remit/>

²⁶ "I am positive that no army in the world would have stopped firing their heavy weapons facing a ruthless terrorist organization with land air and naval capabilities. But the government decided to stop using the heavy weapons during the last stages which was a huge sacrifice for us but it was the greatest sacrifice in order to protect the civilians. We did not even use large deployments during that time but we used small groups and as a result a good number of our soldiers lost their lives. Safe passages were created for the trapped civilians to escape and as a result a fair number of soldiers were killed as they had no cover. Yet in spite of all that they did their best to liberate these trapped civilians. No army in the world would have done what we did to rescue these civilians who were being used as human shields by the LTTE",

<https://www.mfa.gov.lk/sin/they-know-the-truth-general-daya-ratnayake/>

²⁷ <http://www.jdslanka.org/index.php/news-features/human-rights/785-sri-lanka-army-top-brass-accountable-for-violations-further-up-the-ladder>

²⁸ Conjurers and Dupes, 11 May 2014, Tisarane Gunasekara,

<http://www.srilankaguardian.org/2014/05/conjurers-and-dupes.html>

²⁹ http://www.colombopage.com/archive_19B/Sep11_1568214162CH.php

In February 2020, Brigadier Deshapriya Gunawardena was promoted to a Major General³⁰.

In his role as Army Commander, Ratnayake is complicit in the failure to hold the military officials implicated in the killings accountable and as such bears criminal responsibility given his omission to act and his role in covering up these crimes.

Alleged Political Interference 2015 election

A report³¹ alleges that Lt. Gen. Daya Ratnayake, the then Army commander when president Sirisena took office, was implicated in political interference in the 2015 Presidential election. The allegations include the printing of a five page New Year message targeting the presidential election, distribution of dry rations among families of war heroes and telephoning security forces commanders on the day of the election and ordering them to be committed to ensure the victory of the Rajapaksas. Ratnayake was publicly seen engaging in politics, including in Kurunegala on behalf of Mahinda Rajapaksa at the 2015 general election.

Alleged Corruption Investigated in 2016

(a) Aid Distribution

Daya Ratnayake was questioned by the Police Unit of the Presidential Commission of Inquiry to Investigate and Inquire into Serious Acts of Fraud, Corruption and Abuse of Power, State Resources and Privileges (PRECIFAC) in 2016 for more than five hours “over the alleged misappropriation of Rs. 50 million, which was allocated to distribute building materials to those in the flood-hit areas of Kurunegala, Ampara and Vavuniya”. A newspaper cited sources claiming that Ratnayake had obtained money from the Telecommunication Regulatory Commission (TRC) without approval from the Ministry of Disaster Management. This money was allegedly credited to the Welfare Account of the Sri Lanka Army while Ratnayake was Army Commander. The money was distributed among the Army Brigades in those districts³². These allegations implicate Ratnayake in serious economic crimes involving fraud, misappropriation of state funds and corruption for which he has not been held to account and represent a serious failure on the part of the Sri Lankan prosecutorial services to hold him accountable.

(b) Kankasanturai (KKS) Cement Factory

Ratnayake was allegedly implicated in the dismantling of the Kankasanturai (KKS) Cement Factory in the Jaffna Peninsula and the subsequent sale by the Army of its

³⁰ <https://www.army.lk/news/newly-promoted-majors-general-biggest-first-group-receive-commander's-blessings> - S.A.D.A.D Gunawardane.

³¹ <https://srilankamirror.com/news/697-revelation-on-military-s-politics-during-2015-presidential-polls>

³² <http://www.ft.lk/article/575179/PRECIFAC-grills-ex-army-chief-Ratnayake-on-flood-relief-distribution>

machinery and equipment as scrap iron for more than Rs. 100 million. The machinery was manufactured in the UK and Germany - Germany had reportedly issued a 100 years guarantee for it. This was allegedly done under the order of Gotabaya Rajapaksa who denied this and threatened to testify against Ratanayake. However media reports said, "Former Additional Secretary to the Defence Ministry Siripala Hettiarachchi had made an official note at the Ministry to the effect that former Defence Secretary Gotabahaya Rajapaksa told him that former President Mahinda Rajapaksa had sanctioned the sale of this stock of iron. Another note at the ministry stated that Internal Auditor R.M. Premachandra had pointed out the need for Cabinet approval to effect the sale".

In 2005 Ratnayake had condemned corruption and particularly concerning relief supplies³³.

Despite Ratnayake's rhetoric, one cannot but conclude that he was part of and continues to be part of a joint criminal enterprise involving military officials, many of whom belonged to the Gajaba Regiment and who have never been held accountable for war crimes, crimes against humanity, gross violations of human rights as well as economic crimes which include fraud, misappropriation of state funds and assets and corruption to the detriment of the Sri Lankan population.

³³ https://www.bbc.com/sinhala/news/story/2005/01/printable/050104_army.shtml