

**MAJOR GENERAL (RET.) NANDA
MALLAWARCHHI**

Dossier
May 2020

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INTERNATIONAL ██████████
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NANDA MALLAWARCHCHI



Career¹

2020

Director-General of the Multi-Purpose Development Task Force², aiming to lift “100,000 families from absolute poverty”. These stated intentions to use development assistance to influence the outcome of elections have not unsurprisingly been perceived justifiably as deeply controversial just as parliamentary elections are scheduled, with Mallawarchchi having had to write to the Election Commissioner justifying his actions³.

8 May 2015

Mallawarchchi was questioned by the Financial Crimes Investigation Division (FCID) over alleged corruption in the Ministry of Sports during his tenure⁴. It pertained to the financial misappropriation of Rs 39 million in connection with the purchase of carrom and draught boards in 2014. The goods were alleged to have been distributed as an incentive during the 2015 Presidential Election as part

¹ Maj Gen Mallawaarachchi has held a variety of Command appointments including company commander - 1st Battalion Sri Lanka Light Infantry, Second in Command 3rd Battalion Sri Lanka Light Infantry, Commanding Officer 3rd Battalion Sri Lanka Light Infantry, Brigade Commander 7 Brigade in Elephant Pass, GOC 52 Div in Northern area, GOC 23 Div in Eastern area and the 1st Security Forces Commander of Eastern area of operation.

Over and above the command appointments he has held various staff appointments including Adjutant of 2nd Battalion Sri Lanka Light Infantry, Staff Officer Grade III at Directorate of Personnel Administration in Army Headquarters, General Staff Officer II at Northern Command in Jaffna, Officer Instructor and Academy Adjutant at the Sri Lanka Military Academy Diyatalawa, General Staff Officer Grade 1 at 2 Division responsible for Northern operations, General Staff Officer Grade 1 Task Force Headquarters Welioya responsible for Northern operations, Commandant of the Combat Training School in Ampara, Coordinating Officer in Mullaitivu in the Northern area of operations, Coordinating Officer in Galle in Southern Sri Lanka responsible for Counter Insurgency Operations, Deputy General Officer Commanding of the Special Forces Division responsible for the northern operations. Commandant and the Vice Chancellor of the Kotalawala Defence Academy which is the only Defence Services University. He is the present Regimental Commander of the Sri Lanka Light Infantry.

<http://www.island.lk/2005/12/08/news20.html>

² <https://www.newsfirst.lk/2020/01/24/nanda-mallawaarachchi-to-head-multi-purpose-development-task-force/>

³ http://www.colombopage.com/archive_20A/Mar07_1583557978CH.php

⁴ <http://www.adaderana.lk/news/30780/fcid-grills-maj-gen-nanda-mallawaarachchi>

<http://www.frontpage.lk/page/FCID-grills-Maj-Gen-Nanda-Mallawaarachchi/4626>

of the Sri Lanka Freedom Party campaign⁵. The former Sports Minister, Mahindananda Aluthgamage, was remanded in custody over the issue⁶ and then subjected to a travel ban but as of 2020 is now the government spokesman⁷.

24 Oct. 2014 Secretary to the Ministry of Sports.
2014 Ordered to appear in court over the Bar Association President's security⁸.

23 Aug. - Oct. 2013 Secretary to the newly created Ministry of Law and Order with the police and STF under him⁹, triggering controversy¹⁰.
2010-2013 Ambassador to Indonesia¹¹, where he said he screened Tamil migrants arriving by boat¹².
2009 One report says he played a role in the return of LTTE arms dealer KP from Malaysia¹³.
3 Feb 2007 Retired¹⁴.
2006 Jun. Launched Mullaitivu operations¹⁵.
2006, Jul. 7 - 26 Actg. Army Commander after Sarath Fonseka was injured in suicide attack on April 25¹⁶.
2006 Also DG Infantry¹⁷.
6 Dec. 2005 on Chief of Army Staff¹⁸.
9 Dec. 2004- 31 Dec 2005 General Staff Branch, Director General General Staff¹⁹.
31 Oct. 2003- 19 Dec 2004 SFHQ East Commander²⁰.
18 Nov. 2000 GOC Minneriya 23 Division.

⁵ <https://www.onlanka.com/news/aluthgamage-remanded-till-today.html>

⁶ http://www.colombopage.com/archive_20A/Jan31_1580455320CH.php

⁷ <https://www.sundayobserver.lk/2020/04/19/opinion/no-need-reconvene-parliament---state-minister-mahindananda-aluthgamage>

⁸ <http://asianmirror.lk/news/item/2516>

⁹ <http://www.adaderana.lk/news.php?nid=23836>

<https://www.defseminar.lk/media-centre/pres/Lt%20Gen%20R%20M%20D%20Ratnayake%20WV%20RWP%20RSP%20USP%20ndu%20psc.pdf>

<https://www.refworld.org/docid/559bd53a12.html>

¹⁰ <https://www.scoop.co.nz/stories/W01308/S00436/new-law-and-order-ministry-a-step-towards-militarization.htm>

¹¹ <http://www.island.lk/2010/02/21/news11.html>

<https://www.thejakartapost.com/news/2013/04/20/keeping-spirit.html>

¹² https://www.bbc.com/sinhala/news/story/2009/11/printable/091110_indonesia_migrants.shtml

Sri Lankan High Commissioner in Indonesia, Maj Gen (retd) Nanda Mallawarachchi, has told Sri Lanka's Daily Mirror newspaper that a number of LTTE cadres are believed to be among the migrants in the second boat.

"I have identified some LTTE Cadres, but cannot confirm their ranks at this time. I suspect a number of high profile LTTE cadres to be among these asylum seekers," he was quoted by the newspaper.

¹³ "He is reported to have played a major role in kidnapping Kumaran Pathmanathan of the LTTE from a hotel and taking him to the Airport with the help of the Malaysian security forces." AHRG <https://www.scoop.co.nz/stories/W01308/S00436/new-law-and-order-ministry-a-step-towards-militarization.htm>

¹⁴ <http://www.pmdnews.lk/%E0%AE%93%E0%AE%AF%E0%AF%8D%E0%AE%B5%E0%AF%81%E0%AE%AA%E0%AF%86%E0%AE%B1%E0%AF%8D%E0%AE%B1-%E0%AE%AE%E0%AF%87%E0%AE%9C%E0%AE%B0%E0%AF%8D-%E0%AE%9C%E0%AF%86%E0%AE%A9%E0%AE%B0%E0%AE%B2%E0%AF%8D/>

¹⁵ <https://sinhala.news.lk/news/entertainment/item/5728-2014-10-02-04-10-06>.

¹⁶ Sarath Fonseka Resumed work on July 26 http://en.people.cn/200607/26/eng20060726_286972.html

¹⁷ Army report to Parliament.

¹⁸ <https://www.army.lk/news/major-general-nanda-mallawarachchi-assumes-duties-cos> and Army report to Parliament 2005.

¹⁹ Army Report to Parliament, 2005.

²⁰ <https://www.tamilnet.com/art.html?catid=13&artid=9616>

<https://alt.army.lk/sfhqeast/past-commanders>

<https://www.dnaindia.com/world/report-major-general-nanda-is-lanka-s-acting-army-chief-1040494>

Although Major General Mallawarachchi has been overlooking most of the responsibilities of the Army Commander his official appointment has come only on Friday.

Unknown	52 Division Jaffna Commander.
24 Feb. 1999	Major General.
08 Jan. 1997	Deputy General Officer Commanding for Varani (He also served as Co-ordinating Officer for Kodikamam, Kachchei and Meesalai North during 1997.
01 Sep. 1994	Promoted to Brigadier and appointed to Headquarters Task Force 1 and continued to command several Brigades including Chavakachcheri.
01 Oct. 1992	Colonel.
01 Sep. 1990	Lieutenant Colonel.
26 Apr. 1981	Promoted to the field rank of Major.
1972	Sri Lanka Light Infantry ²¹ .
26 Apr. 1971	Joined army as cadet officer.
Education	Ananda College ²² .
3 Aug. 1951	Date of Birth.

Family

Maj. Gen. N. Mallawarachchi is married to Shari and they have a son Avishka²³ and daughter Nethmi²⁴.

Acting Army Commander, July 2006

After the Army Commander Sarath Fonseka was targetted and injured in an LTTE suicide bombing, the Air Force bombed the Sampur area in the East in retaliation. The bombing of Sampur was in violation of the Ceasfire Agreement, as was the LTTE's suicide bombing²⁵. Throughout 2006, Mallawarchchi was Chief of Staff of the Army. He was also appointed as the acting Army Commander in July 2006 whilst General Fonseka was recovering from the injuries he sustained in the April assassination attempt. Reports indicated that Defence Secretary Gotabaya Rajapaksa handed over responsibility to acting Army Commander, Major General Nanda Mallawarachch; it is noteworthy that Mallawarachchi was in the same cadet batch as Gotabaya Rajpakasa:

"He joined the military in 1971 with Mr Gotabaya Rajapaksa to the cadet officer intake 04 and rose up to the position of army chief of staff²⁶".

²¹ Trained - His military education includes completion of Infantry Young Officers Course in Belgaum India, Junior Command Course in Mhow India, Senior Command Course in Mhow India. He is a graduate of the Defence Services Staff College Wellington and the National Defence College in New Delhi, India. He also has followed the Infantry Officer Advance Course in Fort Benning, Georgia USA, attended Pacific Armies Management Seminar (PAMS) in Kualalampur Malaysia.

²² <http://www.island.lk/2005/12/08/news20.html>

²³ <http://www.island.lk/2007/02/23/news13.html>

²³ In Australia: <https://www.facebook.com/avishkam>

²⁴ <http://www.island.lk/2005/12/08/news20.html>

²⁵ OISL §65.

²⁶ <http://stargate.lk/humanitarian-operation-to-liberate-mavil-aru%E0%B6%B8%E0%B7%8F%E0%B7%80%E0%B7%92%E0%B6%BD%E0%B7%8A-%E0%B6%86%E0%B6%BB%E0%B7%94-%E0%B7%83%E0%B6%A7%E0%B6%B1-%E0%B6%A2%E0%B6%BA-%E0%B6%9C%E0%B7%99/>

In late July 2006, the army launched 'Operation Watershed' which marked the beginning of the Eastern military campaign to recapture Mavilaru²⁷. During this operation, the Army Commander at the time, Sarath Fonseka, because of his injury in the LTTE suicide attack was allegedly not directly involved in carrying out the operation. The UN Investigation, OISL (§67), reports that "*Security Force Headquarters-East (SFHQ-E), located in Welikanda conducted the operation under the control of Joint Operations Headquarters in Colombo*". OISL adds in a footnote that, "*Although it is reported that the acting Army Commander, Major General Nanda Mallawarachchi, relocated himself to the area to personally oversee operations*"²⁸.

There were numerous allegations of gross human rights violations reported in 2006 under Mallawarachchi's tenure as Chief of Staff, among them the killing of the 5 students in Trincomalee in January, the killing in August of 17 ACF aid workers in Muttur, attacks on Uthayan newspaper in May (§262 OISL). 2006 was also the period that the Karuna group started to work closely with the Sri Lankan armed forces: "*By 2006, the Karuna Group clearly operated from Welikanda Army camp, alongside or on behalf of SLA and SLN intelligence operatives, conducting 'white van' arrests and unlawful killings*" (OISL §354). The UN report also states that "*In 2007, the Working Group stated that it transmitted more cases of 'disappearances' as urgent appeals to the Sri Lankan Government in 2006 than to any other country in the world (§387)*". According to figures published by the Human Rights Commission of Sri Lanka in the middle of 2006, 419 persons had disappeared in the Jaffna peninsula since December 2005 (OISL §403). It is inconceivable and improbable that as Chief of Staff, Mallawarachchi did not know about these alleged violations.

The killings of the Trincomalee 5, the 17 ACF aid workers killed and the large number of enforced disappearances during his period of tenure, amount to serious international crimes committed by subordinates under his command. His failure to act against those responsible and hold them accountable for these crimes bears individual criminal responsibility for which should be investigated and held accountable.

The following violations by the Sri Lankan Army in Jaffna were recorded during July 2006 when Mallawarachchi was Acting Army Commander:

- (a) An Acting Judge of Jaffna District Court, Ms Srinithi Nanthisekaran, ordered the police to produce a naval officer in court whose Navy cap

²⁷ OISL §66.

²⁸ Corroborated by <https://www.tamilnet.com/art.html?catid=13&artid=18988> Sri Lanka Army (SLA) Chief of Staff Major General Nanda Mallawarachchi, remains at Kallaru army camp in the Serunuwara police division directing the military operation to capture Mavilaru area amid announcement by SL Defence Ministry spokesman and Minister Keheliya Rambukwella in Colombo Sunday that Sri Lankan troops are now about one km away from Mavilaru.

And by "The Mavil Aaru operation was being conducted by Maj.Gen.Nanda Mallawarachchi, the Army second in command, based in Trincomalee town.Gen.Mallawarachchi was at Kallaru near the Mavil Aaru dam on Saturday trying to pacify thousands of Sinhala farmers who, led by a Buddhist monk-politician, Ven.Athuraliya Ratana Thero, were wanting to march to the dam and reopen it.Ven.Ratana Thero is the leader of the Jathika Hela Urumaya (JHU) in the Sri Lankan parliament." <https://www.hindustantimes.com/india/sl-army-inches-to-capture-tiger-dam/story-g7XGRtAaTBC9s2hedj9ERN.html>

"Mallawarachchi, who directed operations from Kallar during the battles of Mavil Aru, spent the last six months of his career in the east, instead of Army Headquarters, from where the Chief of Staff usually operates."

<https://www.nation.lk/2006/12/24/newsfe3.htm>

with a legible identification number was found near the well where the body of a twenty year old Tamil woman was found in Punguduthivu²⁹. The Judge then received death threats and lawyers protested, saying the threats came from the Army³⁰. The Magistrate directed the Army Commander to comply with the Geneva conventions³¹.

- (b) Tamilnet reported that Kanthasami Sivasuthan, a technical officer of a NECORD project, was beaten and threatened by Sri Lanka Army Intelligence officers on 18 and 20 July 2006³².

The incidents set out above should at the very least have been investigated with a view to determining the facts and determining who should be held responsible. Mallawarachchi, given his position, was obliged to conduct investigations into these allegations so as to determine criminal responsibility for what amounts to serious crimes. His failure to act in the incidents set out above makes him complicit in the cover up of these serious crimes for which he should be prosecuted.

²⁹ <https://www.tamilnet.com/art.html?catid=13&artid=17182>

³⁰ <https://www.tamilnet.com/art.html?catid=13&artid=18781>

³¹ <https://www.tamilnet.com/art.html?catid=13&artid=18777> and <https://www.tamilnet.com/art.html?catid=13&artid=18764>

³² <https://www.tamilnet.com/art.html?catid=13&artid=18888>