

BRIGADIER PRIYANKA FERNANDO

DEFENCE ATTACHE IN LONDON

5 February 2018

By Journalists for Democracy in Sri Lanka (JDS) &
the International Truth and Justice Project (ITJP)

ANDIGE PRIYANKA INDUNIL FERNANDO



LONDON

As of 2017, Brigadier Priyanka Fernando was posted to London as the Sri Lankan High Commission's defence attaché¹.

¹ THE LONDON DIPLOMATIC LIST as of 6 October 2017, viewed at https://p10.secure.hostingprod.com/@spyblog.org.uk/ssl/ldl/London_Diplomatic_List_-_October_2017.htm and Sri Lanka Ex-Service Persons Association –UK (SLESPA) Annual General Meeting, 30 April 2017 on plans for his deployment, http://www.sesatha.co.uk/EventNews/20170430_SLESPAUK_AGM/index.html and on 31 May 2017 his mobile telephone number is listed online as a contact for flood relief donations. Also https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/676737/London_Diplomatic_List.pdf as of 2018.

On Sri Lanka's 70th Independence Day, 4 February 2018, Brigadier Fernando attracted attention by thrice making slitting throat gestures to a crowd of chanting Tamil protestors outside the High Commission in London. The video of him, in full military dress uniform, doing this in front of the High Commission building went viral².



In a context where members of the Sri Lankan military have been accused of a wide range of war crimes including summary execution that in some instances involved the slitting of throats of bound Tamil detainees, the gesture was deliberate and intended to inspire fear. More so given that photographs of Tamil protests abroad are routinely the subject of questions during interrogations and torture in Sri Lanka itself. In addition, the context of Brigadier Fernando's record in frontline combat positions in 2008 and 2009, needs to be factored in – see details below.

VETTING

In HRC Resolution 30/1, Sri Lanka committed itself to vetting of its public and security officials. This should include officials sent abroad for diplomatic postings but to date has obviously not done so³.

The vetting conducted by OHCHR in Geneva for Sri Lankan peacekeepers going to Mali operated on the premise of, inter alia, excluding any officer with frontline combat experience in the final phase of the civil war in the north in 2008-9. On this criteria alone, Brigadier Fernando should have been screened out of a diplomatic posting by the Government of Sri Lanka. More so given the UK is home to a large Tamil community, including some who are victims of the recent violations committed by the Sri Lankan military in 2008-9.

The UK Government also needs to specify what its criteria are for vetting members of the Sri Lankan security forces, especially since it is spending £6.5m of tax payers' money on security sector reform in Sri Lanka which includes a component of training the Sri Lankan police and army. Accepting the credentials of military officers to the UK without vetting them constitutes a serious breach of UK commitment to human rights and the rule of law.

² Sri Lankan military official motions death threat to Tamils protesting in London, 4 february 2018, Tamil Guardian, <http://www.tamilguardian.com/content/sri-lankan-military-official-motions-death-threat-tamils-protesting-london> and available on YouTube at <https://www.youtube.com/watch?v=fpWtUuzxp8>

³ Note the ITJP's lawsuits against Ambassador in Latin America, General Jagath Jayasuriya filed in Aug 2017.

CAREER HISTORY



Staff Number: O/60847⁴

Brigadier Fernando was active in 2008-9 in the final phase of the Sri Lankan civil war in the north. He was also posted to the conflict areas in the post war period when violations, documented by UN and NGO reports, continued to occur.

20 Aug 2009: Promoted after the war⁵.

1 Aug 2009- 25 Feb 2010: Col. API Fernando USP, General Officer Commanding 651 brigade, SFHQ, Kilinochchi⁶.

2010-2013: Gemunu Watch Camp Commander⁷

23 Oct 2014- 21 Jan 2016: General Officer Commanding 651 brigade, SFHQ, Kilinochchi⁸.

Oct 2016: directed joint military training exercises with India⁹.

2017: posted to London as defence attaché.

COMBAT IN THE FINAL WAR, 2008-9



*Photo taken in 2008 in Weli Oya Jungles
[His own comment on his FACEBOOK page]*

April 2008: Lt. Col. Priyanka Fernando reportedly fought in Weli Oya and Janakapura for the 11 Gemunu Watch Battalion as part of the 59 Division of the Sri Lankan Army¹⁰.

ACTIVE AT THE MULLATIVU FRONT

59 Division

As can be seen from the map, the 59 Division advanced on Mullaitivu Town from the south, capturing villages in late 2008. During this period the 59 Division was the closest fighting force to Mullaitivu where the UN confirmed the hospital came under repeated shell attack from government forces.

⁴ Confirmation and promotion- senior Army officers, 17 Aug 2009, The Daily News, <http://archives.dailynews.lk/2001/pix/PrintPage.asp?REF=/2009/08/17/news28.asp>

⁵ Army Promotions, The Island, <http://www.island.lk/2009/08/20/news26.html> and Confirmation and promotion- senior Army officers, 17 Aug 2009, The Daily News, <http://archives.dailynews.lk/2001/pix/PrintPage.asp?REF=/2009/08/17/news28.asp> and also KP's secret mind boggling operations unveiled, 16 Aug 2009, The Nation, <http://www.nation.lk/2009/08/16/militarym.htm>

⁶ http://222.165.180.163/sfkilinochchi/651_bde

⁷ <http://www.army.lk/highlanders/>, From 2010.03.01 - to 2013.04.11

⁸ http://222.165.180.163/sfkilinochchi/651_bde

⁹ 4TH INDIA-SRI LANKA JOINT TRAINING EXERCISE, 'MITRA SHAKTHI' BEGINS, 21 Oct 2016, <http://www.army.lk/news/4th-india-sri-lanka-joint-training-exercise-'mitra-shakthi'-begins>

¹⁰ Rain or shine, protecting motherland is their aim, Northern battlefront troops brave inclement weather, Tiger fire in anti-terror drive, Ranil Wijayapala, 11 April 2008, Daily News. <http://archives.dailynews.lk/2008/04/11/fea03.asp>

Media reports say the 59 Division captured Kumalamunai on November 11, and Othiyamalai on Nov 29, 2008, and then Mulliyaveli on December 16, 2008. The 59 Division finally captured Mullaitivu town on 25 January 2009¹¹.

There is little doubt that Fernando played a key role in the offensive on Mullaitivu¹²; this Sri Lankan media report of the time describes him as “battle hardened”:

“The Task Force V led by Col. Athula Galagamage too has some of the best battle hardened commanders. Its two Brigade Commanders Lt. Col. Priyanka Fernando and Lt. Col. Ranjith Abeyratne have both proved their mettle leading 11th Gemunu Regiment and Seventh Light Infantry respectively. The 11th Gemunu regiment under Lt. Col. Fernando has proven time and again spectacular strikes against the enemy as part of the 59 Division advancing in the Mullaitivu front since this division began its operations from Weli Oya in January 2008¹³”.



Nov 2008: Brigadier Fernando is reported to be in command of the 11 Gemunu Watch battalion which is said to have been active in the capture of Mankulam and Kumulamunai villages south of Mullaitivu¹⁴. Media reports say the 11 Gemunu Watch Battalion under the command of Lt.Colonel Priyanka captured the village after a fierce battle with

¹¹ TRIUMPH following massive DEBACLE on Vanni front, The Island, 8 Nov 2008. http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=155173; Military blogger David Blacker says the 59 Division captured Mullaitivu town using a two-pronged advance to push the LTTE back on the inland edge of the lagoon while also storming the town. <https://blacklightarrow.wordpress.com/2009/01/26/the-advance-to-mullaitivu-phase-2/>

¹² **Troops poised to capture more crucial Tiger strongholds**, Daily News, 11 July 2008, <http://archives.dailynews.lk/2008/07/11/fea02.asp>

¹³ Kilinochchi Triumph, The Nation, 4 January 2009, <http://www.nation.lk/2009/01/04/militarym.htm>

¹⁴ “The 59 Division over ran the Muhagam LTTE base (May 30, 2008), Michael base (July 4, 2008), Suganthan base (July 27, 2008), Jeevan base (August 16, 2008)¹⁴. The 59 Division secured the western part of the Nayaru lagoon, on August 21, 2008. The 59 Division regained Kumalamunai and Othiyamalai, on November 11, and Nov 29, 2008, respectively. LTTE abandoned Mulliyaveli, on Dec 16, 2008. The 59 Division took Kumalamunai and this success was followed by the seizure of The 59 Division achieved its primary objective, on January 25, 2009, with the capture of Mullaitivu”. Mankulam, Kumulamunai in Forces’ hands, 58 Division troops heading to Paranthan: Ranil WIJAYAPALA and Rafik JALALDEEN, 18 November 2008, The Daily News, <http://archives.dailynews.lk/2008/11/18/sec01.asp>

the LTTE. Kumulamunai was the first settlement after the Andankulam forest reserve in the south of Mullaitivu¹⁵. Military blogs also confirm that Fernando was active in the Mullaitivu Front at this time¹⁶.

Recapture of Alampil: Brigadier Fernando is also reported to have led troops in the recapture of Alampil just south of Mullaitivu¹⁷. This is corroborated in the state run newspaper: “Colonel Priyanka Fernando advanced to Alampil after dominating the Kumalamunai- Alampil road¹⁸” and “According to military sources following the fall of the Kumalamunai, 11 Gemunu Watch battalion under the command of Lt. Colonel Priyanka Fernando advanced to Alampil after dominating the Kumalamunai- Alampil road¹⁹”.

Dec 2008: A new unit, Task Force V is raised under the command of Col. Athula Galagamage and Lt. Col. Priyanka Fernando is appointed one of the brigade commanders along with Lt. Col. Ranjith Abeyratne²⁰. Brigadier Fernando is again described in media reports as operating on the Mullaitivu front at this point²¹. According to the state run newspaper, Task Force V is to be deployed in the ongoing military operations²².

MULLAITIVU HOSPITAL ATTACKS

According to the UN OHCHR Investigation into Sri Lanka (2015²³) shells repeatedly fell on the government hospital in Mullaitivu from August 2008 onwards as the fighting advanced towards Mullaitivu from the south where the 59 Division was advancing:

“On 8 August 2008, between midnight and 1 a.m., approximately 40 shells exploded in the immediate surroundings of Mullaitivu hospital, reportedly fired from an area controlled by the advancing forces of the SLA, some 10 kilometres from Mullaitivu” (Para 798).

“In October and November 2008 the hospital was again hit during shelling, including from the use of MBRLs fired from SLA positions to the south of Mullaitivu.”(para 799)

“OISL has no information indicating that LTTE had military installations positioned in or in the vicinity of Mullaitivu hospital at the time of the attacks in August, October, December 2008 and January 2009. On this basis, there was no known military target and thus no justification to fire on the hospital and surrounding areas”. (para 800)

In addition ITJP witnesses personally saw the shelling in Dec 2008 of the Mullaitivu hospital. Human Rights Watch also cited attacks on the hospital on 15,19,and 20 December 2008²⁴.

¹⁵ Fall of Pooneryn triggered LTTE downfall, 13 dec 2008, Sunday Observer, <http://archives.sundayobserver.lk/2001/pix/PrintPage.asp?REF=/2009/12/13/sec04.asp>

¹⁶ Saturday, December 13, 2008, Heavy casualties as Sri Lanka takes more Tiger territory, Military and LTTE exchange dead bodies of fighters , Task Force V - The 9th offensive Division against LTTE, <http://www.lankalibrary.com/phpBB/viewtopic.php?f=66&t=4515&view=next>

¹⁷ Delhi silent about Karunanidhi’s claim, 7 dec 2008, at <http://www.nation.lk/2008/12/07/militarym.htm>, The Nation, 7 Dec 2008. ““On the Northeastern coast, 11th Regiment of the Gemunu Watch (of 59th Division) captured the Sea Tiger stronghold at Alampil with minimum of casualties on Thursday. They were supported by 14th Wijeba Infantry Regiment commanded by Maj. Vipul Weerakoon. The 11th GW troops had been led from the front by their commander Lt. Col. Priyanka Fernando.”

¹⁸ Twin victories for Forces, Alampil and Puliyankulam regained , Sea Tigers lose another strategic location

Ranil Wijayapala and Rafik Jalaldeen, 5 Dec 2008, The Daily News, <http://archives.dailynews.lk/2008/12/05/sec01.asp>

¹⁹ Twin victories for Forces Alampil and Puliyankulam regained , Sea Tigers lose another strategic location

Ranil Wijayapala and Rafik Jalaldeen, 5 Dec 2008, The Daily News, <http://archives.dailynews.lk/2008/12/05/sec01.asp>

²⁰ Wannan Army Graveyard, Sri Lanka Guardian, <http://www.srilankaguardian.org/2008/12/wanni-army-graveyard.html>

²¹ Army Poised for Final Push, Daily News, 12 dec 2008, <http://archives.dailynews.lk/2008/12/12/fea02.asp> “Lt. Colonel Priyanka Fernando, presently the Commanding Officer of the 11 Gemunu Watch operating in the Mullaitivu Front and Lt. Colonel Ranjith Abeyratne presently Commanding Officer of the 7 Sri Lanka Light Infantry battalion now operating in the Kilinochchi front are tipped to be appointed as the two Brigade Commanders of the Task Force V”.

²² “According to Military sources Army Commander Lt. General Sarath Fonseka has made arrangements to form Task Force V, the ninth offensive Division to be deployed in the ongoing military operations against the LTTE”, **New offensive divisions ready**, Ranil WIJAYAPALA, 13 Dec 2008, The Daily News, <http://archives.dailynews.lk/2008/12/13/sec01.as>

²³ A/HRC/30/CRP.2, UN.

²⁴ Sri Lanka: Repeated Shelling of Hospitals Evidence of War Crimes, 30 Attacks Reported on Medical Facilities Since December, 8 May 2009,



(Fernando is second from left)

CONCLUSION

Brigadier Fernando was clearly active in the final offensive in the north of Sri Lanka from at least April 2008 – and on those grounds alone should have been subjected to a scrupulous vetting process by both the Government of Sri Lanka and the UK which should have precluded his diplomatic appointment to London.

Furthermore Brigadier Fernando is cited repeatedly in media reports for his combat role as part of the 59 Division in the push towards capturing Mullaitivu. From August 2008 to January 2009 the UN and other sources cite repeated shell attacks on the Mullaitivu Hospital coming from the south from where the 59 Division was advancing. It is not possible to say if Brigadier Fernando's battalion was responsible for those specific attacks on the hospital which if proven in a court of law could amount to war crimes. The Brigadier needs to be asked to clarify what his role, if any, was in those incidents.

The UK government has clearly not done the due diligence to ensure that potential human rights violators are prevented from entering the UK and being allowed to hold office in the UK.

There is regrettably no longer any information available online about Brigadier Fernando's role in the war between January – May 2009. Vetting authorities should ask him to clarify this period in his career.

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