



**Allegations of Human Rights Violations
against
Daya Ratnayake**

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Section 1. Summary

Daya Ratnayake is a retired army general who has allegedly been involved in a wide range of human rights violations and war crimes during his service in the army. Allegations against him range across two phases regarding the following types of abuses: (1) unlawful killings of civilians during the government forces' operations in the eastern part of Sri Lanka in the country's civil war, while he was the Commander of the 23 Infantry Division of the Sri Lanka Army; and (2) arbitrary detention, torture (including sexual violence), enforced disappearances, and extrajudicial executions in connection with the government's post-war "rehabilitation" programme of ex-combatants, where he was the Commission General of Rehabilitation from July 2009 to January 2010. After retirement from military service, he continued to serve public posts, with the most recent being the Secretary to the Ministry of Industry from June 2021 to July 2022.

Section 2. Biographical Information



Full Legal Name: Ratnayake Mudiyanseelage Daya Ratnayake

Country: Sri Lanka

Title or Position: Secretary to the Ministry of Industry (July 2021 – July 2022); Chairman of Sri Lanka Ports Authority (December 2019 – June 2021); [*Retired from military service in February 2015*]; Commander of the Sri Lanka Army (SLA) (August 2013 – February 2015); Chief of Staff of the SLA (January 2010 – July 2013); Commissioner General of Rehabilitation (July 2009 – January 2010); Commander of Forward Maintenance Area (North) (August 2007 – August 2009); General Officer in Command of the 23 Infantry Division (December 2005 – August 2007); Director - Media of the SLA and Military Spokesman for the Ministry of Defence (MoD) (October 2004 – December 2005); Commander of the 232nd Brigade (in Batticaloa) (January – October 2004); Chief of Military Staff at MoD (2003 – 2004); Sri Lanka Light Infantry (SLLI) Centre Commandant (March – September 2002); Area Commander – Central Region (September 2000 – March 2003); Brigade Commander (533rd and 534th Brigades) (June 1998 – September 2001); Commanding Officer of the Sri Lanka Military Academy (January 1997 – June 1998); Commander of the 6th Battalion of SLLI (1993 – 1996); Senior military intelligence officer in charge of the Northern Province (1991 – 1992); Senior military intelligence officer at Operations HQ, MoD (in Southern Province) (1988-1991); Chief Instructor at Military Intelligence School (January – April 1990); Chief Instructor at Army Training School (1987 – 1988)

[*Commissioned in the SLLI in July 1981*]

Date of Birth: 22 February 1958

Other Known Personal Identifiers (place of birth, passport number, address, etc): Service No. O/50913. Place of birth: Siyambalangamuwa, Sri Lanka.

Section 3. Allegations of Human Rights Violations against Daya Ratnayake

Daya Ratnayake is alleged to have been involved in a wide range of human rights violations and war crimes during his 35 years of service in the army. Allegations against him range across two phases regarding the following types of abuses: (1) unlawful killings of civilians during the government forces' operations in the eastern part of Sri Lanka in the country's civil war, while he was the Commander of the 23 Infantry Division of the Sri Lanka Army; and (2) arbitrary detention, torture (including sexual violence), enforced disappearances, and extrajudicial executions in connection with the government's post-war "rehabilitation" programme of ex-combatants, where he was the Commission General of Rehabilitation from July 2009 to January 2010.

ITJP has gathered first-hand victim accounts, news reports, official government reports, and public reports by United Nations (UN) bodies and mechanisms as well as credible non-government organisations such as Human Rights Watch and Amnesty International. These credible, independent sources corroborate each other and establish reasonable grounds to believe that **Daya Ratnayake** was indeed involved in the human rights abuses of which he has been accused. **Daya Ratnayake's** own publications and public statements also lends insight into his central role in the violations.

A. Unlawful Killings of Civilians during the Civil War

1. Government Attacks against Civilians, Internal Displacement, and Restrictions of Humanitarian Aid during the East Military Campaign

The Sri Lankan civil war between the government and the Liberation Tigers of Tamil Eelam (LTTE) was fought between July 1983 to May 2009. In July 2006, the Sri Lanka Army (SLA) launched "Operation Watershed" which marked the beginning of the government's military campaign in the Eastern Province (then held by the LTTE).¹ According to the report of the UN High Commissioner for Human Rights (OHCHR) Investigation on Sri Lanka (OISL), the Security Forces Headquarters-East (SFHQ-E) in Welikanda conducted the operation under the control of the Joint Operations Headquarters in Colombo.² Under the SFHQ-E's command were the 22 and 23 Infantry Divisions, as well as the Commando Brigade and the Special Forces Brigade which were attached for the operation.³ The SLA captured Mavil Aru in two weeks and went on to capture Sampur (August – September 2006), Vakarai (October 2006 – January 2007), Kanchikudichcharu (January – February 2007), Batticaloa East (February – April 2007), Batticaloa West (April – July 2007), and Thopigala (July 2007), eventually taking over the Eastern Province.⁴

¹ UN High Commissioner for Human Rights, Report of the OHCHR Investigation on Sri Lanka (OISL) [*hereinafter* OISL Report], A/HRC/30/CRP.2, 16 September 2015, para. 67, https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx.

² OISL report, para. 67.

³ OISL report, para. 67.

⁴ OISL report, paras 67-68.

During this military campaign, the SLA directed attacks against civilians and civilian objects using heavy arms such as artillery, rockets, and air strikes.⁵ The OISL documented several such attacks and found reasonable grounds to believe that they constituted war crimes.⁶ For instance, on 8 November 2006, the SLA bombarded the Kathiravelli School in Vakarai with artillery fire; the school was hosting around 1,000 displaced civilians and numerous died in the attack.⁷ On the day of this attack, the military also prevented the Sri Lanka Monitoring Mission (SLMM) – a Nordic multinational civilian body that oversaw the ceasefire agreement (CFA) between the Sri Lankan government and the LTTE – from accessing the school site until late afternoon.⁸

This attack was condemned by the UN as well as many humanitarian and human rights organisations and several governments.⁹ Importantly, the SLMM found no evidence of LTTE military installations at the school;¹⁰ Human Rights Watch also interviewed witnesses to the attack, all of whom said there were no LTTE fighters in the vicinity at the time of the attack or directly before, nor were the civilians used as human shields at this particular time as the government claimed.¹¹

One ITJP witness further testified to the government's knowledge of the presence of tens of thousands of displaced civilians. According to the witness, the government was notified by humanitarian organisations (such as the ICRC and SLMM) as well as by the LTTE.¹² Security forces also conducted aerial surveillance of the area and would have easily recognised such a large gathering of people living in tents in the open area.¹³ Despite such knowledge, the government forces launched an attack that was so intense that the ICRC eventually had to evacuate its staff due to concerns over their safety.¹⁴ Moreover, the witness saw the use of Multi-Barrel Rocket Launchers (MBRLs),¹⁵ which was

⁵ OISL report, para. 70.

⁶ OISL report, para. 70.

⁷ OISL report, para. 74.

⁸ OISL report, para. 74.

⁹ See e.g., UN Office for the Coordination of Humanitarian Affairs, *Sri Lanka: United Nations condemns indiscriminate use of force*, 9 November 2006, <https://reliefweb.int/report/sri-lanka/sri-lanka-United-nations-condemns-indiscriminate-use-force?OpenDocument>; Amnesty International, *Sri Lanka: Amnesty International calls for inquiry into attack on displaced civilians*, ASA 37/033/2006, 8 November 2006, <https://www.amnesty.org/en/documents/asa37/033/2006/en/>; International Committee of the Red Cross (ICRC), *Sri Lanka: ICRC deplures attack on civilians*, 9 November 2006, <https://reliefweb.int/report/sri-lanka/sri-lanka-icrc-deplures-attack-civilians>; United States, *Office of the Spokesman, Military Attack in Eastern Sri Lanka*, 2006/1027, 9 November 2006, <https://2001-2009.state.gov/r/pa/prs/ps/2006/75770.htm>; Karunanidhi deplures shelling by Lankan forces, THE HINDU, 9 November 2006, <https://web.archive.org/web/20061128100601/http://www.hindu.com/thehindu/holnus/004200611092032.htm>; and *Anger over Lanka civilian deaths*, BCC NEWS, 9 November 2006, http://news.bbc.co.uk/2/hi/south_asia/6131566.stm.

¹⁰ OISL report, para. 74. See also *Anger over Lanka civilian deaths*, BCC NEWS, 9 November 2006, http://news.bbc.co.uk/2/hi/south_asia/6131566.stm.

¹¹ Human Rights Watch, *Return to War, Human Rights under Siege*, 5 August 2007, <https://www.hrw.org/report/2007/08/05/return-war/human-rights-under-siege>.

¹² ITJP W170, para. 11.

¹³ ITJP W170, para. 11.

¹⁴ ITJP W170, para. 11.

¹⁵ ITJP W170, paras. 12-13.

corroborated by Human Rights Watch,¹⁶ local Tamil welfare organisations,¹⁷ contemporary news reporting,¹⁸ as well as the government's own statement¹⁹. The use of such unguided weapons and ammunition is indicative of the government's intent in carrying out attacks in an indiscriminate manner in violation of international humanitarian law (IHL), particularly principles of distinction, proportionality, and precaution.

The government's claim that the attack was in response to LTTE combat actions is contradicted by other credible sources as referenced above. Furthermore, such a response, even if factually true, is not a defence under IHL.²⁰ Nevertheless, the government at the time said it merely "regrets" the attack and shamelessly defended it as "inevitable", blaming the LTTE for using civilians as human shields.²¹

In addition to the attack above, the ITJP witness has described other government attacks against civilians during its military operations in the Eastern Province, including an artillery attack directly against the Vakarai Hospital, where civilians had congregated thinking it would be safe.²² This attack killed and injured many civilians, including women and children.²³ A government doctor working in the Vakarai Hospital also reported to the BBC the shelling on the hospital grounds which injured civilians.²⁴ The ICRC similarly expressed its concern over the shelling in the Vakarai area, including in the vicinity of the hospital.²⁵ Notably, the Sri Lankan government's own news reporting at the time confirmed that there were "some estimated 5,000 civilians" that were camping around the hospital, though it denied the attack.²⁶

Apart from direct civilian injuries resulting from these attacks, the ITJP witness and the doctor further mentioned thousands of civilians being displaced due to the attacks.²⁷ For example, the ITJP witness personally went with about 40,000 Tamil civilians from Sampur to Vakarai.²⁸ After the attack against the Vakarai Hospital, the doctor saw

¹⁶ Human Rights Watch, *Return to War, Human Rights under Siege*, 5 August 2007, <https://www.hrw.org/report/2007/08/05/return-war/human-rights-under-siege>.

¹⁷ See e.g., Tamils Rehabilitation Organisation, *Over 100 civilians dead and injured; School and hospital hit by Sri Lankan army attack*, 8 November 2006, <https://reliefweb.int/report/sri-lanka/over-100-civilians-dead-and-injured-school-and-hospital-hit-sri-lankan-army-attack>.

¹⁸ *40 civilian refugees killed in Sri Lankan artillery attack*, TAMILNET, 8 November 2006, <https://www.tamilnet.com/art.html?artid=20196&catid=13>

¹⁹ Government of Sri Lanka, *Sri Lanka: Civilians at the mercy of the Tigers*, 9 November 2006, <https://reliefweb.int/report/sri-lanka/sri-lanka-civilians-mercy-tigers>.

²⁰ See ICRC Database, Customary IHL, Rules 1-14, <https://ihl-databases.icrc.org/en/customary-ihl/v1>.

²¹ *Sri Lanka voices regret over civilian deaths*, ABC NEWS, 9 November 2006, <https://www.abc.net.au/news/2006-11-09/sri-lanka-voices-regret-over-civilian-deaths/1306040>.

²² ITJP W170, para. 15.

²³ ITJP W170, para. 15.

²⁴ *Four injured in Vakarai hospital attack*, BBC SINHALA, 18 January 2007, https://www.bbc.com/sinhala/news/story/2007/01/printable/070118_vakarai_hospital and '*Last civilian*' leaves Vakarai, BBC SINHALA, 19 January 2007, https://www.bbc.com/sinhala/news/story/2007/01/printable/070119_vakarai_civilians.

²⁵ *Sri Lanka: ICRC calls on warring parties to respect hospitals and civilians*, ICRC, 18 January 2007, <https://reliefweb.int/report/sri-lanka/sri-lanka-icrc-calls-warring-parties-respect-hospitals-and-civilians>.

²⁶ *Vakarai: On the trail of another victory*, SUNDAY TIMES, 28 January 2007, <https://sundaytimes.lk/070128/News/117news.html>.

²⁷ '*Last civilian*' leaves Vakarai, BBC SINHALA, 19 January 2007, https://www.bbc.com/sinhala/news/story/2007/01/printable/070119_vakarai_civilians.

²⁸ W170, para. 10.

thousands of civilians fleeing from the area.²⁹ The large numbers of displaced civilians was also corroborated by a U.S. Cable from February 2007,³⁰ as well as the Sri Lankan government's own news reporting at the time.³¹

During this time, the Sri Lankan government also severely restricted humanitarian aid into the east. This has been established by the OISL³² and corroborated by the ITJP witness.³³

To note, the government persisted in wrongdoing by attempting to silence journalists reporting on these violations of international law. For instance, J.S. Tissainayagam, a Tamil columnist with the *Sunday Times* newspaper and editor of the Outreach website, was later arrested and charged (in part) for reporting on the attacks against civilians in Vakarai as well as the government's starvation of the civilian population by refusing them food and medicine.³⁴

2. **Daya Ratnayake's** Command Responsibility

During this phase of the war, **Daya Ratnayake** was the General Officer in Command (GOC)³⁵ of the 23 Division "which pioneered the humanitarian operations in the East"³⁶. According to the SLA, **Daya Ratnayake** "performed an outstanding role in eliminating well-founded terrorist bases as the GOC of 23 Division"³⁷ and "spearheaded" the SLA's operations in the East.³⁸ In fact, he "held all commanding positions leading the forces in key strategic areas including Thoppigala and Vakarai, which ultimately led to the downfall of the LTTE",³⁹ and took part in "all the major offensive operations against terrorism since

²⁹ 'Last civilian' leaves Vakarai, BBC SINHALA, 19 January 2007, https://www.bbc.com/sinhala/news/story/2007/01/printable/070119_vakarai_civilians.

³⁰ U.S. Cable 07COLOMBO302_a, 20 February 2007, para. 3, https://search.wikileaks.org/plusd/cables/07COLOMBO302_a.html.

³¹ *Vakarai victory: A major milestone in Security Forces' operations*, DAILY NEWS, 26 January 2007, <https://archives.dailynews.lk/2007/01/26/fea02.asp>.

³² OISL report, para. 69. See also *Sri Lanka: urgent need for effective protection of civilians as conflict intensifies*, AMNESTY INTERNATIONAL, ASA 37/009/2007, 5 April 2007, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session2/LK/AI_LKA_UPR_S2_2008anx_asa370092007.pdf.

³³ ITJP W170, para. 14.

³⁴ Human Rights Watch, *Letter to President Mahinda Rajapakse of Sri Lanka to Free Journalists Unfairly Held*, 22 January 2009, <https://www.hrw.org/news/2009/01/22/letter-president-mahinda-rajapakse-sri-lanka-free-journalists-unfairly-held>. Tissainayagam's case was also reported by the U.S. ambassador: U.S. Cable 08COLOMBO801_a, 26 August 2008, https://wikileaks.org/plusd/cables/08COLOMBO801_a.html.

³⁵ *Daya new Army Commander from 1 Aug.*, DAILY FT, 15 June 2013, <https://www.ft.lk/front-page/daya-new-army-commander-from-1-aug/44-157050#>

³⁶ Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>.

³⁷ Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>.

³⁸ *Maj.Gen Daya Ratnayake appointed Army Commander*, DAILY MIRROR, 14 June 2013, <https://www.dailymirror.lk/breaking-news/majgen-daya-rathnayake-appointed-army-commander/108-30938>.

³⁹ *Maj.Gen Daya Ratnayake appointed Army Commander*, DAILY MIRROR, 14 June 2013, <https://www.dailymirror.lk/breaking-news/majgen-daya-rathnayake-appointed-army-commander/108-30938>. See also picture of him as a "top military field commander" in April 2007: <https://www.gettyimages.in/detail/news-photo/sri-lankas-top-military-field-commander-brigadier-daya-news-photo/73864026>.

1981 up until the termination of operations in the East even having sustained battle injuries”⁴⁰.

Additionally, he spoke in detail how he led and transformed the 23 Division, from “fine-tuning” structures, intensifying training, upgrading weapons, to improving “force multipliers, i.e., intelligence, psychological operations, civil affairs and communications”.⁴¹

Daya Ratnayake also developed the “small group” concept which was later used in the military operations in the Eastern and Northern Provinces.⁴² In fact, in 2008, **Ratnayake**, described as “a gung-ho army brigadier in charge of much of the eastern front”, told the AFP, “We will not take more than two months to get the east clear of these terrorists. Now the only major concentration of Tigers in the east is just outside Batticaloa, and we know how to get rid of them now.”⁴³

The physical presence on the ground, the demonstration of leadership through detailed training and development of the troops, and the strategies and tactics which were also implemented in the later phases of the war all show **Daya Ratnayake**’s effective control over the troops under his command and his central role in the military operations in the East.

Moreover, **Daya Ratnayake** “distinctly remembered” the takeover of Vakarai and specifically knew “there were 40,000 civilians in the Vakarai-Kadiraveli stretch”.⁴⁴ He also had full knowledge of the use of weapons such as the MBRL as his “office” at the time was “a construction made totally of ammunition boxes in which multibarrel rocket launchers had been transported”.⁴⁵ His knowledge of the attacks against civilians and use of heavy, indiscriminate weapons such as MBRLs is thus clear. Yet he did not take effective measures to stop, prevent, and punish these violations, thereby breaching his command responsibility under international law.

The military operation in the east led by **Daya Ratnayake** was a “rehearsal” for the government’s subsequent operations in the north during the final phase of war, which saw even worse atrocities. As observed by the OISL, “The Eastern campaign provided the SLA with an opportunity to test the new doctrines, organisation and tactics that had

⁴⁰ Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>. See also picture of him guiding operations in the East: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

⁴¹ Lt General Daya Ratnayake, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

⁴² Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWW RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/> (“Thoppigala was taken by the Special Forces using small group concepts hone in the East”).

⁴³ *Whitewashing a genocide - Sri Lanka’s former army commander launches book*, TAMIL GUARDIAN, 30 May 2025, <https://www.tamilguardian.com/content/whitewashing-war-crimes-sri-lankan-former-army-commander-launches-book>.

⁴⁴ Lt General Daya Ratnayake, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

⁴⁵ Lt General Daya Ratnayake, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

been developed during reforms of the armed forces initiated by the new Government. The lessons that were learned capturing the East subsequently appear to have shaped the conduct of the later Northern campaign....”⁴⁶

These “lessons” also included the false rhetoric of “humanitarian operation” and “avoiding civilian casualties”.⁴⁷ In fact, the commonly used phrase “zero civilian casualties” originated from **Daya Ratnayake**; it reportedly “impressed the National Security Council and became the template for the final battles in the Wanni”.⁴⁸

Ratnayake was so proud of his invention of the phrase that he “bluntly” corrected his superior, the Director of Operations at Army HQ, when he received a letter “attributing his plan to another source”.⁴⁹

B. Arbitrary detention, Torture, Enforced Disappearances, and Extrajudicial Killings in Post-War “Rehabilitation” Centres

1. Human Rights Violations in “Rehabilitation” Centres

After the conflict ended in early May 2009, many of those perceived as connected to the LTTE – including children – were taken to one of 24 “rehabilitation” centres (Protective Accommodation and Rehabilitation Centres, PARCs) across the north and east of Sri Lanka, mostly in Vavuniya and Jaffna but also in Trincomalee and near Batticaloa.⁵⁰

Based on the OISL report, ITJP witness testimony, and other public reports, it is established that PARCs were in reality arbitrary detention sites with little to none “rehabilitation” activities⁵¹ (which were themselves vaguely or un-defined to begin

⁴⁶ OISL Report, para. 69. See also *Vakarai victory: A major milestone in Security Forces’ operations*, DAILY NEWS, 26 January 2007, <https://archives.dailynews.lk/2007/01/26/fea02.asp>.

⁴⁷ OISL Report, para. 69. See also *Vakarai victory: A major milestone in Security Forces’ operations*, DAILY NEWS, 26 January 2007, <https://archives.dailynews.lk/2007/01/26/fea02.asp>.

⁴⁸ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

⁴⁹ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

⁵⁰ OISL Report, paras. 372 and 707-709, and UN Secretary-General, Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka [*hereinafter* UN PoE Report], 31 March 2011, paras. 164-167 and 230. <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf>.

⁵¹ See e.g., OISL Report, para. 372; *Sri Lanka: Free Civilians From Detention Camps*, HUMAN RIGHTS WATCH, 28 July 2009, <https://www.hrw.org/news/2009/07/28/sri-lanka-free-civilians-detention-camps>; *Sri Lanka: Free All Unlawfully Detained*, HUMAN RIGHTS WATCH, 24 November 2009, <https://www.hrw.org/news/2009/11/24/sri-lanka-free-all-unlawfully-detained>; Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>; International Commission of Jurists, *Beyond Lawful Constraints: Sri Lanka’s Mass Detention of LTTE Suspects*, September 2010, <https://www.icj.org/wp-content/uploads/2012/06/Sri-Lanka-mass-detention-LTTE-analysis-brief-2010.pdf>; Amnesty International, *Sri Lanka: Unlock the camps in Sri Lanka. Safety and dignity for the displaced now*, ASA 37/016/2009, 10 August 2009, <https://www.amnesty.org/en/documents/asa37/016/2009/en/>; Human Rights Watch, *Legal Limbo: The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, February 2010, <https://www.hrw.org/sites/default/files/reports/srilanka0210webwcover.pdf>; and ITJP W3, W9, W18, W65,

with).⁵² To this point, according to the government, the model of rehabilitation was “initiated, designed, developed and implemented by the Sri Lanka Army”.⁵³ The Terrorist Investigation Department (TID), Criminal Investigation Department (CID), and Military Intelligence Corps,⁵⁴ each rife with allegations of widespread and systematic torture and sexual violence,⁵⁵ were the state agencies primarily involved in the assessment of the detainees⁵⁶. Although the government also claimed that experts from other fields offered “assistance” in the design of rehabilitation modules,⁵⁷ PARCs were essentially run by these security forces,⁵⁸ which indicates their purpose was not rehabilitation.

a. Arbitrary Detention

The arbitrary nature of the detention is inherent in the applicable legal framework in Sri Lanka. Under Sri Lanka’s the Emergency Regulations issued under the Public Security Ordinance Act, so-called “surrendees” could be detained in “rehabilitation” centres for 12 months, which could be extended for up to two years without charge or trial for the purposes of “rehabilitation.”⁵⁹ In reality, the detainees are held indefinitely beyond two years without charges or trial.⁶⁰ “Terrorist” offences were also defined in very vague terms,⁶¹ and preventive detention – which the United Nations Working Group on Arbitrary Detention has found to be arbitrary in nature and in breach of Article 9 of ICCPR even in the context of counter-terrorism measures/operations⁶² – was permitted⁶³. Habeas corpus was effectively suspended as both the Prevention of Terrorism Act (PTA) and the Emergency Regulations provided that anyone held under these provisions had no right to

W68, W71, W95, W126, W129, W130, W132, W137, W207, W208, W209, W212, W247, W249, W292, W305, W327, W330, W334, W337, and MLR73.

⁵² See Asanga Abeygoonasekera and Rohan Gunaratna, *Reconciliation after Terrorism: The Sri Lankan Experience*, 30 August 2012, <https://dbsjeyaraj.com/dbsj/?p=10144>.

⁵³ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 17, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

⁵⁴ Sri Lanka Ministry of Disaster Management and Human Rights, *National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka*, p. 14, file:///Users/hannahz/Downloads/wcms_116478.pdf.

⁵⁵ See generally ITJP, *Terrorism Investigation Division*, 18 September 2019, <https://itjpsl.com/reports/terrorism-investigation-division>; Amnesty International, *Sri Lanka: Torture in custody*, ASA 37/10/99, June 1999, <https://www.amnesty.org/ar/wp-content/uploads/2021/06/asa370101999en.pdf>; Human Rights Watch, *Locked Up Without Evidence: Abuses under Sri Lanka’s Prevention of Terrorism Act*, January 2018, https://www.hrw.org/sites/default/files/report_pdf/srilanka0118_web_0.pdf.

⁵⁶ Sri Lanka Ministry of Disaster Management and Human Rights, *National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka*, p. 14, file:///Users/hannahz/Downloads/wcms_116478.pdf.

⁵⁷ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 17, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

⁵⁸ ITJP W3, W39, W64, W68, W76, W85, W206, W289, W307, W334, and W313.

⁵⁹ Regulation 22 of the Emergency (Miscellaneous Provisions and Powers), (EMPP) Regulations, No. 1 of 2005, as amended by Emergency Regulation 1462/8, 2006.

⁶⁰ See e.g., *Pathmanathan Balasingam and Vijayanthan Seevaratnam v. Sri Lanka*, Working Group on Arbitrary Detention, Opinion No. 26/2012, U.N. Doc. A/HRC/WGAD/2012/26 (2012).

⁶¹ Regulation 19, Emergency and Prohibition of Terrorism and Specified Terrorist Activities) Regulation No. 07 2006, 6 December 2006.

⁶² United Nations Human Rights Council, 2009, Report of the Working Group on Arbitrary Detention, A/HRC/10/21, para. 54.

⁶³ Prevention of Terrorism Act (PTA) 1971, Section 9(1); EMPPR No. 1 of 2005, 13 August 2005, para. 18(1); and OISL Report, para. 341.

challenge the detention in the courts,⁶⁴ which is in violation of Article 9 of ICCPR⁶⁵. In 2012, the UN Working Group on Enforced and Involuntary Disappearances (WGEID) further found that indefinite detention of surrendees in a “rehabilitation” centre without judicial oversight or review of the lawfulness of their detention constitutes arbitrary detention in and of itself.⁶⁶

Moreover, although the government claimed that all PARCs were gazetted,⁶⁷ detainees were frequently moved between PARCs and between PARCs and other (secret) detention sites maintained by various security forces, which made locating the detainees’ whereabouts and conditions difficult.⁶⁸ The government’s reported number of detainees has also been inconsistent.⁶⁹ As such, the deliberately opaque nature of and lack of access to these sites further lent itself to abuse.⁷⁰

b. Torture and Sexual Violence

Indeed, as documented by the UN and non-government organisations alike, widespread torture and sexual violence against the detainees were committed by members of the Sri Lankan security forces in these “rehabilitation” centres.⁷¹

⁶⁴ PTA 1971, Part II, para. 10, and EMPFR No. 1 of 2005, 13 August 2005, para. 19(10).

⁶⁵ OISL Report, para. 340.

⁶⁶ *Pathmanathan Balasingam and Vijayanathan Seevaratnam v. Sri Lanka*, Working Group on Arbitrary Detention, Opinion No. 26/2012, U.N. Doc. A/HRC/WGAD/2012/26 (2012).

⁶⁷ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 16, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

⁶⁸ OISL Report, paras. 373-376; and ITJP W3, W9, W18, W39, W76, W126, W129, W130, W132, W186, W200, W207, W208, W211, W214, W249, W288, W289, W292, W305, W306, W307, W313, W327, W334, MLR56, MLR 73, MLR87, MLR 106, MLR108, and S78.

⁶⁹ See Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 16, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf> (number of surrendered ex-combatants was 10,790); Bureau of Rehabilitation, Services – Ex-Combatants, <https://bor.gov.lk/services/ex-combatants/> (“At the end of the war, 12196 misled combatants were simultaneously directed towards rehabilitation.”); Report of the Commission of Inquiry on Lessons Learnt and Reconciliation, para. 5. 49 (“there were 11,954 former LTTE combatants undergoing rehabilitation after they surrendered or who were otherwise taken into custody”); International Commission of Jurists, *Beyond Lawful Constraints: Sri Lanka’s Mass Detention of LTTE Suspects*, September 2010, <https://www.icj.org/wp-content/uploads/2012/06/Sri-Lanka-mass-detention-LTTE-analysis-brief-2010.pdf> (“In November 2009, the then Commissioner General for Rehabilitation (CGR) indicated that 10,992 ‘surrendees’ were under his custody”); <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/> (“12,000 LTTE who either surrendered or were captured”); and <https://news.slpa.lk/index.php/2019/12/23/slpa-new-chairman-general-ret-d-ratnayake-profile-in-brief/> (the number became 14,500). ITJP has developed an infographic on the varying numbers: ITJP, *Gotabaya Rajapaksa’s War Time Role*, January 2024, p. 53, https://itjpsl.com/assets/English_Gotabaya-Rajapaksas-war-time-role-Jan-2024_Final_14.02.2024.pdf.

⁷⁰ UN PoE Report, para. 167, (“There is virtually no information about the conditions at these separate LTTE ‘surrendee’ sites, due to a deliberate lack of transparency by the Government. The fact that interrogations and investigations as well as ‘rehabilitation’ activities have been ongoing, without any external scrutiny for almost two years, rendered alleged LTTE cadre highly vulnerable to violations such as rape, torture or disappearances, which could be committed with impunity.”)

⁷¹ OISL Report, paras. 372-384, 545, 547, 589, and 1129-1130; UN Committee against Torture, Concluding observations on the fifth periodic report of Sri Lanka, CAT/C/LKA/CO/5, 27 January 2017, <https://digitallibrary.un.org/record/1306832?ln=en&v=pdf>; ITJP, *Unsilenced*, 19 September 2018, https://itjpsl.com/assets/ITJP_unsilenced_report-final.pdf; International Commission of Jurists, *Beyond Lawful Constraints: Sri Lanka’s Mass Detention of LTTE Suspects*, September 2010, <https://www.icj.org/wp->

Common torture methods reported by ITJP witnesses include:⁷²

- Beatings (with bare hands or booted feet, wooden batons or sticks, rubber sticks, wires, hot irons, rifle butts, Palmyra stems, or plastic pipes filled with sand, on all body areas and sometimes specifically on the soles of the victims' feet);
- Waterboarding;
- Stepping on victims (head and/or body);
- Dragging them by their hair;
- Rubbing their faces into the floor or banging their heads against poles or walls;
- Cigarette burns;
- Suffocation with bare hands or petrol- or chilli powder- filled bags;
- Submerging victims' heads underwater;
- Hanging, sometimes upside down;
- Forced nudity and/or being tied up for prolonged periods of time;
- Withholding medical assistance or food; and
- Sexual violence (touching, squeezing and/or snapping testicles, forced oral sex, rape or gang rape, at times with batons or barbed wire in anus and in public or forced between victims).

One witness was also tied and hung by the thumbs from a steel rod with a pulley system.⁷³ Many victims became unconscious multiple times due to the extreme pain.⁷⁴

Verbal and physical threats to kill (pointing weapons) or further torture the victims in other more notorious detention camps often accompanied such physical violence,⁷⁵ and the uncertainty over the victims' fate due to the lack of routine as well as the unpredictability of the officers' conduct took a serious mental toll,⁷⁶ which constitute psychological torture as well.

Other forms of cruel, inhuman, and degrading treatment were also prevalent. These include urinating all over the victims,⁷⁷ commenting on the victims' naked body or

[content/uploads/2012/06/Sri-Lanka-mass-detention-LTTE-analysis-brief-2010.pdf](https://www.hrw.org/sites/default/files/uploads/2012/06/Sri-Lanka-mass-detention-LTTE-analysis-brief-2010.pdf); and Human Rights Watch, *Legal Limbo: The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, February 2010, <https://www.hrw.org/sites/default/files/reports/srilanka0210webwcover.pdf>.

⁷² ITJP W3, W9, W39, W40, W64, W68, W76, W85, W91, W95, W96, W108, W111, W124, W126, W129, W130, W132, W186, W200, W207, W208, W209, W211, W212, W214, W247, W249, W289, W292, W307, W334, MLR56, MLR73, MLR87, MLR106, MLR108, S78, and Witness J. See also Human Rights Watch, *"We Will Teach You a Lesson": Sexual Violence against Tamils by Sri Lankan Security Forces*, 26 February 2013, https://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf.

⁷³ ITJP W307.

⁷⁴ ITJP W3, W39, W64, W95, and W200.

⁷⁵ ITJP W9, W208, and W334. Human Rights Watch also documented that soldiers drove vehicles around a PARC and pointed guns at the victims from the top of these vehicles. See Human Rights Watch, *"We Will Teach You a Lesson": Sexual Violence against Tamils by Sri Lankan Security Forces*, 26 February 2013, p. 98, https://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf.

⁷⁶ ITJP W208 and W209.

⁷⁷ ITJP W3 and W186.

disability,⁷⁸ taking pictures of victims,⁷⁹ racial and misogynist slurs and other humiliating verbal abuse⁸⁰.

Detention conditions were also inhumane, with female detainees particularly reporting that the shower/washing areas were exposed in the open and that they could be seen from watch towers by male guards (who took pictures of the victims).⁸¹ The mere presence of male soldiers on site made female victims very uncomfortable as they were constantly sexually harassed.⁸² Rare supplies obtained during humanitarian visits from the ICRC or nuns were also confiscated; even the acceptance of such supplies was sometimes punished.⁸³

Following torture, victims were made to sign documents in Sinhala, which they did not understand.⁸⁴ However, it is clear that the torture and other degrading treatment facilitated not only the intelligence-gathering imperatives of the security services, but in many instances was designed to humiliate and break detainees, whilst gratifying an array of grotesque perversions by security force members, which aggravates the seriousness of the violations.

Such human rights violation was clearly known to those in charge – one ITJP witness specifically described how the commander of one PARC ignored the detainees’ reports of sexual violence even though he was the one who first asked the detainees if they were doing okay.⁸⁵ Even when the UN Committee Against Torture explicitly recommended in 2016 that these rehabilitation centres be abolished,⁸⁶ the government ignored this.

c. Extrajudicial Executions and Enforced Disappearances

Apart from torture and sexual violence, many detainees are also victims of extrajudicial executions and enforced disappearances.⁸⁷ For example, a mother identified her son in a photo of a group of boys detained in a PARC that was used in an article reporting on the

⁷⁸ ITJP W68 and W71.

⁷⁹ ITJP W208.

⁸⁰ ITJP W206, W249, and W289. Human Rights Watch also documented that soldiers harassed female ex-LTTE members, particularly targeting younger girls and asking questions like: “Will you marry me? How many men have you slept with? Will you sleep with me?”. See Human Rights Watch, “*We Will Teach You a Lesson*”: *Sexual Violence against Tamils by Sri Lankan Security Forces*, 26 February 2013, p. 98, https://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf.

⁸¹ ITJP W3, W9, W64, W207, W209, W212, W214, W247, W249, W289, and S78. See also Human Rights Watch, “*We Will Teach You a Lesson*”: *Sexual Violence against Tamils by Sri Lankan Security Forces*, 26 February 2013, https://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf.

⁸² ITJP W208.

⁸³ ITJP W209 and W249.

⁸⁴ ITJP W3, W9, W85, W129, and MLR87.

⁸⁵ ITJP W289.

⁸⁶ UN Committee against Torture, Concluding observations on the fifth periodic report of Sri Lanka, CAT/C/LKA/CO/5, 27 January 2017, <https://digitallibrary.un.org/record/1306832?ln=en&v=pdf>.

⁸⁷ OISL Report, paras. 95 and 366; Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>; and Human Rights Watch, *Legal Limbo: The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, February 2010, <https://www.hrw.org/sites/default/files/reports/srilanka0210webwcover.pdf>.

issue in *The Irish Times* in June 2009 – her son is still missing today.⁸⁸ One ITJP witness has also stated with certainty that he saw the boy in the PARC.⁸⁹

d. Forced Labour

Furthermore, detainees were subjected to forced labour. Both ITJP witnesses and other open sources have reported that detained LTTE members were forcibly made to perform heavy manual labour on a daily basis (such as farming and tree-clearing) within or around the detention sites⁹⁰ and sometimes sent to work in garment factories⁹¹ – the government itself has reported that a large number of female ex-combatants were sent to garment factories, albeit omitting the coercive nature.⁹² One ITJP witness specifically described that the detainees working in textile factories were left with little money each month after deducting food and lodging, and that they would be picked up by security forces officers from the hostel where the detainees stayed to be sexually assaulted.⁹³ Female detainees were also “trained” to “perform” at “cultural shows for the general public”,⁹⁴ which could constitute sexual exploitation of women. Even the vocational training for female detainees that the government proudly propagandised were blatantly misogynist as they focused “extensively” on traditionally “feminine” work (e.g., cooking, nursery management and pre-school teaching, sewing and tailoring, and hairdressing and makeup).⁹⁵

e. Forced Indoctrination

Additionally, a third of the rehabilitation modules were on “spiritual/religious (and) culture” and “psychological creative therapies”⁹⁶ which could constitute psychological torture. For example, Buddhist meditation was reported as a part of the rehabilitation process, even though – known and reported by the governments own report⁹⁷ – the Tamils

⁸⁸ Tom Farrell, *A way out for Sri Lanka's child soldiers*, THE IRISH TIMES, 25 June 2009, <https://www.irishtimes.com/news/a-way-out-for-sri-lanka-s-child-soldiers-1.791250> (only printed version has the photo – please see Attachment 1); Tom Farrell, *Sri Lanka's former Tamil Tigers choose to not look back in anger*, 26 January 2021, THE IRISH TIMES, <https://www.irishtimes.com/news/world/asia-pacific/sri-lanka-s-former-tamil-tigers-choose-to-not-look-back-in-anger-1.4468351>; and Attachment 1.

⁸⁹ W112.

⁹⁰ Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>;

⁹¹ ITJP W3, W41, W129, W132, W137, W186, W206, W207, W209, MLR73, S78, and one ITJP source. See also Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>.

⁹² Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 59, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf> and *Tri-Star to employ 600 women from former war-hit zones*, FIBRE2FASHION, 21 June 2010, https://www.fibre2fashion.com/News/apparel-news/newsdetails.aspx?news_id=87678&=true.

⁹³ ITJP source.

⁹⁴ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 26 and 34, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>. See also video footage of such performances.

⁹⁵ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 33-34, 59, and 61, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>; and ITJP W9.

⁹⁶ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 18, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

⁹⁷ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 17, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

are largely Hindu and it is the Sinhalese majority who are primarily Buddhist.⁹⁸ Additionally, the Tamil detainees were reportedly forced to express loyalty to the Sinhalese regime, attend prayer sessions, and hoist the national flag.⁹⁹ The government itself has admitted that apart from “a comprehensive study on all ex-combatants” by intelligence agencies, there was also “a dynamic psycho-social and socio economic profiling” process in liaison with profiling experts such as clinical psychologists, which guided “development of mental tranquillity, spiritual enhancement and expansion of moral values” during “rehabilitation”.¹⁰⁰ Ironically, this sometimes entailed forced consumption of alcohol and smoking, which the LTTE did not allow.¹⁰¹

Marriages were also arranged by the government among the detainees either individually or en masse as “the Bureau of the Commissioner General of Rehabilitation always encouraged the ex-combatants to get married and settle down in society as a family unit”.¹⁰²

The “systematic ideological indoctrination in Sinhala nationalism” and forced marriages could inflict serious mental pain and suffering as it attempts to erase the Tamil population’s ethnic, religious, and cultural identity and constitute psychological torture as well as violations of religious, cultural, and family rights.¹⁰³

f. Cover-Ups, Bribery, and Post-Release Harassment

Several ITJP witnesses specifically reported the government’s attempts to cover up what really was going on during “rehabilitation”. Victims were told not to report to the ICRC (sometimes referred to as “white visitors”) or anyone else that they were tortured or treated in other cruel, inhuman, or degrading ways; the detention sites were cleaned up right before those visits and visible injuries were avoided during torture since a couple days prior.¹⁰⁴ Photo ops for government propaganda (sometimes through president visits) and releases of detainees were staged as well.¹⁰⁵

⁹⁸ Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>. See also Asanga Abeygoonasekera and Rohan Gunaratna, *Reconciliation after Terrorism: The Sri Lankan Experience*, 30 August 2012, <https://dbsjeyaraj.com/dbsj/?p=10144>, and UN PoE Report, para. 165 (“While it is known to include vocational training (as selected by the Government), official rehabilitation also includes a psychological component where ‘surrendees’ are ‘reformed’.”)

⁹⁹ Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>; and ITJP W3, W249, W292, and W327.

¹⁰⁰ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 14-15, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

¹⁰¹ ITJP W3, W101, W124, W137, W206, W249, W289, and W292.

¹⁰² Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 22-26, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

¹⁰³ Immigration and Refugee Board of Canada, Responses to Information Requests (RIRs), LKA103663.E, 21 February 2011, <https://www.justice.gov/file/297506/dl?inline>;

¹⁰⁴ ITJP W3, W9, W85, W130, W214, MLR106, and S78.

¹⁰⁵ ITJP W3, W130, W207, W208, and W209.

There are also repeated allegations of bribery and extortion by ransom for the release of witnesses, which corroborates an established pattern of organised crime at the heart of Sri Lanka's security services.¹⁰⁶

After release, these victims as well as their families were subjected to further harassment by the security forces and many were later arbitrarily arrested or abducted by security forces again, restarting and perpetuating the cycle of torture, sexual violence, and other human rights violations.¹⁰⁷

2. Daya Ratnayake's Central Role

From August 2009 to January 2010, **Daya Ratnayake** was the Commissioner General of Rehabilitation in charge of PARCs,¹⁰⁸ who was responsible for making decisions regarding the nature and duration of the rehabilitation in individual cases.¹⁰⁹ ITJP has gathered the testimony of over 40 witnesses who have been detained in PARCs at some point, and the detentions of 39¹¹⁰ of them overlapped with **Daya Ratnayake's** tenure as the Commissioner General of Rehabilitation, 33¹¹¹ of whom were subjected to torture or other cruel, degrading, and inhuman treatment, which is further corroborated by one other ITJP witness who visited some PARCs for humanitarian purposes¹¹². **Daya Ratnayake** must have had effective control over his subordinates and knowledge of violations of the witnesses' human rights due to the following reasons.

The Bureau of the Commissioner General of Rehabilitation was established to lead the programme.¹¹³ According to the government's regulation promulgated specifically for rehabilitation, the Commissioner General of Rehabilitation, in charge of the bureau, was required to assign each surrendee to a PARC and "endeavour to provide the surrendee with appropriate vocational, technical or other training during his stay at the Centre".¹¹⁴

¹⁰⁶ OISL Report, para. 366; and ITJP W9, W41, W68, W85, W96, W126, W129, W132, W137, W186, MLR73, and MLR87. See also Human Rights Watch, "We Will Teach You a Lesson": Sexual Violence against Tamils by Sri Lankan Security Forces, 26 February 2013,

https://www.hrw.org/sites/default/files/reports/srilanka0213webwcover_0.pdf.

¹⁰⁷ OISL Report, para. 367; and ITJP W3, W9, W39, W64, W65, W85, W91, W95, W96, W101, W108, W124, W126, W129, W130, W131, W132, W137, W200, W206, W207, W208, W209, W214, W247, W249, W280, W307, W327, W330, W334, W337, MLR56, MLR73, MLR87, MLR106, and S78.

¹⁰⁸ *Maj. Gen. Daya Rathnayake new Commissioner General of Rehabilitation*, SRI LANKA GUARDIAN, 31 July 2009, <http://www.srilankaguardian.org/2009/07/maj-gen-daya-rathnayake-new.html> and *Daya Rathnayake Appointed Army Commander*, ADA DERANA, 14 June 2013, <https://www.adaderana.lk/news.php?nid=23022>. See also Ministry of Disaster Management and Human Rights, *National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka*, October 2009, p. 92 and 96, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/documents/genericdocument/wcms_504728.pdf

¹⁰⁹ UN PoE Report, para. 165.

¹¹⁰ ITJP W18, W41, W206, W219, W305, and W306.

¹¹¹ ITJP W3, W9, W39, W40, W64, W68, W71, W76, W85, W91, W95, W101, W124, W126, W129, W130, W132, W200, W207, W208, W209, W211, W212, W214, W247, W289, W334, MLR56, MLR87, MLR106, MLR108, S78, and Witness J.

¹¹² ITJP W111.

¹¹³ Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of Ex-Combatants*, July 2021, p. 14, <https://www.un.int/srilanka/sites/www.un.int/files/Sri%20Lanka/2021/July/book.pdf>.

¹¹⁴ Extraordinary Gazette No. 1462/08 dated 12 September 2006, Regulation 22(4), https://www.ecoi.net/en/file/local/1292761/1504_1217919832_regulations-amending-the-emergency-miscellaneous-provisions-and-powers-regulation.pdf.

Within two months of receiving the surrendee, the Commissioner General of Rehabilitation was also responsible for forwarding a report to the Secretary to the Ministry of the Minister in-charge of the subject of Defence indicating the nature of the rehabilitation being carried out in respect of the surrendee, and, within 12 months, a report stating whether in his opinion it is appropriate to release the surrender or to extend for a further period the rehabilitation.¹¹⁵ Such duties indicate that the Commissioner General of Rehabilitation must have had knowledge of each detainee's case and their detention, including the torture to which they were subjected.

Moreover, according to public reporting, while **Daya Ratnayake** was the Commissioner General of Rehabilitation, he “did wonders” with the detainees and “planned and delivered” the “entire programme”.¹¹⁶ He visited Singapore and Colombia to learn about modes of rehabilitation, overcame “several challenges from funding to a legal framework”, and “managed to steer the rehabilitation process chartering new territories with sound leadership”.¹¹⁷ He has addressed detainees in PARCs and presided over ceremonies where detainees were released to their parents.¹¹⁸

With “his capacity of judgement, and sense of humaneness”, **Daya Ratnayake** reportedly “rendered an indelible service for the field of rehabilitation”.¹¹⁹ His contribution was such that “[t]he country and the rehabilitated Tamils have a lot to be grateful to him for his efforts”.¹²⁰

Additionally, he has written in detail on the theme of “rehabilitation” in Sri Lanka over the years¹²¹ and spoken about PARCs and the treatment of the detainees with conviction and

¹¹⁵ Extraordinary Gazette No. 1462/08 dated 12 September 2006, Regulation 22(7) and (9), https://www.ecoi.net/en/file/local/1292761/1504_1217919832_regulations-amending-the-emergency-miscellaneous-provisions-and-powers-regulation.pdf.

¹¹⁶ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

¹¹⁷ Malkanthi Hettiarachchi, *Sri Lanka's Rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency*, PRISM, Vol. 4, No. 2 (2013), p. 12, <https://www.jstor.org/stable/26469814?seq=12>.

¹¹⁸ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/> and Government of Sri Lanka, *Sri Lanka: 56 ex-LTTE cadres handed over to parents after rehabilitation*, 31 January 2010, <https://reliefweb.int/report/sri-lanka/sri-lanka-56-ex-ltte-cadres-handed-over-parents-after-rehabilitation>.

¹¹⁹ Sri Lanka Ports Authority, *SLPA New Chairman General (Retd) RMD Ratnayake – Profile in Brief*, 23 December 2019, <https://news.slpa.lk/index.php/2019/12/23/slpa-new-chairman-general-ret-d-rmd-ratnayake-profile-in-brief/> and Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 16 December 2013, <https://web.archive.org/web/20131216072135/http://www.lightinfantry.lk/8-light-infantry-news/120-lieutenant-general-r-m-d-ratnayake-www-rwp-rsp-ndu-psc>.

¹²⁰ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

¹²¹ See Major General RMD Ratnayake, *Rehabilitation and Reintegration of Ex-Combatants in the Post War Sri Lanka*, 2012, GENERAL SIR JOHN KOTEWLAWALA DEFENCE UNIVERSITY REPOSITORY, <https://ir.kdu.ac.lk/bitstream/handle/345/5023/11.pdf?sequence=1>; Lt Gen RMD Ratnayake, *The post conflict role of the security forces in Sri Lanka*, 2013, GENERAL SIR JOHN KOTEWLAWALA DEFENCE UNIVERSITY REPOSITORY, <https://ir.kdu.ac.lk/bitstream/handle/345/963/d005.pdf?sequence=1&isAllowed=y>; and General Daya Ratnayake, *Rehabilitation of Ex Combatants: The Sri Lankan Model*, JOURNAL OF THE ASSOCIATION OF RETIRED FLAG RANK OFFICERS (ARFRO) VOL.19, May 2016, p. 30-36, <https://arfro.org/sites/all/themes/bootstrap/common/images/publications/2016/2016.pdf>.

confidence, stating, “I know all these because I was the Commissioner General of Rehabilitation back then.”¹²²

Given **Daya Ratnayake**’s role as the official in charge of the PARCs at the relevant time who was required by law to have detailed knowledge of the detainees’ cases to perform his duties, as well as his publicly lauded contributions and his confidence speaking on behalf of PARCs, he had effective control of the subordinates under his command and knew or ought to have known of the violations committed there. His failure to take the necessary and reasonable measures to prevent these violations of human rights and to punish those responsible constitutes a breach of his command responsibility under international law.

¹²² *Military committing war crimes during final stages of civil conflict allegations levelled are false*, DAILY MIRROR, 26 February 2020, <https://www.dailymirror.lk/hard-talk/Military-committing-war-crimes-during-final-stages-of-civil-conflict-Allegations-levelled-are-false/334-183756>.

Section 4. International Human Rights Law

A. Right to Life

The Universal Declaration of Human Rights (UDHR) states that everyone has the right to life, liberty and security of persons.¹²³ The International Covenant on Civil and Political Rights (ICCPR) further provides that every human being has the inherent right to life and prohibits the arbitrary deprivation of life.¹²⁴ This prohibition is non-derogable and therefore applicable at all times.¹²⁵ This is a principle not only in international treaties but also in customary international law; in their statements before the International Court of Justice in the Nuclear Weapons case and Nuclear Weapons case, several States which were not at the time party to the main human rights treaties stressed the elementary and non-derogable character of the right to life.¹²⁶ Moreover, the prohibition of “arbitrary deprivation of the right to life” under human rights law also encompasses unlawful killing in the conduct of hostilities, i.e., the killing of civilians.¹²⁷ The Sri Lankan security forces’ unlawful killings of civilians during the military operations in the Eastern Province clearly constitute violations to the right to life.

Additionally, extrajudicial executions are closely associated with the arbitrary detention, torture, and enforced disappearances that took place in PARCs as elaborated above. Such extrajudicial killings also constitute violations of the right to life, which, according to the UN, shall be prohibited and criminalised.¹²⁸ Furthermore, according to the Declaration on the Protection of all Persons from Enforced Disappearance, enforced disappearances and torture constitute a grave threat to the right to life.¹²⁹

B. Right Not to Be Subjected to Torture

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person” for the purposes of obtaining a confession, punishment, intimidation, coercion or for any reason based on discrimination of any kind.¹³⁰

¹²³ Universal Declaration of Human Rights, Art. 3.

¹²⁴ International Covenant on Civil and Political Rights, Art. 6.

¹²⁵ *Id.* at Art. 4(2).

¹²⁶ ICRC Database, Customary IHL, Rule 89, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule89>.

¹²⁷ *Id.*

¹²⁸ UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989), <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/executions.pdf>, and UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1991; revised 2016), <https://www.ohchr.org/en/special-procedures/sr-executions/minnesota-protocol>.

¹²⁹ Declaration on the Protection of all Persons from Enforced Disappearance, Art. 1(2), <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-enforced-disappearance>.

¹³⁰ UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Art. 1. The UNCAT definition of torture also requires that the actions be carried out with the involvement of a public official or a person acting in an official capacity. However, the GHRS Regulations allow for the designation of non-State actors if the acts would have amounted to a serious violation of the relevant protected right, had they been carried out by a State: see Regulation 4(2).

Enforced disappearances, which place the victims outside the protection of the law and inflict severe suffering on them and their families, also constitutes violations of the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.¹³¹ Similarly, arbitrary detention increases the risk of torture.

It is clear that the continuous and systematic abuses perpetrated by the Sri Lankan security forces in PARCs meet this standard. These actions constitute torture under the international definition, as they caused severe physical pain and were intentionally inflicted for the purpose of obtaining confessions, intimidation, coercing the provision of information and punishment. Enforced disappearances and arbitrary detention, also widespread and systematic in PARCs, further amount to or increases the risk of violations of the right to be free from torture.

C. Right to be Free from Slavery and Force Labour

The UDHR states that no one shall be held in slavery or servitude.¹³² The ICCPR further provides that no one shall be required to perform forced or compulsory labour.¹³³ While imprisonment with hard labour may be imposed as a punishment for a crime by a competent court,¹³⁴ compulsory labour during arbitrary detention where individuals are held without formal charges or trial and without access to court clearly violates international human rights law.

As established in Section 4, detainees in PARCs were forced to perform manual labour despite not being formally charged or tried or even presented to a judge. Such compulsory labour clearly falls outside the exceptions carved out by the ICCPR and constitutes violations of the right to be free from slavery and forced labour.

Role of the Individual Perpetrator

During the Sri Lankan security forces' military operations in the Eastern Province where they deliberately targeted and attacked civilians and civilian objects, **Daya Ratnayake** was the commander of the 23 Division "which pioneered the humanitarian operations in the East"¹³⁵. According to the SLA, **Daya Ratnayake** "performed an outstanding role"¹³⁶ and "spearheaded" the operations.¹³⁷ He "held all commanding positions leading the forces in key strategic areas including Thoppigala and Vakarai, which ultimately led to the downfall of the

¹³¹ Declaration on the Protection of all Persons from Enforced Disappearance, Art. 1(2).

¹³² Universal Declaration of Human Rights, Art. 4.

¹³³ International Covenant on Civil and Political Rights, Art. 8.

¹³⁴ *Id.*

¹³⁵ Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>.

¹³⁶ Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>.

¹³⁷ *Maj.Gen Daya Ratnayake appointed Army Commander*, DAILY MIRROR, 14 June 2013, <https://www.dailymirror.lk/breaking-news/majgen-daya-rathnayake-appointed-army-commander/108-30938>.

LTTE”¹³⁸ and took part in “all the major offensive operations against terrorism since 1981 up until the termination of operations in the East”¹³⁹. Additionally, he spoke in detail how he led and transformed the 23 Division, from “fine-tuning” structures, intensifying training, upgrading weapons, to improving “force multipliers, i.e. intelligence, psychological operations, civil affairs and communications”.¹⁴⁰ **Daya Ratnayake** also developed the “small group” concept which was used in subsequent military operations.¹⁴¹

The physical presence on the ground, the demonstration of leadership through detailed training and development of the troops, and the strategies and tactics which were also implemented in the later phases of the war all show **Daya Ratnayake**’s effective control over the troops under his command and his central role in the military operations in the East.

Moreover, **Daya Ratnayake** “distinctly remembered” the takeover of Vakarai and specifically knew “there were 40,000 civilians in the Vakarai-Kadiraveli stretch”.¹⁴² He also had full knowledge of the use of weapons such as the MBRL as his “office” at the time was “a construction made totally of ammunition boxes in which multibarrel rocket launchers had been transported”.¹⁴³ His knowledge of the attacks against civilians and use of heavy, indiscriminate weapons such as MBRLs is thus clear. Yet he did not take effective measures to stop, prevent, and punish these violations.

After the war, **Daya Ratnayake** was the Commissioner General of Rehabilitation in charge of all PARCs from August 2009 to January 2010, who decides the nature of the rehabilitation in individual cases.¹⁴⁴ His duties as provided by law required him to have detailed knowledge of each detainee’s case and their detention in order to perform his job. Moreover, according to public reporting, while **Daya Ratnayake** was the Commissioner General of Rehabilitation, he “planned and delivered” the “entire programme”.¹⁴⁵ He visited Singapore and Colombia to learn about modes of rehabilitation, overcame “several challenges from funding to a legal framework”, and “managed to steer the rehabilitation process chartering new territories with

¹³⁸ *Maj. Gen Daya Ratnayake appointed Army Commander*, DAILY MIRROR, 14 June 2013, <https://www.dailymirror.lk/breaking-news/majgen-daya-rathnayake-appointed-army-commander/108-30938>. See also picture of him as a “top military field commander” in April 2007: <https://www.gettyimages.in/detail/news-photo/sri-lankas-top-military-field-commander-brigadier-daya-news-photo/73864026>.

¹³⁹ Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>. See also picture of him guiding operations in the East: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

¹⁴⁰ *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

¹⁴¹ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWW RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/> (“Thoppigala was taken by the Special Forces using small group concepts hone in the East”) and *Whitewashing a genocide - Sri Lanka’s former army commander launches book*, TAMIL GUARDIAN, 30 May 2025, <https://www.tamilguardian.com/content/whitewashing-war-crimes-sri-lankan-former-army-commander-launches-book>.

¹⁴² *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

¹⁴³ *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

¹⁴⁴ UN PoE Report, para. 165.

¹⁴⁵ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWW RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>

sound leadership”.¹⁴⁶ He has addressed detainees in PARCs and presided in ceremonies where detainees were released to their parents.¹⁴⁷

Given **Daya Ratnayake**’s role as the official in charge of the PARCs at the relevant time as well as his publicly lauded contributions and his confidence speaking on PARC-related matters, he knew or ought to have known of the violations committed there. His failure to take the necessary and reasonable measures to prevent these violations of human rights and to punish those responsible which constitutes a breach of his command responsibility under international law.

More generally, the evidence set out in this submission demonstrates a pattern and practice of systematic human rights violations by the Sri Lankan army that could have existed only with the acquiescence, tolerance, or active endorsement of officials at all levels of authority. Given the widespread, systematic and publicly documented nature of these violations including unlawful killings, arbitrary detention, enforced disappearances, torture, and sexual violence, over an extended period, the ITJP submits that **Daya Ratnayake** was knowingly complicit in these abuses. He knew or had reason to know that the units under his command and the subordinates within those units, were committing IHL and human rights violations. Despite this knowledge, he failed to take necessary and reasonable measures to prevent the commission of further violations, halt the abuses or to investigate them in a genuine effort to impose punish those responsible. Accordingly, **Daya Ratnayake** is responsible for the violations under the theory of command responsibility.

¹⁴⁶ Malkanthi Hettiarachchi, *Sri Lanka’s Rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency*, PRISM, Vol. 4, No. 2 (2013), p. 12, <https://www.jstor.org/stable/26469814?seq=12>.

¹⁴⁷ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/> and Government of Sri Lanka, *Sri Lanka: 56 ex-LTTE cadres handed over to parents after rehabilitation*, 31 January 2010, <https://reliefweb.int/report/sri-lanka/sri-lanka-56-ex-ltte-cadres-handed-over-parents-after-rehabilitation>.

Section 5. Other Violations of Human Rights, Denials, and Continued Impunity

Apart from intentional and indiscriminate attacks against civilians and serious human rights violations in PARCs as detailed in Section 4, **Daya Ratnayake** was involved in both previous and subsequent state violence during periods of political unrest and shielded by impunity.

a. Human rights violations during the late 1980s and early 1990s

From 1988 to 1992, **Daya Ratnayake** was a senior military intelligence officer at the Ministry of Defence's Operations Headquarters in the Southern Province of Sri Lanka, where he interrogated individuals connected to Sri Lankan political party and former militant organisation Janatha Vimukthi Peramuna (JVP, meaning "People's Liberation Front").¹⁴⁸

The JVP started an armed uprising against the government of Sri Lanka between 1987 and 1990 and targeted many members of the Sri Lankan security forces and their families, as well as members of the ruling party and other political parties.¹⁴⁹ 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.¹⁵⁰

As part of this "counter-terror" campaign, **Daya Ratnayake** interrogated JVPers, including the leader of the military wing, which according to himself made him a good interrogator.¹⁵¹ He also admitted that his superiors told him to "get rid of" (meaning extrajudicially execute) 11 suspects,¹⁵² which shows his knowledge of the extrajudicial executions that the government security forces were committing at the time and the normalisation of such actions, even though he claimed that he disobeyed the order.

The impunity during the JVP-era 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.¹⁵³ As some have observed, "[t]he Sri Lankan security forces committed atrocities against the majority Sinhala population during [the

¹⁴⁸ *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013,

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

¹⁴⁹ 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>.

¹⁵⁰ *Id.*

¹⁵¹ *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013,

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

¹⁵² *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013,

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

¹⁵³ 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>.

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.”¹⁵⁴ The repeated failure to hold perpetrators accountable serves as a reward to them and “enabled more bloodshed”.¹⁵⁵ Indeed, individuals such as **Daya Ratnayake**, trained during the JVP-era and emboldened by the impunity, went on to commit further violations during and after the civil war.

b. Human rights violations and cover-ups during 2013-2014

Daya Ratnayake is not only a beneficiary of impunity but also an enabler and facilitator. In August 2013, he was appointed the commander of the Sri Lanka Army,¹⁵⁶ becoming “the first officer from a non-Colombo or Kandy school to be made Commander of the Army”¹⁵⁷. On the same day he was appointed, a violent military crackdown on peaceful protestors demanding clean water took place in Weliveriya, Gampaha district, about 25 kilometers from Colombo; journalists covering the event were also targeted.¹⁵⁸

Daya Ratnayake appointed¹⁵⁹ a Board of Inquiry headed by Adjutant-General Major General Jagath Dias (another alleged war criminal¹⁶⁰ that has been rejected entry to

¹⁵⁴ 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/>.

¹⁵⁵ *Id.*

¹⁵⁶ Sri Lanka Army, Past Army Commanders, https://www.army.lk/past_comd and *Daya Ratnayake takes over as new Army Chief*, HIRU NEWS, 1 August 2013, <https://www.hirunews.lk/en/64190/daya-ratnayake-takes-over-as-new-army-chief>.

¹⁵⁷ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>

¹⁵⁸ *Sri Lanka: Investigate ‘Clean Water’ Protest Deaths*, HUMAN RIGHTS WATCH, 9 August 2013, <https://www.hrw.org/news/2013/08/09/sri-lanka-investigate-clean-water-protest-deaths>; *Three dead, others still in danger following Sri Lankan water protest*, FRIENDS OF THE EARTH INTERNATIONAL, 5 August, 2013, <https://www.foei.org/three-dead-others-still-in-danger-following-sri-lankan-water-protest/>; U.S. Department of State, *Violent Incidents in Weliveriya, Sri Lanka*, 9 August 2013, <https://2009-2017.state.gov/r/pa/prs/ps/2013/08/213014.htm>; *Soldiers attack journalists covering environmental protests*, REPORTS WITHOUT BORDERS, 5 August 2013, <https://rsf.org/en/soldiers-attack-journalists-covering-environmental-protests>; UK Foreign & Commonwealth Office, *FCO Minister urges protection of right to peaceful protest in Sri Lanka*, 6 August 2013, <https://www.gov.uk/government/news/fco-minister-urges-protection-of-right-to-peaceful-protest-in-sri-lanka>; and *European Union concerned over unrest in Sri Lanka*, XINHUA NET, 15 August 2013, archived at: <https://srilankabrief.blogspot.com/2013/08/european-union-concerned-over-unrest-in.html>.

¹⁵⁹ *Weliveriya incident: ‘IT WAS A POLITICAL PLOY USING RESIDENTS’*, ONLANKA, 3 August 2013, <https://www.onlanka.com/news/weliveriya-incident-it-was-a-political-ploy-using-residents.html>.

¹⁶⁰ TRIAL International, *Jagath Dias*, 30 October 2011, <https://trialinternational.org/latest-post/jagath-dias/>, and *US, Switzerland Reject Jagath Dias As Probable War Criminal; Govt. Appoints Dias To Head Weliveriya Military Probe*, COLOMBO TELEGRAPH, 22 August 2013, <https://www.colombotelegraph.com/index.php/us-switzerland-reject-jagath-dias-as-probable-war-criminal-govt-appoints-dias-to-head-weliveriya-military-probe/>.

Australia¹⁶¹ and for U.S. training¹⁶²) to probe the Weliveriya incident, which found that the soldiers “exceeded the scope” of their duties.¹⁶³ While four officers were temporarily removed from their posts,¹⁶⁴ they were later quietly reinstated, and the inquiry report was never published;¹⁶⁵ no real accountability followed despite **Ratnayake’s** “zero tolerance” policy for illegality¹⁶⁶ – instead, the brigadier who allegedly ordered troops to open fire was later given a diplomatic post in Turkey.¹⁶⁷

Apart from shielding perpetrators under his command, **Daya Ratnayake** orchestrated further human rights violations against Tamils. While the SLA commander, he held a press conference stating that the LTTE gold confiscated after the war will be handed over to their rightful owners by the President,¹⁶⁸ which never happened and which in reality turned into another round of persecution of Tamils as those who registered to reclaim personal assets were subsequently arbitrarily detained by the Sri Lankan army¹⁶⁹. The “missing” gold also raised suspicion of government corruption¹⁷⁰ (as well as violations of IHL regarding enemy property¹⁷¹), especially given that himself has also faced allegations of several different instances of corruption.¹⁷²

c. Further impunity, rewards, and Rajapaksa connections

¹⁶¹ Major General Dias refused Australian visa over war crimes allegations, TAMIL GUARDIAN, 5 December 2013, <https://www.tamilguardian.com/index.php/content/major-general-dias-refused-australian-visa-over-war-crimes-allegations>.

¹⁶² US, Switzerland Reject Jagath Dias As Probable War Criminal; Govt. Appoints Dias To Head Weliveriya Military Probe, COLOMBO TELEGRAPH, 22 August 2013, <https://www.colombotelegraph.com/index.php/us-switzerland-reject-jagath-dias-as-probable-war-criminal-govt-appoints-dias-to-head-weliveriya-military-probe/>

¹⁶³ What has happened to the Weliveriya inquiry?, THE SUNDAY TIMES, 23 February 2014, <https://www.sundaytimes.lk/140216/columns/what-has-happened-to-the-weliveriya-inquiry-85765.html>.

¹⁶⁴ VIDEO: Four Army officers relieved from service pending inquiry on Weliveriya, ADA DERANA, 30 August 2013, <https://www.adaderana.lk/news.php?nid=23902&mode=beauti#>.

¹⁶⁵ Tisarane Gunasekara, *Conjurors and Dupes*, SRI LANKA GUARDIAN, 11 May 2014, <http://www.srilankaguardian.org/2014/05/conjurors-and-dupes.html>.

¹⁶⁶ Weliveriya shooting: Army exceeded its remit, SRI LANKA BRIEF, 4 October 2013, <https://srilankabrief.org/weliveriya-shooting-army-exceeded-its-remit/>.

¹⁶⁷ Brigadier who ordered Weliveriya shooting arrives amidst protest, ADA DERANA, 15 September 2015, <https://www.adaderana.lk/news.php?nid=32342>.

¹⁶⁸ LTTE gold to be handed over to rightful owners on 4 December, DAILY FT, 29 November 2014, <https://www.ft.lk/news/lte-gold-to-be-handed-over-to-rightful-owners-on-4-december/56-371882#>

¹⁶⁹ Army detain Tamils registered to reclaim 'LTTE gold', TAMIL GUARDIAN, 5 December 2014, <https://www.tamilguardian.com/content/army-detain-tamils-registered-reclaim-ltte-gold>. The government has, since the end of war, repeatedly stated that the gold would be returned to their rightful owners but never carried out any substantive action. See e.g., *LTTE-Held Civilian Gold & Silver Handed Over to Police*, NEWS FIRST, 2 May 2025, <https://newsfirst.lk/2025/05/02/lte-held-civilian-gold-silver-handed-over-to-police> and *Sri Lanka to probe missing LTTE gold*, BUSINESS STANDARD, 9 March 2016, https://www.business-standard.com/article/pti-stories/sri-lanka-to-probe-missing-ltte-gold-116030901240_1.html.

¹⁷⁰ Sri Lanka to probe missing LTTE gold, BUSINESS STANDARD, 9 March 2016, https://www.business-standard.com/article/pti-stories/sri-lanka-to-probe-missing-ltte-gold-116030901240_1.html.

¹⁷¹ The destruction or seizure of the property of an adversary is prohibited, unless required by imperative military necessity. ICRC Database, Customary IHL, Rule 50, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule50>.

¹⁷² PRECIFAC grills ex-army chief Ratnayake on flood relief distribution, DAILY FT, 21 October 2016, <https://www.ft.lk/article/575179/PRECIFAC-grills-ex-army-chief-Ratnayake-on-flood-relief-distribution>; *Former Army Commander Daya Ratnayake to be investigated by Presidential Commission of Inquiry into Serious Fraud*, HIRU NEWS, 20 October 2016, <https://www.hirunews.lk/145664/former-army-commander-daya-ratnayake-at-precifac>;

Despite such a long history of human rights abuse that predated the civil war and continued its course through and after the war, **Daya Ratnayake** has not faced any consequences for his actions. Instead, he was consistently rewarded. Decorated with more than twenty gallantry and service medals, **Daya Ratnayake** is lauded as the only military officer in the Sri Lankan armed forces to receive the highest number of gallantry medals and from all five presidents who were incumbent during his military career.¹⁷³

Following his retirement from this position and active military service, **Daya Ratnayake** was appointed the Chairman of Sri Lanka Ports Authority (SLPA) in December 2019, and claimed that “his unique military experience has allowed him to work in any industry and that he is on the mission of transforming the Sri Lanka Ports Authority into the true heart of the nation”.¹⁷⁴ The SLPA has been rife with allegations of corruption, which **Ratnayake** acknowledged, though claiming they were all before his time.¹⁷⁵

After the SLPA stint ended in June 2021, he was appointed the Secretary to the Ministry of Industry¹⁷⁶ and started a project that makes retiring military officers better equipped for high corporate-sector positions,¹⁷⁷ which again raises concerns that it would open up more opportunities for corruption and public-private collusion, especially given **Ratnayake**'s extensive social engagement¹⁷⁸.

Daya Ratnayake is closely connected to the Rajapaksas, as reflected through his military and political career advancements (which was unimpeded except for the period where their political opponent Maithripala Sirisena was the president from January 2015 to November 2019). Speaking highly of the Rajapaksas, **Ratnayake** claimed that

¹⁷³ *On a Mission – General R.M. Daya Ratnayake, Chairman of the Sri Lanka Ports Authority*, THE CEO SRI LANKA, <https://ceo.lk/on-a-mission-general-r-m-daya-ratnayake-chairman-of-the-sri-lanka-ports-authority/>; Sri Lanka Light Infantry, *Lieutenant General RMD Ratnayake*, 30 January 2018, <https://alt.army.lk/lightinfantry/content/lieutenant-general-rmd-ratnayake-www-rwp-rsp-usp-ndu-psc>; and *Lt General Daya Ratnayake*, MALINDA WORDS, September 2013, <https://malindawords.blogspot.com/2013/09/lt-general-daya-ratnayake.html>.

¹⁷⁴ *Daya Ratnayake appointed SLPA Chairman*, DAILY FT, 13 December 2019, <https://www.ft.lk/Front-Page/Daya-Ratnayake-appointed-SLPA-Chairman/44-691557#> and *On a Mission – General R.M. Daya Ratnayake, Chairman of the Sri Lanka Ports Authority*, THE CEO SRI LANKA, <https://ceo.lk/on-a-mission-general-r-m-daya-ratnayake-chairman-of-the-sri-lanka-ports-authority/>.

¹⁷⁵ *Military committing war crimes during final stages of civil conflict allegations levelled are false*, DAILY MIRROR, 26 February 2020, <https://www.dailymirror.lk/hard-talk/Military-committing-war-crimes-during-final-stages-of-civil-conflict-Allegations-levelled-are-false/334-183756>.

¹⁷⁶ *Daya Ratnayake to be appointed Secretary of Industry Ministry*, THE MORNING, 18 June 2021, <https://www.themorning.lk/articles/144015> and *Former Army Commander Daya Ratnayake joins SJB*, THE MORNING, 29 January 2024, <https://www.themorning.lk/articles/dV2sLOSUCUKPTaAdKXbz>

¹⁷⁷ *Ministry of Defence, Defence Secretary lauds M2C - Military to Corporate Entrepreneurship transition*, 1 August 2021, https://www.defence.lk/Article/view_article/3806

¹⁷⁸ See e.g., *Gen. Ratnayake new Chairman of Colombo School of Business and Management*, DAILY FT, 12 August 2020, <https://www.ft.lk/HR/Gen-Ratnayake-new-Chairman-of-Colombo-School-of-Business-and-Management/47-704462> and *Plain T with Sulo | General (Rtd) Daya Rathnayake*, DAILY MIRROR, 28 June 2021, https://www.dailymirror.lk/dailymirror_online/Plain-T-with-Sulo-General-Rtd-Daya-Rathnayake-Former-Army-Commander-Sri-Lanka-Army/379-214968.

Mahinda and Gotabaya led the country to win the war.¹⁷⁹ He was also brought on several Sri Lanka delegations representing the government abroad,¹⁸⁰ including for the UN Human Rights Council's Universal Periodic Review (UPR) in 2012,¹⁸¹ where the government repeated its routine denials of human rights violations and propagandised the "rehabilitation" process¹⁸².

In line with the Rajapakas' stance, **Daya Ratnayake** has remained remorseless and in denial of the human rights violations committed by the government under the Rajapakas' regime, even after retirement. Regarding the PARCs, he claimed that the detainees were taken care of "exceptionally well" and "not even a scratch came upon these people".¹⁸³

Regarding the civil war, he has shamelessly claimed, "The Army has not done anything wrong. ... Ours was a humanitarian operation, maintaining zero casualties to civilians and inflicting maximum damages to the terrorists."¹⁸⁴ He further stated, "unlike in many of these countries even in the West, we have not had one single soldier going berserk and disrupting society or creating panic in the society. Today we are the most disciplined organisation."¹⁸⁵ In 2019, while Sirisena was the president, **Ratnayake** held a media briefing where he denied the military committed war crimes and slammed the government for reportedly arresting soldiers every time the issue is taken up at the United Nations Human Rights Council in Geneva.¹⁸⁶ In 2020, he further expressed that he felt "betrayed" by the Sirisena administration as it co-sponsored a UN resolution on accountability and stated that he was "not too concerned as to what these agencies say"

¹⁷⁹ *Military committing war crimes during final stages of civil conflict allegations levelled are false*, DAILY MIRROR, 26 February 2020, <https://www.dailymirror.lk/hard-talk/Military-committing-war-crimes-during-final-stages-of-civil-conflict-Allegations-levelled-are-false/334-183756>.

¹⁸⁰ Sri Lanka's Foreign Affairs, Foreign Employment & Tourism, *Defence Secretary leads Sri Lankan delegation to the Shangri-La Dialogue 2014 in Singapore*, 9 June 2014, <https://mfa.gov.lk/tam/defence-secretary-leads-sri-lankan-delegation-to-the-shangri-la-dialogue-2014-in-singapore/> and *Gota's visit to Brazil a success*, DAILY FT, 1 March 2014, <https://www.ft.lk/article/261092/Gota%E2%80%99s-visit-to-Brazil-a-success>

¹⁸¹ Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva, Switzerland, *Minister Samarasinghe appreciates support expressed for Sri Lanka at the UPR*, 5 November 2012, <https://live.lankamission.org/index.php/human-rights/551-minister-samarasinghe-appreciates-support-expressed-for-sri-lanka-at-the-upr-2.html>

¹⁸² See National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Sri Lanka, A/HRC/WG.6/14/LKA/1, 10 August 2012, <https://documents.un.org/doc/undoc/gen/g12/158/92/pdf/g1215892.pdf>.

¹⁸³ Maj. Gen. (Retd.) Lalin Fernando, *General RWD (Daya) Ratnayake WWV RWP RSP USP*, THE ISLAND, 21 March 2015, archived at: <https://thuppahis.com/2015/03/26/general-daya-ratnayake-in-the-course-of-the-eelam-wars-and-during-the-political-kusu-kusu-in-2015/>.

¹⁸⁴ Camelia Nathaniel, *They Know The Truth – General Daya Ratnayake*, THE SUNDAY LEADER, 10 August 2014, reproduced by Sri Lanka's Foreign Affairs, Foreign Employment & Tourism at: <https://mfa.gov.lk/en/they-know-the-truth-general-daya-ratnayake/>.

¹⁸⁵ Camelia Nathaniel, *They Know The Truth – General Daya Ratnayake*, THE SUNDAY LEADER, 10 August 2014, reproduced by Sri Lanka's Ministry of Foreign Affairs, Foreign Employment & Tourism at: <https://mfa.gov.lk/en/they-know-the-truth-general-daya-ratnayake/>.

¹⁸⁶ *Whitewashing a genocide - Sri Lanka's former army commander launches book*, TAMIL GUARDIAN, 30 May 2025, <https://www.tamilguardian.com/content/whitewashing-war-crimes-sri-lankan-former-army-commander-launches-book>.

as organisations such as the UN “speak only on vested interests”.¹⁸⁷ Responding to U.S. sanctions imposed against another army official Shavendra Silva in 2020,¹⁸⁸ **Daya Ratnayake** said it was unjust for countries to make “baseless and false” allegations of war crimes on senior officers and the military who had helped free the country from terrorism, while also questioning the timing of the ban as an attempt to destabilise the country just before an election.¹⁸⁹

His pride for the military’s “achievements” is also reflected in the fact that he came up with the idea in 2009 to construct “South Asia’s biggest War Heroes’ Monument” within the SLLI regiment headquarter as a “mark of respect and gratitude for their sacrifice and dedication”, the construction of which took six years to finish.¹⁹⁰ The denial and lack of remorse aggravates the human rights violations.

Trusted by the Rajapaksas, **Daya Ratnayake** was appointed by then President Gotabaya Rajapaksa as a member of a board of inquiry looking into another violent crackdown against protesters in 2022; the other two members of the board were former SLAF commander Roshan Goonetilleke and former navy commander Wasantha Karannagoda (sanctioned by the U.S. and the UK¹⁹¹).¹⁹² Again, no real accountability measures were subsequently taken.

Daya Ratnayake continues to glorify the war and the government security forces as he co-authored a book on the armed conflict that was published in May 2025.¹⁹³ His past positions within military academies and colleges as well as subsequent guest lectures post-retirement and activities within associations for military officers¹⁹⁴ further raises

¹⁸⁷ *Military committing war crimes during final stages of civil conflict allegations levelled are false*, DAILY MIRROR, 26 February 2020, <https://www.dailymirror.lk/hard-talk/Military-committing-war-crimes-during-final-stages-of-civil-conflict-Allegations-levelled-are-false/334-183756>.

¹⁸⁸ U.S. Department of State, *Public Designation, Due to Gross Violations of Human Rights, of Shavendra Silva of Sri Lanka Under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act*, 14 February 2020, <https://2017-2021.state.gov/public-designation-due-to-gross-violations-of-human-rights-of-shavendra-silva-of-sri-lanka-under-section-7031c-of-the-department-of-state-foreign-operations-and-related-programs-appropriations-a/>.

¹⁸⁹ *Ex Army Chief criticizes former govt. for failing to protect military image*, DAILY MIRROR, 25 February 2020, <https://www.dailymirror.lk/breaking-news/Ex-Army-Chief-criticizes-former-govt-for-failing-to-protect-military-image/108-183726>.

¹⁹⁰ Sri Lanka Light Infantry, “*Abhiman Mudunatha*” War Heroes’ Monument, <https://alt.army.lk/lightinfantry/honour>

¹⁹¹ U.S. Department of State, *Designation of Sri Lankan Governor Due to Involvement in a Gross Violation of Human Rights*, 26 April 2023, <https://2021-2025.state.gov/designation-of-sri-lankan-governor-due-to-involvement-in-a-gross-violation-of-human-rights/> and Foreign, Commonwealth & Development Office, The Rt Hon David Lammy MP and Catherine West MP, *UK sanctions for human rights violations and abuses during the Sri Lankan civil war*, 24 March 2025, <https://www.gov.uk/government/news/uk-sanctions-for-human-rights-violations-and-abuses-during-the-sri-lankan-civil-war>.

¹⁹² *High profile 03 member board of inquiry on Mirihana and May 09th incidents*, LANKASARA, 26 May 2022, <https://lankasara.com/news/high-profile-03-member-board-of-inquiry-on-mirihana-and-may-09th-incidents/>.

¹⁹³ *Whitewashing a genocide - Sri Lanka’s former army commander launches book*, TAMIL GUARDIAN, 30 May 2025, <https://www.tamilguardian.com/content/whitewashing-war-crimes-sri-lankan-former-army-commander-launches-book>.

¹⁹⁴ See National Defence College, *General R. M. Daya Ratnayake (Retd) WWV, RWP, RSP, USP VSV ndu psc delivers a Lecture at NDC*, 29 June 2022, <http://www.ndc.ac.lk/ndc-article-1013.php>; *Gen. Ratnayake new Chairman of Colombo School of Business and Management*, DAILY FT, 12 August 2020, <https://www.ft.lk/HR/Gen-Ratnayake-new-Chairman-of-Colombo-School-of-Business-and-Management/47->

concern over long-lasting implications of human rights for future generations of military personnel.

He has remained politically active and connected to the present day. In January 2024, he joined the Samagi Jana Balawegaya (SJB), the main opposition party – seeking protection as the Rajapaksas had been sidelined and to further avoid accountability – and was appointed the party’s senior advisor for Public Policy.¹⁹⁵

The most recent change in government in 2024 has not resulted in meaningful progress on accountability. Like his predecessors, President Anura Kumara Dissanayake has not supported accountability for large-scale violations committed during Sri Lanka’s 1983-2009 civil war.¹⁹⁶ In fact, shortly after his election, the Sri Lankan government rejected the UN Human Rights Council’s October 2024 decision to extend for one year the mandate of the Office of the UN High Commissioner for Human Rights (OHCHR) to monitor and report on human rights violations in Sri Lanka and collect evidence of alleged crimes committed during the country’s civil war to support future national and international prosecutions.¹⁹⁷ The rejection “signifies a continuation of the long-standing policy of successive Colombo regimes in denying the war crimes committed by the Sri Lankan military”.¹⁹⁸ It shows that the government’s claim of respecting human rights is largely rhetorical, serving to deflect international calls for justice. The fact that individuals like **Daya Ratnayake** who continue to publicly deny war crimes while remaining politically influential further illustrates the lack of genuine accountability.

It is imperative that **Daya Ratnayake** is no longer able to enjoy impunity, and, given the systematic and widespread nature of the human rights violations that **Daya Ratnayake** has committed over decades, it is long overdue that he be held responsible.

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¹⁹⁵ *Former Army Commander Daya Ratnayake joins SJB*, ADA DERANA, 29 January 2024, <https://www.adaderana.lk/news.php?id=96828> and *General Daya Ratnayake joins SJB, appointed senior advisor*, NEWSWIRE, 29 January 2024, <https://www.newswire.lk/2024/01/29/general-daya-ratnayake-joins-sjb-appointed-senior-advisor/>

¹⁹⁶ Julia Crawford, *Can Sri Lanka now break with the past?*, JUSTICE INFO, 3 February 2025, <https://www.justiceinfo.net/en/140999-sri-lanka-break-past.html>; and Wimal Perera, *Sri Lankan government rejects UNHRC resolution for inquiry into war crimes*, WORLD SOCIALIST WEB SITE, 15 October 2024, <https://www.wsws.org/en/articles/2024/10/16/zisx-o16.html>.

¹⁹⁷ Wimal Perera, *Sri Lankan government rejects UNHRC resolution for inquiry into war crimes*, WORLD SOCIALIST WEB SITE, 15 October 2024, <https://www.wsws.org/en/articles/2024/10/16/zisx-o16.html>.

¹⁹⁸ Wimal Perera, *Sri Lankan government rejects UNHRC resolution for inquiry into war crimes*, WORLD SOCIALIST WEB SITE, 15 October 2024, <https://www.wsws.org/en/articles/2024/10/16/zisx-o16.html>.