

Sri Lankan president grants clemency to war criminal

Vimukthi Vidarshana
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On March 26, Sri Lankan President Gotabhaya Rajapakse released Sunil Ratnayake, a former Sri Lanka army sergeant convicted of the brutal murder of eight Tamil civilians, including three children. The crime was committed in Mirusivil village, 26 kilometres from Jaffna in the country's north, during Colombo's almost three-decade communal war against the Liberation Tigers of Tamil Eelam (LTTE).

Under the constitution, Sri Lanka's executive president has the arbitrary power to release convicted criminals.

Rajapakse's "presidential pardon" occurs as he is exploiting the coronavirus pandemic to further increase the militarisation of his administration. During last year's presidential election campaign, Rajapakse, who relies on political support from the military, pledged to release from custody all officers being held on human right violations.

President Rajapakse and his party, the Sri Lanka Podujana Peramuna, falsely claim no war crimes occurred in Sri Lanka during its nearly 30-year war. This is the position of every faction of Sri Lankan's ruling elite.

Five people, including then Lance Corporal R.M. Sunil Ratnayake and Private Mahinda Kumarasinghe, were part of the army's Long Range Reconnaissance Patrol—a group that conducted covert operations. They were charged in the Colombo High Court in November 2002 on 19 counts of murder.

While four of the five were exonerated "due to lack of evidence" after a 13-year trial, a three-judge High Court panel unanimously found that Ratnayake was guilty of the murder of the eight civilians, and sentenced him to death.

In 2017, a five-judge bench of the Supreme Court heard an appeal against Ratnayake's death sentence and confirmed the High Court verdict. It was one of the rare cases in which a Sri Lankan soldier has been convicted of war crimes. Overwhelming evidence against Ratnayake, as well as mass outrage over the cold-blooded killings,

prevented his legal appeal from succeeding.

The Mirusivil village massacre took place on December 19, 2000, as military clashes between the LTTE and government forces intensified in the North. Confronting Sri Lankan army shelling, the villagers fled to a safer location. However, when the attacks subsided, the villagers used to visit their original homes to collect whatever fruits or vegetables they could, then return to their temporary dwellings.

Ravivarman, Thivakulasingam, Vilvarasa and his 5- and 13-year-old children—Jeyachandran and Gnanachandran—and his 15-year-old brother-in-law, Maheshwaran, visited Mirusivil village on December 19 and were returning on pushbikes. Maheshwaran, the only survivor, provided an eyewitness account of the crime.

The Tamil villagers were stopped by two heavily armed soldiers who forced them to kneel down and interrogated them. Four other soldiers joined in and the villagers were blindfolded and assaulted.

Maheshwaran, who was knocked unconscious, was being dragged by the soldiers near a cesspit when he became conscious and his blindfold became loose. He noticed patches of blood near the cess pit and movements inside it. Realising the danger, he pushed away two soldiers and was able escape, running for his life into the thicket.

During the police investigation, Maheshwaran identified Ratnayake and Kumarasinghe. While only goat and reptile carcasses were discovered in the cesspit, the bodies of the eight villagers were later found buried among the bushes near the place where they were attacked. The post-mortem found that all of the victims, including the toddler, had been beaten, tortured, and their throats had been slit.

Having released Ratnayake, the Sri Lankan president has once again asserted that the security forces and police can act with impunity and commit any crime against the

people. It also shows Rajapakse will not allow the rule of law or the judiciary to block his autocratic moves.

As he declared in this year's Independence Day speech: "I do not envisage public officials, lawmakers or the judiciary, impeding my implementation of this commitment [to the people]."

While numerous war crimes were committed by Sri Lanka's security forces during the war, only a handful have been exposed. When cases were filed, those accused were ultimately released.

Much international attention has been paid to the killing of five students in eastern Trincomalee and the massacre in 2006 of 17 members of the "Action Against Hunger," an organisation that assisted war-affected people in Muttur. Both these cases were suppressed during the Sirisena-Wickremesinghe administration.

Since becoming president last year, Rajapakse has increasingly exalted the military and elevated former senior military officers into leading positions in civilian institutions, laying the foundations for dictatorial forms of rule.

Gotabhaya Rajapakse previously served as defence secretary when his older brother Mahinda Rajapakse was president during the last period of the war that ended in 2009. He is determined to protect and defend their political leadership and the military who are implicated in war crimes, which, according to the UN, saw the deaths of 40,000 civilians and LTTE members who surrendered during the final phase of the war.

President Gotabhaya Rajapakse and his administration recently withdrew from the 2015 October UN Human Rights Council resolution, co-sponsored by the US and the then Sirisena-Wickremesinghe government. This resolution, which was fully backed by the Tamil National Alliance (TNA), proposed a "domestic mechanism" to investigate human right violations which was simply window-dressing to cover up war crimes.

This year Rajapakse publicly admitted that 20,000 people who went "missing" during the war were "actually dead," and that the government would issue death certificates after verifying relatives' claims on the disappearances. The disappeared include many hundreds of people who were rounded up, tortured and killed by death squads linked to the military.

Early this year, Rajapakse established a presidential commission to investigate so-called political reprisals by the previous government. The commission is the means to block judicial inquiries into the crimes of military officials, such as former Navy Commander Wasantha

Karannagoda, who has been accused of abducting and murdering eleven Tamil youths. Karannagoda has defied four court orders demanding that he appear in court.

Amid growing international opposition to the release of the killer, the UN High Commissioner for Human Rights issued a statement on March 27 condemning Sunil Ratnayake's release and declaring that it was "troubled" by it.

The statement declared that the pardon was "yet another example of the failure of Sri Lanka to fulfil its international human rights obligations to provide meaningful accountability for war crimes, crimes against humanity and other gross violations of human rights." Amnesty International and Human Rights Watch have also condemned Ratnayake's release.

Sri Lanka's parliamentary opposition parties, including the United National Party, Sri Lanka Freedom Party and Janatha Vimukthi Peramuna, have said nothing about this legal travesty. Their silence is political consent.

For its part the TNA has shown little concern. It issued a brief comment describing the "pardon" as an "opportunistic act" by President Rajapakse who was taking advantage of the COVID-19 pandemic, to deflect attention from Ratnayake's release.

All of the establishment parties, including the Tamil parties and the pseudo-left, attended an all-party meeting called by Prime Minister Mahinda Rajapakse in the name of "national unity" to fight the coronavirus pandemic. They all endorsed the moves by the Rajapakse administration towards authoritarian rule. All fear the explosive struggles of the working class and the poor that will inevitably erupt.

Rajapakse has not just released a convicted war criminal but is making clear how far he is prepared to go in suppressing the democratic rights of the masses. This is a serious warning to the working class.



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