



Pardoning of Convicted Soldier Further Proof of Necessity for Internationalized Justice

(Washington D.C., March 27, 2020) On 26 March 2020, Sri Lankan President Gotabaya Rajapaksa pardoned former Sri Lankan army Staff Sergeant Sunil Rathnayake, who was convicted in 2015 of participating in the December 2000 massacre of eight Tamil civilians, including a five-year old child. His guilt is undisputed, and he received the maximum sentence for his crimes. Several other credible suspects were not even charged, in one of many examples of the domestic justice system's failure to effectively investigate and prosecute crimes against Tamils.

On December 19, 2000, nine displaced Tamils returned to Mirusuvil to collect their belongings. All were arrested by soldiers from a nearby camp, blindfolded, and beaten. One escaped, but soldiers tortured and killed the other eight, including one child and three teenagers, before burying their bodies in a shallow grave. The victims were Vilvarajah Sinniah (41), his sons Prasath (5) and Pratheepan (15), Baskar Gnanabasakaran (19), Jeyachandran Nadesu (21), Sellamuttu Theivakulasingham (31), Gnanachandran Kathiran (35), and his son Shanthan.

The police questioned 16 suspects, including two officers, soon after the massacre. The sole surviving witness identified five soldiers: Lieutenant R.W.M. Moonesinghe, Lance Corporal Sunil Ratnayake, Lance Corporal G.N.Jayarathne, Corporal Gamini Moonesinghe and Corporal Pushpa Samankumara as participants. Only Ratnayake was convicted after a 13-year-long and arduous trial.

This development is disappointing, but not surprising. Even on the rare occasion that Sri Lanka takes action against its forces for atrocities, the chances of a conviction are even rarer. In this case, the conviction was also rendered meaningless. His conviction coincided with a push by the then-new Sirisena government to convince the international community that it could domestically investigate and prosecute allegations of atrocity crimes. However, most alleged perpetrators remained free and this one conviction became a fig leaf for the Sri Lankan state to deny its systemic impunity for human rights violations against Tamils.

This massacre is one of many committed by security forces against Tamil civilians. Virtually all of them remain unpunished. Sri Lanka has repeatedly demonstrated its utter lack of political will to serve justice for atrocity crimes against Tamils. The fact that the government is rolling back on convictions is testament to the need for international justice and accountability for crimes in Sri Lanka. PEARL urges the establishment of an ad-hoc international tribunal or for the UN Security Council to refer Sri Lanka to the International Criminal Court. And because the *state* has been involved in human rights violations since independence, PEARL calls on UN Member States to bring and support a case against Sri Lanka at the International Court of Justice. International mechanisms remain the only means of ensuring justice and fair outcomes for the victim-survivor community.