



July 26, 2022

Ms. Daphne HONG Fan Sin, PPA(P), PPA(G), PBS, PPA(E)
Solicitor-General / Director-General
International Affairs Division
Attorney-General's Chambers
Government of Singapore
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Request to Investigate Gotabaya Rajapaksa

Dear Ms. Hong:

We, the undersigned organizations, write to the Attorney-General's Chambers ("AGC") to urgently request that Gotabaya Rajapaksa ("Rajapaksa") be investigated and, as appropriate, prosecuted for his role in alleged serious crimes under international law in Sri Lanka. Rajapaksa, Sri Lanka's former president and defense secretary, is reportedly in Singapore on a Short Term Visit Pass.¹ Rajapaksa submitted his resignation as Sri Lanka's president via e-mail from Singapore on July 14, 2022,² and is thus no longer immune from prosecution.

In 2008-2009, while Rajapaksa served as defense secretary, the Government of Sri Lanka ("GoSL") conducted an abusive military offensive in the Vanni, a region in the northern and eastern parts ("North-East") of Sri Lanka.³ At the time, the Liberation Tigers of Tamil Eelam ("LTTE") controlled parts of the Vanni. The government's military

¹ "Ex-Sri Lankan Leader Rajapaksa Was Granted Short-Term Visit Pass: ICA," The Straits Times, July 20, 2022, <https://www.straitstimes.com/singapore/ex-sri-lankan-leader-rajapaksa-was-granted-short-term-visit-pass-ica>.

² Uditha Jayasinghe, Alasdair Pal, and Chen Lin, "Sri Lankan President Hands in Resignation after Fleeing to Singapore," Reuters, July 14, 2022, <https://www.reuters.com/world/asia-pacific/sri-lanka-awaits-presidents-resignation-after-flight-2022-07-14/>.

³ "Report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka," March 31, 2011, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf>; "Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka," U.N. Doc ST(02)/R425/Sri Lanka, November 2012, <https://digitallibrary.un.org/record/737299?ln=en>; "Report of the OHCHR Investigation on Sri Lanka (OISL)," U.N. Doc A/HRC/30/CRP.2, September 16, 2015, <https://www.ohchr.org/en/hr-bodies/hrc/oisl>.



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campaign against the LTTE in the Vanni involved repeated indiscriminate bombing and shelling of civilians and civilian objects.⁴ The GoSL ordered Tamil civilians to go to so-called “No Fire Zones,” which the military then attacked.⁵ Hospitals and makeshift hospitals were attacked at least 30 times.⁶ An estimated 70,000⁷ to 169,796⁸ people were killed in the war’s final phase.

Rajapaksa should be investigated for his potential liability in these violations on the basis of command responsibility. There is publicly available information that Rajapaksa ordered the execution of LTTE leaders and their family members upon surrender; directed the widespread and systematic bombing of hospitals; and repeatedly asserted that civilian persons and objects were legitimate targets.⁹ There are also reports that Rajapaksa may be responsible for commissioning attacks on journalists.¹⁰

Singapore should investigate and appropriately exercise jurisdiction over Rajapaksa for his alleged role in serious international crimes committed in Sri Lanka. AGC may initiate an investigation into Rajapaksa’s responsibility for mass atrocities on the basis of

⁴ The Associated Press, “‘Bloodbath’ in Sri Lanka Barrage, U.N. Says,” NBC News, May 10, 2009, <https://www.nbcnews.com/id/wbna30664810>.

⁵ “Sri Lanka: Stop Shelling ‘No-Fire Zone,’” Human Rights Watch, April 9, 2009, <https://www.hrw.org/news/2009/04/09/sri-lanka-stop-shelling-no-fire-zone>.

⁶ “Sri Lanka: Repeated Shelling of Hospitals Evidence of War Crimes,” Human Rights Watch, May 8, 2009, <https://www.hrw.org/news/2009/05/08/sri-lanka-repeated-shelling-hospitals-evidence-war-crimes>.

⁷ “Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka,” U.N. Doc ST(02)/R425/Sri Lanka, November 2012.

⁸ “Death Toll in Sri Lanka’s 2009 War,” International Truth and Justice Project, February 2021, https://itjpsl.com/assets/press/ITJP_death_toll_A4_v6.pdf.

⁹ Ryan Goodman, “Sri Lanka’s Greatest War Criminal (Gotabaya) Is a US Citizen: It’s Time to Hold Him Accountable,” Just Security, May 9, 2014, <https://www.justsecurity.org/10537/sri-lanka-gotabaya-us-citizen-war-crimes-accountability/>.

¹⁰ See, e.g., Dharisha Bastians, “For Sri Lankan reporters, the ghosts of violence and intimidation loom again,” The Guardian, March 4, 2021, <https://www.theguardian.com/global-development/2021/mar/04/for-sri-lankan-reporters-the-ghosts-of-violence-and-intimidation-loom-again>.



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customary international law¹¹ and applicable domestic law such as, *inter alia*, the *Geneva Conventions Act* (1973)¹² and the *Penal Code* (1871).¹³

Rajapaksa stands credibly accused of committing the world's most serious crimes, and Singapore should not serve as a safe haven for individuals implicated in grave abuses. Instead, Singapore should uphold its international legal obligations and immediately initiate an investigation into Rajapaksa's role in the aforementioned alleged crimes.

Respectfully,

People for Equality and Relief in Lanka
Adayaalam Centre for Policy Research
Australian Centre for International Justice
Center for Justice and Accountability
Centre de Protections des Droits du Peuple Tamoul
Federation of Tamil Sangams of North America
Global Rights Compliance
Human Rights Watch
International Commission of Jurists
International Human Rights Clinic, Harvard Law School
REDRESS
Sri Lanka Campaign for Peace and Justice
Tamil Americans United PAC
Tamil Rights Group
Transnational Government of Tamil Eelam
United States Tamil Action Group
World Thamil Organisation

¹¹ See, e.g., ICRC, Customary International Humanitarian Law Database, Rules 157-58, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule157.

¹² *Geneva Conventions Act*, 1973, <https://sso.agc.gov.sg/Act/GCA1973#:~:text=An%20Act%20to%20enable%20effect,prisoners%20of%20war%2C%20and%20the>.

¹³ *Penal Code*, 1871, <https://sso.agc.gov.sg/act/pc1871#pr4->. See, e.g., s. 3 (Punishment of offences committed beyond, but which by law may be tried within Singapore), s. 326 (Voluntarily causing grievous hurt by dangerous weapons or means), s. 338 (Causing grievous hurt by an act which endangers life or the personal safety of others), and s. 130D (Genocide).