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இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

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29th March 2020

Via E-Mail

H.E. Gotabaya Rajapaksa
President of the Republic of Sri Lanka
Presidential Secretariat
Colombo 1

Your Excellency,

Granting of a Presidential Pardon to Former Army Corporal Sunil Ratnayake

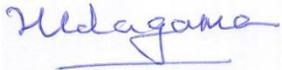
The Human Rights Commissions of Sri Lanka expresses its deep concern on the reported grant of a Presidential Pardon to Corporal Sunil Ratnayake who was convicted of eight counts of murder by a Trial-at-Bar and which conviction was subsequently confirmed by a unanimous judgment of a five-judge bench of the Supreme Court of Sri Lanka on 24 April 2019 (SC TAB 1/2016).

We are deeply concerned due both to the serious nature of the charges brought by the Hon. Attorney-General against Mr. Ratnayaka, which included the killing of three children, and the strength of the Supreme Court judgment which upheld the conviction. The case arises from the killing of 8 persons including 3 children aged 5, 13 and 15 years on 19 December 2000 in the village of Mirusuvil in the Jaffna District. The bodies were then disposed of and later dug up consequent to a Judicial Inquiry. According to the Presiding Judicial Officer and the then officer in charge of the Military Police in the Jaffna Peninsula, the location of the bodies was identified by Sunil Ratnayake.

The granting of a presidential pardon to a person convicted of such a heinous offence and whose conviction was upheld unanimously by the Supreme Court sends a negative message that reinforces allegations of impunity and lack of justice for victims of violations in Sri Lanka. The Supreme Court judgment in the Mirusuvil case was considered a landmark judgment, similar to that in the Embilipitiya school boy murder case several years ago, both of which contributed in a significant manner to address the issue of impunity in the country. There have been very few such convictions. The granting of a presidential pardon to the convict of such a judgment sets a very negative precedent.

ප්‍රධාන කාර්යාලය பிரதான அலுவலகம் Head Office	14, ආර්. ඒ. ජී. ඩෙල් මාවත, කොළඹ - 04. 14, ஆர்.ஏ.த. மேல் மாலத்தி, கொழும்பு - 04. 14, R. A. De Mel Mawatha, Colombo - 04.	සභාවේ தலைவர் Chairperson	011-2505451	පැස්වර් தொலைபேசி Fax	011-2505541 / 74	විද්‍යුත් තැපෑල மின்தொலைபேசி e-mail	sechrc@gmail.com
දුරකථන தொலைபேசி Telephone	94 -11- 2505580 / 81 / 82	ලේකම් கெயலவர் Secretary	011-2505521	ආර්ථික තැපෑල தரிக அழைப்பு Hotline	1996	වෙබ් இணையம் Web	www.hrcsl.lk

Mr. Ratnayaka was sentenced to death per the law of the country which makes that sentence mandatory for murder. Our Commission has been resolute in its opposition to the death penalty and has repeatedly called for its abolition and replacement with suitable alternate punishment. Our expression of concern about the pardon in this instance does not in any manner amount to an acceptance of the death penalty. What we wish to emphasize is that a person convicted of such an offence should undergo commensurate punishment. We would have been in agreement if Your Excellency had commuted the death sentence to long term imprisonment given the serious nature of the offence.

A handwritten signature in blue ink, appearing to read "H. D. Gamage", with a horizontal line underneath.

Chairperson

Human Rights Commission of Sri Lanka