



INTERNATIONAL CENTRE FOR PREVENTION AND PROSECUTION OF GENOCIDE

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PRESS RELEASE

- FOR IMMEDIATE RELEASE -

26 January 2019

**Arrest Warrant issued against the Former Sri Lankan Military Attaché,
Brigadier Priyanka Fernando by the Westminster Magistrate's Court had been withdrawn
due to Political Interference and Pressure!**

A shame to the Independence of the British Judiciary!!

London: The International Centre for Prevention and Prosecution of Genocide (ICPPG) is extremely disappointed to announce that the Arrest Warrant issued against Brigadier Priyanka Fernando by the Westminster Magistrates Court had been withdrawn without any due process. We believe this is due to the misleading information fed by the Sri Lankan authorities and the political intervention. This raises serious questions on the independency of the British Legal system and the Judiciary.

On 4th February 2018, the Sri Lankan Diplomat, Brigadier Priyanka Fernando, who is a known war criminal in Sri Lanka, was filmed issuing death threats to the diaspora Tamils and British Citizens who were peacefully demonstrating outside the Sri Lankan High Commission in London. Several diaspora Tamils and British Citizens felt intimidated and reported to the British Police. The International Centre for Prevention and Prosecution of Genocide (ICPPG) initiated a high-level diplomatic campaign urging UK Government and the FCO to declare the Sri Lankan Military Attaché, Brigadier Priyanka Fernando, the known War Criminal, a "Persona Non Grata", for committing criminal offences under the British law on the 70th Independence Day of Sri Lanka and 70 years of Genocide of Tamils. Given the British Police refused to arrest him on the basis of the diplomatic immunity, the ICPPG encouraged the victims and assisted them to seek legal advice and open a private prosecution under the guidance of our legal advisor **Geeth Kulasegaram**. Accordingly, a private prosecution was filed at the Westminster Magistrates Court on 06th February 2018. **Paul Heron** and **Helen Mowatt** of Public Interest Law Centre of The Public Interest Law Centre was instructed to advise and represent the prosecutors during the proceedings. The Sri Lankan Diplomat, Brigadier Priyanka Fernando, was found guilty in absentia on Monday, 21st January 2019 in Westminster Magistrate's Court of two charges under the Public Order Act (sections 4a and 5) for thrice making throat slitting gestures against Tamil demonstrators outside the High Commission in London on 4th February 2018. He was found guilty of intending to and causing harassment, alarm and distress with his gestures, which were made after he had taken photos and videoed Tamil protestors. The panel of three honourable British Judges, headed by the Chief Magistrate Ms Sonia Henley, who carefully considered the evidence, found Brigadier Priyanka Fernando guilty and issued an Arrest Warrant, without bail.



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After the 21st January 2019 hearing, it has come to our attention, that the Sri Lankan Government acknowledged the proceedings in November 2018 and elected not to participate in the proceedings. A Sri Lankan Foreign Ministry spokesman, Saroja Sirisena, has also said publicly that the Sri Lankan Government had made submissions to the UK Foreign and Commonwealth Office (FCO) objecting to the ruling of the court. It is real shame that the Sri Lankan Foreign Ministry spokesman, Army Spokesperson and Presidents Counsel Dr President's Counsel Dr. Jayatissa de Costa attempted to knowingly mislead the public and the FCO by falsely claiming that the summons were not served on Brigadier Priyanka Fernando and the trial in absence in against the natural justice despite clear evidence that that this is untrue. It is also important to note that the objections filed at the FCO are also based on these baseless allegations. Any sensible person would appreciate that a Judge in the UK must have no doubt considered these before proceeding with the trial and raising such objection blindly is childish. According to Mr Sirisena, the FCO then contacted the Westminster Magistrates Court regarding those objections. It is unclear on what basis the FCO has sought to intervene in the judicial process.

Unbelievably, Public Interest Law Centre was contacted by Westminster Magistrates' Court and was informed that the arrest warrant had been withdrawn and the matter relisted on 1 February 2019. The Court did not relist the matter before withdrawing the arrest warrant which is entirely unacceptable.

The International Centre for Prevention and Prosecution of Genocide (ICPPG) which is facilitating this prosecution with the legal representations from the Public Interest Law Chambers, is taking this issue extremely seriously and now written the the FOC demanding a full disclosure. The ICPPG believes this is a disgrace to the integrity of the British Legal system and such interference in the Judiciary should not be allowed in the UK. The ICPPG still believes in the British Judiciary and continue to hope that the justice will be restored. The ICPPG will continue to facilitate the prosecution and continue to challenge this with the invaluable legal advice of the Public Interest Law Centre.

The ICPPG also calls upon all the Mainstream Medias, Tamil Diaspora Organisations, Human Rights Activists, Judges, Law Makers, Lawyers, British Politicians and the APPTG to take this further and demand justice as the political interference in the legal system should not be tolerated.

For Further Information Contact;

Paul Heron at pheron@lambethlawcentre.org or on 07747857172 (Public Interest Law Centre)

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About the ICPPG;

The formation of the International Centre for the Prevention and Prosecution of Genocide (ICPPG) in London was initiated by Transnational Government of Tamil Eelam (TGTE). The ICPPG, however operates as an independent body, serving all people who have been affected by or threatened with genocide. Its immediate focus remains the genocide that occurred in Sri Lanka. The ICPPG remains as an International Non-Governmental Organisation and an Independent Legal Body and one of our primary objectives is to collect evidence against perpetrators of genocide and work towards justice, peace and reconciliation¹.

We operate under the guidance of Professor Muthucumaraswamy Sornarajah LLB (Ceylon), LLM (Yale), LLM, PhD, LLD (London) is CJ Koh Professor at the Faculty of Law of the National University of Singapore. He is Visiting Professor at the Centre for Human Rights, London School of Economics. He was the Tunku Abdul Rahman Professor of International Law at the University of Malaya at Kuala Lumpur. He was Head of the Law School of the University of Tasmania, Australia. He studied law at the University of Ceylon, the London School of Economics, King's College, London and the Yale Law School.

We began assisting the Nations Human Rights Council (UNHRC) investigations on Sri Lanka by submitting testimonies and organising victim interviews in 2014. In its resolution [A/HRC/25/1](#) adopted in March 2014 on "Promoting reconciliation, accountability and human rights in Sri Lanka", the UNHRC requested the UN High Commissioner for Human Rights to "***undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission (LLRC), and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders***". The Council requested the High Commissioner to present an oral update at its twenty-seventh session and a comprehensive report on the investigations at its twenty-eighth session. In accordance with this mandate, the UN High Commissioner for Human Rights established the OHCHR Investigation on Sri Lanka (OISL), based in Geneva². The final report of the OISL commission was published in September 2015 confirming the serious violations, abuses of human rights and war crimes committed by the Sri Lankan authorities³. In the basis of this report, we continue to work with international prosecutors with a view to bringing criminal and civil prosecutions.

¹ <http://icppg.org/about/>

² <https://www.ohchr.org/en/hrbodies/hrc/pages/oisl.aspx>

³ https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A.HRC.30.CRP.2_E.docx