

31 January 2022

Ms. Rawan Arraf
Principal Lawyer & Director
Australian Centre for International Justice
[REDACTED]

Ms. Yasmin Sooka
Executive Director
International Truth and Justice Project

Dear Ms. Arraf and Ms. Sooka,

In reference to your correspondence, dated 20 August 2021, I write to advise the outcome of your referral to the Australian Federal Police (AFP) concerning alleged war crimes and crimes against humanity committed by General Jagath Jayasuriya during the Sri Lankan Civil War.

After undertaking a thorough assessment of your referral, the AFP has decided not to commence an investigation. This decision was informed by a number of factors, including:

- The alleged conduct occurred between 2007 and 2009 wholly within the sovereign state of Sri Lanka under the recognised government. The Sri Lankan government has established several internal enquiries in this matter which are ongoing;
- Any unilateral investigation or resulting prosecution in the Australian judicial system would be counter to previous public statements by the Australian government endorsing a Sri Lankan determined enquiry process;
- Sri Lanka's current '*Domestic Commission of Inquiry into War Crimes Allegations*' announced in January 2021 is the most appropriate mechanism for such matters in the first instance;
- The AFP is aware there is current legal action before the International Criminal Court (ICC) in respect to these matters; and
- General Jagath Jayasuriya is not in Australia.

Should you have further questions, please contact me on [REDACTED] or at [REDACTED]

Yours sincerely,



Commander Stephen Nutt
Counter Terrorism and Special Investigations Command, Sydney