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**PRESS RELEASE: SRI LANKA FLOUTS UN COMMITMENTS BY APPOINTING ALLEGED WAR CRIMINAL TO ADMINISTER ARMY**

EXECUTIVE DIRECTOR:  
YASMIN SOOKA

**Johannesburg:** The appointment of Major-General Shavendra Silva, an alleged war criminal, as the chief administrative officer of the Sri Lankan Army is a slap in the face to tens of thousands of victims still waiting for justice eight years after the war ended. The Sri Lankan Army [announced](#) on Thursday that he had been sworn in as Adjutant General<sup>1</sup>.

*“This appointment coming just days after the Human Rights Council session ended in Geneva is an outrage and shows the Government is not serious about accountability or security sector reform,”* said the ITJP’s Executive Director, Yasmin Sooka. *“This is a man whom the former High Commissioner for Human Rights, Navi Pillai, said had, at the very, least a case to answer regarding international crimes”<sup>2</sup>,* she added.

In both UN Resolutions the Sri Lankan Government co-sponsored in Geneva, it undertook to the Human Rights Council that it would vet public and security officials.

*“This is not just an affront to victims but also the international community to whom Sri Lanka committed to a vetting programme,”* said Ms. Sooka. *“The UN should suspend the deployment of all new peacekeeping troops from Sri Lanka as they clearly cannot be trusted to vet the personnel they send abroad for their alleged involvement in war crimes if they keep on rewarding alleged perpetrators at home”.*

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<sup>1</sup> New AG Assumes Duties, 30 MARCH 2017, army website, <http://army.lk/news/new-ag-assumes-duties-0>

<sup>2</sup> <http://www.southernaficalitigationcentre.org/1/wp-content/uploads/2012/12/SALC-Briefing-Paper-Shavendra-Silva-Sri-Lanka-061212.pdf> referenced at footnote 21.

## Background

Major General Shavendra Silva commanded the notorious 58 Division during the final phase of Sri Lanka's civil war<sup>3</sup>.

An independent UN investigation found reasonable grounds to believe the 58 Division was among units that shelled the Puttumattalan Hospital in 2009. The makeshift hospital, whose GPS coordinates were sent to the military, was also visible with the naked eye from the 58 Division's positions across the lagoon<sup>4</sup>. War survivors speak of the hospital overflowing with injured civilians and coming under repeated attack. Major General Silva however has asserted that the hospital was only used to treat LTTE fighters and contained no civilians. Nevertheless, targeting combatants who are injured and *hors de combat* constitutes a crime under international humanitarian law.

Major General Silva also confirmed<sup>5</sup> he was the officer who led the assault to recapture Puttumattalan in April 2009, which survivors say resulted in extensive civilian loss of life. Silva says he was aided by drone footage, which means he knew that large numbers of civilians were present during the attack and that it was foreseeable that they would be injured and killed<sup>6</sup>.

According to the UN, the 58 Division under Major General Shavendra Silva was present in the area where LTTE military and political leaders and their families surrendered on 18 May 2009, hundreds of whom were subsequently either summarily executed or subjected to enforced disappearance<sup>7</sup>. In 2014, the ITJP compiled a list of surrendeers seen by eyewitnesses in army custody who subsequently disappeared; the list includes women and young children who were put with LTTE cadres on buses<sup>8</sup>.

Shavendra Silva is also alleged to have been at the location of the "white flag" surrenders on [the morning of 18<sup>th</sup> May 2009](#) and has said he was in overall command of the area. In a 2014 report on the "white flag" incident, the ITJP quoted an eyewitness who said he saw Shavendra Silva shake hands with the LTTE political wing leaders who surrendered to him; their corpses were seen on the roadside a few hours later<sup>9</sup>. The UN's Investigation said the leaders were summarily executed, despite assurances from the Government that they could safely surrender<sup>10</sup>. The UN further reported that the 58 Division is alleged to have been involved in torture<sup>11</sup>.

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<sup>3</sup> Para 116, OHCHR INVESTIGATION INTO SRI LANKA (OISL), SEPTEMBER 2015, A/HRC/30/CRP.2 .

<sup>4</sup> OISL Para 840

<sup>5</sup> OISL Para 846

<sup>6</sup> OISL Para 851

<sup>7</sup> OISL Para 287

<sup>8</sup> <http://tamildiplomat.com/itjp-releases-list-of-those-who-have-disappeared-and-seen-surrendering-to-the-sla-on-18-may-2009-2/>

<sup>9</sup> ITJP SITE: [www.white-flags.org](http://www.white-flags.org)

<sup>10</sup> Forensic examination of photographs of the corpses suggested one had been shot multiple times in the back while his hand were bound behind his back.

<sup>11</sup> OISL Para 544

After the war, Shavendra Silva was sent as Sri Lanka's deputy representative to the UN in New York, affording him diplomatic immunity from prosecution. In 2012, Silva was removed from a top UN peacekeeping advisory committee because of the allegations of war crimes and crimes against humanity against him<sup>12</sup>. He was then prevented from being posted as a diplomat to South Africa by NGOs who argued in a legal [brief](#) that substantial allegations that he was involved in war crimes and crimes against humanity rendered him ineligible for the post and compelled South Africa to refuse to receive him<sup>13</sup>.



#### PHOTO

**SHAVENDRA SILVA** IS POINTING AT THE CORPSES OF DEAD LTTE FIGURES, STANDING NEXT TO **JAGATH JAYASURIYA**<sup>14</sup> [CURRENTLY AMBASSADOR TO BRAZIL, PERU, CHILE, ARGENTINA, COLOMBIA, SURINAME AND ALLEGEDLY COMPLICIT IN TORTURE] AND ON HIS OTHER SIDE **JEGATH DIAS** WHO WAS AMBASSADOR TO GERMANY AND ALSO ALLEGED TO BE INVOLVED IN WAR CRIMES<sup>15</sup>.

<sup>12</sup> <http://foreignpolicy.com/2012/02/17/human-rights-advocates-blast-appointment-of-sri-lankan-commander-to-peacekeeping-panel/>

<sup>13</sup> SOUTH AFRICA'S OBLIGATION TO REFUSE TO RECEIVE AND RECOGNISE SRI LANKAN GENERAL AND SUSPECTED WAR CRIMINAL SHAVENDRA SILVA AS SRI LANKA'S DEPUTY AMBASSADOR TO SOUTH AFRICA, Southern Africa Litigation Centre.

<sup>14</sup> [http://www.itjpsl.com/assets/press/ITJP\\_joseph\\_camp\\_press\\_releases\\_ENG.pdf](http://www.itjpsl.com/assets/press/ITJP_joseph_camp_press_releases_ENG.pdf)

<sup>15</sup> [https://www.ecchr.eu/en/our\\_work/international-crimes-and-accountability/sri-lanka.html](https://www.ecchr.eu/en/our_work/international-crimes-and-accountability/sri-lanka.html)

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