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The Rt. Hon. Dominic Raab MP  
Secretary of State for Foreign, Commonwealth and Development Affairs,  
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The Rt. Hon. Lord Ahmad of Wimbledon  
Minister of State for South Asia and the Commonwealth,  
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The Rt. Hon. Boris Johnson MP  
Prime Minister  
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The Rt. Hon. Sir Keir Starmer KCB QC MP  
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The Rt. Hon. Sir Ed Davey FRSA MP  
Leader of the Liberal Democrats  
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Hon. Elliot Colburn MP  
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01<sup>st</sup> May 2021

Dear Prime Minister, Mr Raab, Lord Ahmad, Sir Keir Starmer, Sir Ed Davey, Mr Colburn & Director of the Sanctions Unit,

#### **URGENT REQUEST**

#### **TO TAKE STEPS TO SANCTION THE SRI LANKAN WAR CRIMINALS, INCLUDING GENERAL SHAVENDRA SILVA, UNDER THE UK'S GLOBAL HUMAN RIGHTS SANCTIONS REGIME.**

We, the International Centre for Prevention and Prosecution of Genocide (ICPPG), are an International Non-Governmental Organisation with no political affiliation and independent body representing the victims of torture, sexual violence, war crimes and Genocide being committed in Sri Lanka. We collect and document testimonies in order to assist the UN and other independent investigators who assist the victims in seeking accountability and justice.

We write on behalf of the victims living in the UK and abroad to call upon the UK to sanction the notorious war criminal General Shavendra Silva, who is the current Acting Chief of Defence Staff and Commander of the Sri Lankan Army<sup>1</sup>.

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<https://www.army.lk/commander#:~:text=General%20LHSC%20Silva%20WV%20RWP,General%20with%20effect%20from%20the>



We understand that the International Truth and Justice Project (ITJP) a credible human rights organization has compiled a 50-page dossier which it has submitted to the Sanctions Department of the UK's Foreign Commonwealth and Development Office (FCDO) on General Shavendra Silva in April 2021. The submission argues why Silva, who is Sri Lanka's current Army Commander, should be designated under the United Kingdom's Global Human Rights (GHR) Sanctions Regime established on 6 July 2020<sup>2</sup>.

We note that the ITJP submission details General Shavendra Silva's role in the perpetration of gross human rights violations including of the right to life when he was 58 Division commanders during the final phase of the civil war in 2009 in the north of Sri Lanka. It draws on searing eyewitness testimony from Tamils who survived the government shelling and bombing of hospitals and food queues in the so called No Fire Zones, many of whom now reside in the UK as refugees. The submission also looks at Silva's alleged involvement in torture and sexual violence, including rape, which is a priority area of the UK Government's foreign policy.

***"We have an extensive archive of evidence on the final phase of the civil war in Sri Lanka, meticulously collected by international prosecutors and lawyers. The testimony of victims and witnesses – many now in the UK – was vital in informing this Submission and making the linkages to Shavendra Silva and those under his command,"*** said the organization's executive director, Ms. Yasmin Sooka.

As you are aware, General Shavendra Silva and his family were designated by the US Government in 2020 under the Appropriations Act because of ***"credible information of his involvement, through command responsibility, in gross violations of human rights, namely extrajudicial killings, by the 58th Division of the Sri Lanka Army during the final phase of Sri Lanka's Civil War in 2009"***<sup>3</sup>.

In August 2019, the British High Commission in Colombo issued a joint statement alongside other European partners to express concern regarding the appointment of Shavendra Silva as Commander of the Sri Lankan Army due to the allegations of grave human rights and humanitarian law violations against him. You also expressed concern at the Human Rights Council in Geneva. However, it is very disappointing that no real action was taken yet.

***"Now the UK has the requisite legislation. The remit of the UK sanctions regime works is broader and includes his role in the shelling of hospitals and other protected civilian sites during the military offensive. This is important in terms of recognizing the full extent of the violations, as well as supporting the US action"*** commented Ms. Sooka. ***"UK designation would be another significant step forward in terms of accountability and would be in line with the recent UN Human Rights Council Resolution passed in Geneva for which Britain was the penholder,"*** she added.

We also wish to bring to your attention that we continue to receive credible evidence that the torture and sexual abuse against the Tamils in Sri Lanka continue to take place on a systematic and widespread manner by the security forces who operate under the command of General Shavendra Silva. After

<sup>2</sup> <https://itjpsl.com/assets/press/Final-english-press-release-shavendra-magnitsky.pdf>

<sup>3</sup> <https://2017-2021.state.gov/public-designation-due-to-gross-violations-of-human-rights-of-shavendra-silva-of-sri-lanka-under-section-7031c-of-the-department-of-state-foreign-operations-and-related-programs-appropriations-a/index.html>



carefully interviewing and investigating the torture victims presented by the ICPPG, the special investigation team appointed by the UN OHCHR concluded that OHCHR they have received credible information about cases of abduction, unlawful detention, torture and sexual violence by Sri Lanka security forces, which allegedly took place in 2016 to 2018. Accordingly, on 08<sup>th</sup> February 2019, the High Commissioner for Human Rights, in her annual report A/HRC/40/23 expressed her serious concern that ***“A preliminary assessment of the information received indicates that there are reasonable grounds to believe that accounts of unlawful abductions and detention and of torture, including incidents of sexual violence against men and women, are credible, and that such practices might be continuing in northern Sri Lanka. Such allegations should be the subject of prompt, effective, transparent, independent and impartial investigations. In the past, the Government has condemned any act of torture, and indicated that any allegation of torture would be properly investigated and prosecuted. OHCHR is not aware of any investigations undertaken to date into the above-mentioned allegations”<sup>4</sup>.***

A survey of the Sri Lankan press conducted by the Journalist for Democracy in Sri Lanka (JDS) reveals at least 50 abductions have been reported in the media in 26 months. Most of these incidents involved Tamil victims and the security forces were the alleged perpetrators. They occurred during 2016, 2017 and the first half of 2018. That’s equivalent to two incidents a month and nobody knows how many more go unreported by victims or the media<sup>5</sup>. It is very unfortunate that the Colombo based NGOs and the mainstream media in Sri Lanka conveniently chose to ignore this apparent evidence of abduction and torture.

Since the above OHCHR investigations in 2018, the ICPPG has documented at least 100 cases of torture and sexual abuse of Tamils which took place between 2019 and 2021. Most of the cases are corroborated by the forensic medical evidence as well as other independent corroborating evidence. A number of them managed to escape, fled Sri Lanka and sought asylum in the UK. It is also noteworthy that majority of them were found credible and genuine victims by either the Secretary of State or the British Judges and subsequently granted refugee states in the UK. The most recent victim documented by the ICPPG was in November 2020 who was abducted after participating in the Tamil Memorial Day. The youngest victims are aged between 11 and 15 who were stopped at the checkpoints on the way to School and subjected to sexual exploitation almost on a daily basis for years. We have also received an incredible number of reports of increasing number of mysterious death of Tamils. The fact that most of the bodies were found with torture injuries, it leads to the serious suspicion that were abducted, tortured and executed in order to prevent them from escaping from Sri Lanka and testifying against the security forces. We have also received reports of abductions in January and February 2021 which we are working on to verify. Subject to the consent of the victims and under strict confidentiality protocols, we are willing to share these cases with you and/or any other relevant authorities in order to confirm the on-going torture committed by the armed forces in Sri Lanka under the command of General Shavendra Silva.

Accordingly, we urge the FCDO to sanction the Sri Lankan alleged war criminals, including the country’s notorious General Shavendra Silva, under the UK’s Global Human Rights Sanctions Regime.

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<sup>4</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/40/23](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/23)

<sup>5</sup> <http://www.jdslanka.org/index.php/news-features/human-rights/810-sri-lanka-two-abductions-reported-every-month>.



We would respectfully remind you that the UK was the penholder for the latest UN resolution 46/1 in Geneva which mandated the collection of evidence, ***“to develop possible strategies for future accountability processes ... and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction”***<sup>6</sup>. These strategies should include the use of targeted sanctions against individuals like General Shavendra Silva.

We look forward to hearing from you as a matter of urgency.

Yours Sincerely,

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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 reconciliation<sup>7</sup>.

The operational strategy was designed under the guidance of Professor Muthucumaraswamy Sornarajah LLB (Ceylon), LL.M (Yale), LL.M, PhD, LL.D (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. He remains as an independent advisor and we to operate with his blessings.

We began assisting the Nations Human Rights Council (UNHRC) investigations on Sri Lanka by submitting testimonies and organising victim interviews in 2014. In its

<sup>6</sup> <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G21/064/41/PDF/G2106441.pdf?OpenElement>

<sup>7</sup> <http://icppg.org/about/>



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 Geneva<sup>8</sup>. 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 authorities<sup>9</sup>. In the basis of this report, we continue to work with international prosecutors with a view to bringing criminal and civil prosecutions.

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<sup>8</sup> <https://www.ohchr.org/en/hrbodies/hrc/pages/oisl.aspx>

<sup>9</sup> [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A.HRC.30.CRP.2\\_E.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A.HRC.30.CRP.2_E.docx)