



Concerns over the appointment of Major General Shavendra Silva as the Commander of the Sri Lanka Army and the need for urgent reforms

August 19th 2019, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) is deeply concerned by President Maithripala Sirisena's appointment of Major General Shavendra Silva as the Commander of the Sri Lanka Army (SLA) and urges the Government of Sri Lanka to take immediate steps to review this appointment in light of the serious allegations levelled against Major General Silva.

In January of this year, CPA raised similar concerns when Major General Silva was appointed the Chief of Staff of the SLA. We are disappointed that the present Government, which committed itself to security sector reforms and accountability, has taken no action to address these concerns. Today's appointment is in effect a repudiation of the promised reforms. It demonstrates a clear disregard for human rights norms, and will facilitate the further entrenchment of impunity in Sri Lanka.

Major General Silva was the Commanding Officer of the 58th Division of the SLA during the last stages of the war. Several public documents have levelled allegations against him of violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL). These include:

- In 2011, the United Nations Panel of Experts (POE) named Major General Silva in their report with a recommendation for further independent investigations of violations committed during the war.
- In 2012, the UN High Commissioner for Human Rights informed the United Nations Human Rights Council (UNHRC) that *"there is at the very least the appearance of a case of international crimes to answer by Mr. Silva."*
- Again in 2012, Major General Silva was removed from the UN Special Advisory Group on Peace Keeping Operations due to allegations levelled against his conduct during the final phase of the war.
- In 2015, the report of the Office of the United Nations High Commissioner for Human Rights Investigation on Sri Lanka (OISL) documented several violations linked to Major General Silva and the 58th Division amounting to war crimes. These include intentional and indiscriminate attacks against civil populations in Killinochchi, Puthukkudiyiruppu (PTK), Putumattalan, Mullivaikkal and other areas that resulted in extensive civilian casualties

and extensive damage to civilian objects. Evidence shows attacks on hospitals, No Fire Zones, UN bases and other areas comprising civilians, especially women, children and the elderly. The OISL report also examines the issue of surrenders including the high profile 'white flag' incident.

- Also in 2015, the Paranagama Commission, which was appointed by the then President Mahinda Rajapaksa, referred to the 'white flag' surrenders and other cases and noted credible allegations of war crimes that required independent investigations.
- In March 2019, the report of the UN High Commissioner for Human Rights raised concerns over the appointment of Major General Silva as Chief of Staff of the SLA, due to documented allegations of rights violations by troops under his command.

The above are a glimpse into the serious allegations levelled against Major General Silva. Despite their gravity, these allegations have not been properly investigated by either the previous or current Government. In fact, Major General Silva's series of promotions demonstrates how these alleged violations appear to be rewarded. This also stands against the background of the Government's own commitments made on security sector reforms and accountability, as part of UNHRC Resolution 30/1.

These issues are further compounded when considering the new security challenges Sri Lanka faces following the Easter Sunday attacks, a decade on from the end of the war. CPA notes that the on-going proceedings before the Select Committee of Parliament to look into these attacks of 21st April 2019, demonstrates the need for urgent reforms in the security and intelligence sector. The appointment of Major General Silva to the senior most position in the SLA whilst facing serious allegations, is unlikely to instil public confidence in the genuineness of the Government's commitment to initiating the necessary reforms and to addressing impunity.

In such a context, whilst urging the Government to review the present appointment, CPA also urges the relevant Parliament Sectoral Oversight Committees to take a more robust role in monitoring the work of Major General Silva and the SLA and to take action to prevent Sri Lanka from sliding further towards a state where human rights violations are ignored and impunity thrives.