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The Lord Ahmad of Wimbledon  
Foreign and Commonwealth Office  
King Charles Street  
Whitehall  
London  
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27 May 2021

Dear Lord Ahmad,

**Re: General Shavendra Silva**

I am writing to urge you to sanction Commander of the Sri Lankan Army General Shavendra Silva under the terms of the British Government's Global Human Rights Sanctions regime (otherwise known as the Magnitsky sanctions regime).

General Silva's direct involvement in gross human rights violations has been extensively documented by a number of organisations, including the International Truth and Justice Project - Sri Lanka (ITJP). You will presumably be aware of the fact that the ITJP submitted a 50 page dossier to the Foreign, Commonwealth & Development Office on 9 April 2021, in which evidence of the human rights abuses perpetrated by General Silva are meticulously set out.

The evidence which has been compiled by the ITJP and sent to the FCDO focuses on the campaign in the north of Sri Lanka, during the final phase of the war that lasted from early 2008 to the end of the war in May 2009. Based on the evidence collected and reviewed by the ITJP, experts believe that there are reasonable grounds to believe that the Sri Lankan Army, including the 58 Division, conducted intentional and indiscriminate attacks against the civilian population in inter alia Kilinochchi, Puthukkudiyiruppu (PTK), Ampalavanpokkanai (Pokkanai), Putumattalan, Valayanmadam and Mullivaikkal that resulted in extensive civilian casualties and thus violations of the right to life.

The abuses that are detailed in the submission can be summarised as follows:

- violations of the right to life through bombardment (including the use of white phosphorus and cluster munitions);
- summary executions of surrendees in May 2009, as well as violations of the right not be subjected to torture, (including allegations of rape and other forms of sexual violence);
- deliberate attacks on civilians including women, children and the elderly, with many of the attacks also directed against specially protected persons under international humanitarian law, such as medical and religious personnel and persons hors de combat.

The ITJP submission presents facts which they state are corroborated by a variety of sources, including the UN Panel of Experts, OISL, reports of non-governmental organisations and most notably, eye-

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witness and insider witness testimony, all of which establish that General Shavendra Silva is an “involved person” in relation to violations of the right to life and the right not to be subjected to torture.

It provides evidence that General Shavendra Silva was the military commander of the 58 Division, and that a chain of command existed between him and his troops during the conduct of the final phase of the war in Sri Lanka. The report details how there are reasonable grounds to believe that General Shavendra Silva knew about or had reason to know about the torture committed by the troops under his effective control, and that he failed to prevent the violations and punish those responsible.

Section 4 of the ITJP submission illustrates that the two legal tests set out in the GHR Sanctions Regulations, namely that there are reasonable grounds to believe that General Shavendra Silva is an “involved person” and that designations against him “would be appropriate with regards to the GHR Sanctions Regime’s purposes”, are met.

The purposes of applying Magnitsky sanctions to perpetrators of serious human rights abuses are to ensure accountability for the perpetrator’s actions, and deterrence. In the case of General Silva, both these principles apply equally given that the UN report published on 27 January 2021 warned that the failure of Sri Lanka to address past violations has significantly heightened the risk of human rights violations being repeated.

The entire dossier on Shavendra Silva published on 29 January 2019 is available here: <https://itjpsl.com/assets/shavendra-silva-final-dossier.pdf>. Does this dossier include the level of evidence required to apply ‘Magnitsky’ sanctions? If not, please could you specify what is missing?

Finally, is the government planning to introduce provisions for Parliamentary scrutiny on decisions made under the UK’s Global Sanctions Regime?

Given the high degree of public interest in this matter I shall be placing this letter in the public domain.

I look forward to receiving your response.

Kind regards,

Stephen Kinnock MP  
Shadow Minister for Asia and the Pacific