



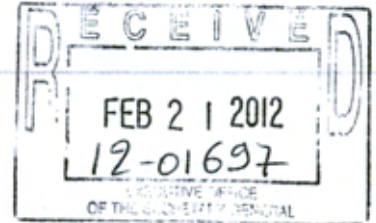
Please listen to the public opinion and change your decision on Alleged War Criminal Silva.

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Kumar Rasingam to: angela.kane@un.org, den@un.org,
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"info@amnesty.ca", "letters@tribune.com.pk", "letters@dawn.com",
Please respond to Kumar Rasingam

17/02/2012 11:55 PM

ACTION *RS-Kane*

COPY *DSC*
Mr. Ladsens
Ms. Nalcora
NH



February 17, 2012

His Excellency Ban-Kin-Moon, UN Secretary General & Staff in UNSG's Office
The Honourable Brad Adams Human Rights Watch
Amnesty International

cc:

The Honourable Juan Mendez - Speciall Rapporteur on Torture and other Inhuman or
Degrading Treatment or Punishment

Asia Pacific

Committee Against Torture [CAT]

The Honourable Chris Alexander MP, Ajax/Pickering, Vice Chair APPG

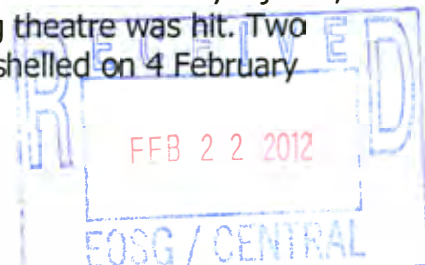
Dear Sir,

**Re: Appointing Alleged War Criminal Mr. Shavendra Silva to UN Peace
Keeping Operations - SHAME ON UN**

Mr. Shavendra Silva to UN Peacekeeping Operations Senior Advisor Group. Sri Lanka has posted 22 former high-ranking military officials to diplomatic posts around the world. This has catalyzed international efforts for justice for Tamil victims in Sri Lanka.

Mr. Silva commandeered the 58th Division of the Sri Lankan military during the conflict in 2009 - many analysts describes it as the most unwitnessed war of the 21st century - and the acts of Mr. Silva's battalion are well articulated over several pages of the UN's own Panel of Experts report on Sri Lanka. In addition to starvation of civilians, repeated shelling of hospitals, Hindu temples and churches, the report notes that Mr. Silva allegedly played a role in the so called 'white flag killings' of the Tamil surrendeers. 90.

Fighting in the area intensified as part of the expressed efforts by the 55th and 58th Divisions to capture PTK by 4 February... in the week between 29 January and 4 February, PTK hospital was hit every day by MBRLs and other artillery, taking at least nine direct hits. A number of patients inside the hospital, most of them already injured, were killed, as were several staff members. Even the operating theatre was hit. Two ICRC international delegates were in the hospital when it was shelled on 4 February



HRT/04/003; Exr/11/001

2009. The shelling was coming from SLA positions.

92.

The GPS coordinates of PTK hospital were well known to the SLA, and the hospital was clearly marked with emblems easily visible to UAVs. On 1 February 2009, the ICRC issued a public statement emphasizing "[w]ounded and sick people, medical personnel and medical facilities are all protected by international humanitarian law. Under no circumstance may they be directly attacked."

Yours Truly,

Kumarathasan Rasingam,
10 - 1790 Finch Avenue East, Pickering, Ontario, L1V 0A1, Canada.

http://turtlebay.foreignpolicy.com/posts/2012/02/16/human_rights_sri_lanka_commander_peacekeeping

Human rights advocates blast appointment of Sri Lankan commander to peacekeeping panel

Posted By Colum Lynch Thursday, February 16, 2012 - 7:23 PM Share

The U.N.'s chief human rights official, **Navi Pillay**, advised U.N. Secretary General **Ban Ki-moon** earlier this month to seek the removal of a former Sri Lankan officer from a top peacekeeping advisory committee because soldiers under his command may have committed abuses during the bloody, final months of the country's 28-year-long civil war, according to a confidential account obtained by *Turtle Bay*.

Major Gen. **Shavendra Silva**, who currently serves as Sri Lanka's deputy U.N. envoy, was selected last month by the U.N.'s Asia Group, which consists of all the U.N.'s Asian member states, to serve on the U.N. secretary general's senior advisory panel. The 20-member panel was established to examine the prospect of awarding pay increases to U.N. peacekeepers.

But his appointment has drawn intense criticism from Pillay and human rights advocates, who claim that his role as a military commander of Sri Lanka's 58th division, which faced allegations of rights abuses, should make him ineligible.

In a confidential letter to Ban, excerpts of which were reviewed by *Turtle Bay*, Pillay wrote that Silva's appointment threatens to harm the reputation of the U.N.'s peacekeeping division. She appealed to Ban and other top U.N. officials to ask the Asian Group to reconsider its decision, and select a replacement.

"I am seriously concerned that were Mr. Silva to assume this senior position related to U.N. peacekeeping the damage to the reputation and integrity of the organization will be serious and sustained," Pillay wrote. "His appointment runs directly counter to long-standing efforts ... to move peacekeeping operations away from previous incidents of serious mismanagement and abusive conduct on a stronger, more professional and more respected footing."

In response to Pillay's criticism of the appointment, Sri Lanka's mission to the United Nations issued a statement this week saying Pillay's demands are "unfair and unethical." "Nowhere in the world, certainly not in this country, do you convict a person on the basis of allegations; nor do you besmirch a person's reputation by repeating allegations," Sri Lanka's U.N. ambassador **Palitha Kohona**, told *Turtle Bay*. "I think it is not only improper but unfair and unjust."

Kohona said his government has formed a committee to investigate allegations of human rights abuses detailed by a Sri Lankan lessons learned panel. "They will investigate every single allegation highlighted in the lessons learned report," said Kohona.

The U.N.'s secretary general's office declined to comment on Pillay's letter. But **Martin Nesirky**, Ban's chief spokesman, told reporters in a recent press briefing that Ban had no authority to reverse the appointment. "The selection of the members of the group is beyond the secretary general's purview," Nesirky said. "It's a matter for member states."

Human Rights Watch countered that, while the U.N.'s Asian governments are to blame for the appointment, the U.N. chief bears responsibility for fixing it.

"The responsibility for this puzzling appointment lays squarely with the Asia Group, but ultimately Ban Ki-moon established the panel and has to safeguard the reputation and credibility of the United Nations," **Philippe Bolopion**, the U.N. representative for Human Rights Watch, told *Turtle Bay*. "He was not part of the problem, but he need to be part of the solution."

The U.N. General Assembly asked Ban to assemble a senior advisory group to "consider rates of reimbursements" for U.N. peacekeepers. The rate of peacekeeping pay has been a source of mounting resentment among troop-contributing countries because the standard rate has not changed in many years.

The General Assembly mandated that the advisory group be comprised of "five eminent persons of relevant experience" appointed by the secretary general, five representatives from major troop-contributing countries, five representatives from major financial contributors to peacekeeping missions, and one representative for each of the U.N. regional groups.

The panel includes several prominent former U.N. officials, including **Louise Frechette** of Canada, a former U.N. deputy secretary general, and **Jean Marie Guehenno** of France, who previously served as the U.N.'s top peacekeeping official. Silva was selected by the Asia group.

In 2008-2009, the Sri Lankan government launched an all-out offensive against the Liberation Tigers of Tamil Ealam (LTTE), one of the world's most violent and ruthless insurgencies.

The operation, which centered on a Tamil stronghold in the Vanni region of Sri Lanka, succeeded in wiping out the armed movement in May 2009.

But the operation took a devastating toll on ethnic Tamil civilians, who were largely trapped between the rival forces. As many as 40,000 civilians died, most of them victims of indiscriminate shelling by Sri Lankan government forces, according to a U.N. panel established by the secretary general.

Silva commanded Sri Lanka's 58th division, which was directly involved in the final push to crush the LTTE. The panel does not specifically accuse Silva of engaging in atrocities, but it raises concern about the conduct of his troops.

"It is thus a reasonable conclusion that there is, at the very least, the appearance of a case of international crimes to answer by Mr. Silva," Pillay wrote. "I would this strongly encourage you and senior colleagues to convey as a matter of urgency the organization's request to the Asian Group that this nomination be reviewed.... Should diplomatic engagement fail to bear fruit, further steps may need to be considered."

"Peacekeeping service is a privilege attracting a heavy protection responsibility, rather than amounting to any form of entitlement or political reward, and credibly alleged human rights violations are sufficient basis to justify denial or termination of mission appointment of peacekeeping persons," she added. "The integrity of this principled position would be substantially undercut by the appointment of Mr. Silva."

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