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Lawsuit filed against Sri Lankan Army General Responsible for Executions, Torture & Attacking Civilians; Currently Living in NYC

NEW YORK, N.Y., SEPT. 23, 2011 – This morning, American University Washington College of Law’s UNROW Human Rights Impact Litigation Clinic filed a lawsuit in the Southern District of New York (SDNY) against Sri Lankan General Shavendra Silva, who currently resides in New York City. General Silva was the commander of the 58th Division of the Sri Lankan Army during its brutal counter-insurgency campaign that costs the lives of up to 40,000 civilians in spring 2009. General Silva currently resides in New York City, and is Sri Lanka’s Acting Permanent Representative to the United Nations. As the United Nations General Assembly is ongoing, this lawsuit shines a spotlight on a war criminal in its midst.

As commander of the 58th Division, General Silva was responsible for conducting Sri Lanka’s bitter and brutal war against Tamils in northern Sri Lanka, and directly caused the untold suffering of thousands of Tamil civilians. Under the auspices of “fighting terrorism”, General Silva led the Army’s campaign of war crimes and crimes against humanity across northern Sri Lanka. In particular, protected persons – civilians – and protected places – hospitals – were deliberately attacked by General Silva and his forces, which violates Sri Lankan law, American law and international law. General Silva is also responsible for the torture and extrajudicial executions of surrendering members of the Liberation Tigers of Tamil Eelam (LTTE), in clear contravention of the laws of war.

“These egregious violations of international and domestic law have gone unanswered for over two years now, as survivors continue to suffer in suffocating silence on the island. Finally, after years of waiting for someone to answer for the loss of loved ones, the voices of Tamil victims and survivors have been granted their day in court. Today, U.S. courts provide a forum for justice and accountability, where there would otherwise be continued impunity for Sri Lanka’s crimes against Tamils,” said Ali Beydoun, lead counsel on this case, director at American University Washington College of Law’s UNROW Human Rights Impact Litigation Clinic, and a Senior Partner at SPEAK Human Rights Initiative.

Up to 40,000 Tamil civilians were killed in the final months of Sri Lanka’s military onslaught against Tamil regions in 2009, according to a report from a United Nations Panel of Experts. However, over two years later, there have been no investigations or prosecutions of those responsible for war crimes and crimes against humanity. “This lawsuit is one small yet substantial step towards accountability for Sri Lanka’s bloodbath on the beach. We will continue pursuing these cases until justice is served,” Beydoun said.

This lawsuit seeks damages for violations of international, Sri Lankan and domestic law under the Alien Tort Claims Act (ATCA) and Torture Victim Protection Act (TVPA). These statutes grant jurisdiction to U.S. courts over human rights violations committed abroad, and serve to ensure that the U.S. does not become a safe haven for war criminals.

The day will not be getting any easier for Sri Lanka’s President Mahinda Rajapaksa, as massive protests greet his arrival in New York for the 66th U.N. General Assembly. This day marks a uniquely perfect storm for justice, as demands for accountability begin to echo throughout New York and the world.

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