

PPWG Assessment – Sri Lanka Conflict

Prepared for the United States Atrocity Early Warning Task Force

Conflict Background

Sri Lanka is a mosaic of languages and religions. The country is peopled mainly by three ethnic groups – Sinhalese (74.9%), Tamils (15.3%) and Sri Lankan Moors (Muslim) (9.3%). Of them, Sinhalese and Tamils use language as the main marker of identity – Sinhala and Tamil. Muslims on the other hand, use religion as the main marker of their ethnic identity. While language might be the dominant element that makes up Sinhala and Tamil identity, 70.1% of the population – almost totally Sinhalese – are Buddhist, while 12.6% Tamils are Hindu, and Muslims are 9.7%. Christians who claim adherents from both the Sinhalese and Tamil ethnic groups are around 7.6% of Sri Lanka’s population.

Fighting between the Sri Lankan State and the Liberation Tigers of Tamil Eelam (LTTE) rebels began in 1977. The conflict centered around the Tamils demand for secession after Sinhala Buddhists leveraged State power to discriminate against Tamils and thwart for 28 years Tamils’ non-violent demands for power sharing.

Fighting came to bloody end with the government military crushing the LTTE. The UN estimates more than 40,000, mostly Tamil civilians were killed in the last three months of the conflict. The UN found that there were credible allegations of war crimes committed by both sides and recommended a hybrid court be set up for accountability. There was no formal peace accord or agreement between Tamils’ political representatives and the Sri Lankan State, hence root causes of the conflict remain.

The civil war was not the only armed conflict within Sri Lanka. In 1987 in the South of the country, Sinhala youth disgruntled by limited economic opportunities were mobilized by the Janatha Vimukthi Peramuna (JVP) to take up arms against the Sri Lankan State. There were widespread brutalities on both sides and fighting ended with the extrajudicial killing of the head of the JVP – Rohana Wijeweera.

After the Sinhala-Tamil civil war came to an end in 2009, Sri Lanka witnessed the use of Buddhism by Sinhala Buddhists to attack other religious groups. In 2012, the Bodu Bala Sena (BBS) or “Buddhist power force,” a militant Buddhist organization which has links to powerful Sinhala politicians, both current and past, began a series of protests and attacks against Christians and Muslims. The State took a hands-off approach with the police doing little to stop the attacks or apprehend and bring to justice the perpetrators. In 2014, head of the BBS, Gnanasara Thero, a Buddhist monk, signed a pact with Burmese Buddhist monk Wirathu to “protect Buddhism.” In that same year Gnanasara was instrumental in inciting violence against Muslims that sparked rioting that displaced about 10,000 people. Attacks incited by this monk and his followers continued in 2017 and 2018 and no one has been held accountable for the violence.

Current Situational Assessment

1. Presidential elections on November 16, 2019 installed as President an unrepentant and empowered former Defense Secretary Gotabaya Rajapaksa, who is accused of war crimes, murder and abuse of power. The fear of crossing him is palpable on the streets of Colombo and since then militarization in the North and East of the country and the hate speech against Tamils, Muslims, Christians and Hindus have increased. **A landslide victory for the party led by him on August 5th has set the tone for a mono-ethnic and authoritarian government. Many of the civil administration posts such as Foreign Secretary etc have been filled with retired military people.**

2. The previous government called the “National Unity Government” sponsored a joint Resolution (Res.30/1) with the U.S. and other State parties in the UN Human Rights Council in 2015 September to promote national reconciliation. Even during the five years of that government those efforts bore no fruition because the previous government did not have the political will to focus on institutions. There have been no new power sharing agreements to address root causes of the conflict. The accountability component of Resolution – an Office of Missing Persons, an Office of Reparations, a Truth and Reconciliation Commission and hybrid tribunal – have faced enormous challenges. The Resolution recommended a hybrid court because Sri Lanka was unwilling and incapable of setting up effective domestic courts to try military personnel. The previous government refused to subject suspected military personnel to be tried in a court with international judges. Meanwhile, most Tamil families of the disappeared dismiss the Office of Missing Persons because it lacks the power to punish perpetrators. **The current president has declared at the UN that Sri Lanka will no longer be a party to this resolution.**

3. The Easter Sunday bomb explosion on April 21, 2019 in churches and high-end hotels signaled that sections Sri Lanka’s Muslims have reached the end of their tether. The Parliamentary Select Committee to inquire into the bombing states that the Muslim bombers were attracted to extremist preacher Zahran Hashim because of recurring Buddhist violence against Muslims and “Muslim Extremism became Muslim Terrorism,” because the Muslims felt marginalized by the State. **The investigating officer of the CID who reported this to the parliament, dismissing a serious ISIS link has now been arrested on spurious charges. This same officer had earlier investigated the now President Rajapakse for fraudulent arms deals, while he was the Defense secretary.** Riots instigated by Sinhala Buddhist mobs and anti-Muslim public preaching by some Buddhist monks, right after the bombing has created a deep and lasting animosity between Muslims and Buddhists. Anti-Muslim animosity spread to Christians after many Christians perished in the Easter blasts. The police and military harassing Muslims in the aftermath of bombing, ignoring anti-Muslim Sinhala rioters who refused to respect curfews and the government not silencing public calls by Sinhalese to boycott Muslims businesses and other acts of open discrimination, demonstrate the State aiding and abetting affronts to Muslim identity and compromising their physical safety.

a. Risk factors/triggers for violence/etc.

The current security and political situation send clear signals that Sri Lanka could experience another bout of mass atrocities mainly due to the unresolved nature of political conflicts that triggered atrocities during

the civil war and that State-backed militant ethnoreligious forces that remain dominant in society are poised to strike again.

1. Legacy of unresolved mass atrocities and ignoring root causes of the past atrocities:

Sri Lanka's history of committing mass atrocities is not confined to the final three months of the civil war although that is perhaps the best known. The country's military, mostly in response to armed attacks by LTTE or JVP, deliberately targeted Tamil, Muslim and Sinhala civilians by extra-judicially killing or disappearing them. There is also evidence of their using torture and rape as weapons of war. What has rendered mass atrocities of the past more dangerous is the State turning a blind eye to their potential recurrence. By establishing a few weak institutions or none at all under UN Resolution 30/1, the State has ensured there is little accountability for atrocities committed during the civil war. Although there is visual and other evidence of atrocities occurring, they cannot be used before an independent court of law because Sri Lankan politicians protect the military and the LTTE.

The protection they enjoy gives police and military personnel impunity to taunt and threaten Tamil civilians protesting for the return of their land, illegally taken over by the State; to reject an international presence to protect mass graves that were unearthed, and to intimidate judges into not pursuing habeas corpus cases on disappearances. Not addressing land grab by the military, habeas corpus and mass graves among issues, contribute vitally to ignoring the causes of the conflict.

Impunity was in full display with the appointment of Shavendra Silva, accused of war crimes, as army commander and then as Head of the Coronavirus task. His appointment also provides impunity to the lower ranks and an end to nonrecurrence of conflict.

2. State-sanctioned Discrimination and Violence:

An example of this would be the way the State arrests and detains perpetrators of crimes based on ethnicity and religion.

An incident in September when a Buddhist monk was buried in premises of a Hindu temple in a Tamil-Hindu majority town against the wishes of the temple authorities and Hindu public is symptomatic of State sanctioned violence leading to ethnic polarization and conflict. Although a Tamil magistrate had issued an order prohibiting the burial in the temple, the police disregarded enforcing the order because a militant Buddhist monk who had tacit backing of the State was insisting on it. It was made worse when the attorney general, a State official, did not press charges against the monk for contempt of court. The monk and his followers, as well as the police that broke the law, are at large. However Tamil protestors and journalists who reported the incident have been called to the police stations and were intimidated and harassed by the police.

Similarly, since the Easter Sunday bombing, there has been systematic discrimination against Muslims with boycotts of Muslim businesses, and reprisals in state hospitals and schools. Muslim women especially have been targeted and arbitrary arrests of Muslims happen regularly. Although the police witnessed some of these acts of discrimination, they failed to intervene. Muslims or those mistaken as Muslims have been arrested on "suspicion" of extremist activity are detained for a minimum of three months without charges, while Sinhalese caught on video perpetrating riots are released in three days. **One prominent**

Muslim lawyer and one prominent Muslim blogger have been detained without charges for the past four months.

3. Use of COVID-19 to crush dissent and ethnic rights

The President has used edicts that was supposed to stem COVID-19, to crush any dissent like protest march's against him for social policies as well as disallowed any commemoration of the dead of Tamils lost in the war and ordered that Muslims had to be cremated disallowed the Muslim cultural practice of burial.

4. Indicators of recurrence of mass atrocities present in the country:

The mono religio-ethnic, militaristic-authoritarian government now in place where the President and the super-majority in parliament openly state that they need the support of only their Sinhala Buddhist citizens; The politicization of the military and the continuation in office of police and military officers accused of mass atrocities and corruption have reduced trust of all Sri Lankans in the public and security sectors; Discriminatory structures, weak rule of law, media censorship and the explosion of hate speech are some of the indicators that the US Holocaust Museum says of a recurrence of mass atrocities in a country. All of this are present in Sri Lanka.

Recommendations

1. Include Sri Lanka as a country at-risk under the Elie Wiesel Genocide and Atrocities Prevention Act so that both the U.S. Administration and Congress monitor Sri Lanka for signals of re-emergence of mass atrocities and take preventive action.
2. State Department review State-to-State economic and development aid and the foreign military financing program to make them conditional on Sri Lanka's compliance of UN resolution 30/1 and 34/L.
3. Push for immediate demilitarization in the north and east of the country. The U.S has so far pursued a policy of demilitarization by supporting Sri Lankan troops as U.N peacekeepers. However, now the UN has limited Sri Lanka's role as peacekeepers because of an accused war criminal's appointment as the head of the army. Given the uncertainty of the situation in the country and the distrust of the military by minorities an immediate diplomatic and developmental push for demilitarization is necessary.
4. Use the Magnitsky Act and other tools available to the U.S. Administration to impose travel sanctions on military personnel accused of civil war atrocities and others who have committed offences against religious freedom.
5. USAID/ State Department provide more flexible and equitable funding for civil society organizations, and especially to fund diverse and more grassroots-based civil society so as not to cause fissures and tensions between ethnic groups as well as within civil society itself.
6. The U.S. Embassy in Sri Lanka uses all diplomatic tools at its disposal to strengthen human rights and democratic institutions supported by U.S. funding and support and uplift all civil society, not simply city based or English-speaking civil society.
7. Fund and support the creation of a mechanism to collect and protect evidence of mass atrocities both inside and outside similar to that of the mechanism set up for Burma/Rohingya.