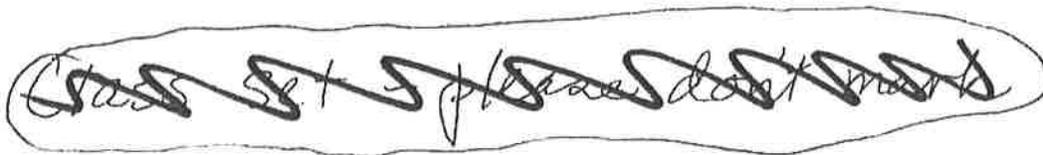


## Sri Lanka Background Info for Anil's Ghost

The articles we will look at today and next class contain some background information on Sri Lanka and its people (including a little bit of information about the two primary ethnic/linguistic groups, the Tamil and the Sinhalese), the Sri Lankan Civil War, and an overview of the progression of efforts to hold an in-depth UN human rights commission investigation into atrocities committed during the war.

### Articles—in the order in which they appear in the packet:

- 1 Minahan, James B. "Sinhalese." *World Geography: Understanding a Changing World*. ABC-CLIO, 2014. Web. 2 April 2014.
- 2 "Sri Lanka Country Profile." *BBC News*. British Broadcasting Company, n.d. Web. 29 Mar. 2016.
- 3 Minahan, James B. "Tamils." *World Geography: Understanding a Changing World*. ABC-CLIO, 2014. Web. 2 April 2014.
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- 5 Ryan, Connor. "The Other Two-State Solution: After 56 Years, Sri Lanka." *The Huffington Post*. TheHuffingtonPost.com, 8 Aug. 2013. Web. 29 Mar. 2016.
- 6 Bajoria, Jayshree. "The Sri Lankan Conflict." *Council on Foreign Relations*. Council on Foreign Relations, 18 May 2009. Web. 03 Mar. 2017. <<http://www.cfr.org/terrorist-organizations-and-networks/sri-lankan-conflict/p11407>>.
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- 8 Burke, Jason, and Amantha Perera. "UN Calls for Sri Lanka War Crimes Court to Investigate Atrocities." *The Guardian*. Guardian News and Media, 16 Sept. 2015. Web. 29 Mar. 2016.
- 9 "Sri Lanka." *Human Rights Watch World Report*. Human Rights Watch, 12 Jan. 2017. Web. 03 Mar. 2017. <<https://www.hrw.org/world-report/2017/country-chapters/sri-lanka>>.



## Sinhalese

The Sinhalese, sometimes known as Singhalese or Helbasas, are the largest ethnic group of the island of Sri Lanka in the Indian Ocean just southeast of India. Sizable Sinhalese communities are also found in the United Kingdom, Australia, Italy, Canada, the United States, Singapore, Malaysia, New Zealand, and India. The estimated 15.5 million Sinhalese speak an Indo-Aryan language that is the official and national language of Sri Lanka. Most Sinhalese are Buddhists of the Theravada sect, though there are small Christian and Hindu minorities.

According to the ancient Sinhalese manuscript the *Mahavamsa*, they are descended from the exiled Prince Vijaya and his 700 followers who arrived on the island from nearby India in 543 BCE. Their Buddhist religion is believed to have been introduced to the islanders from India during the third century BCE. The continuing migration from India drove the indigenous Vedda people into the less accessible mountains. A Sinhalese kingdom emerged with an advanced culture and magnificent constructions. During its long existence, the kingdom was invaded at least 17 times by armies from mainland India. The Sinhalese were the first nation to be governed by a female ruler, Queen Anula, between 47 and 42 BCE. The Sinhalese exported cinnamon to the rest of the ancient world, with trading relations that stretched from Rome to China. A series of invasions from the mainland gradually forced them to abandon their capital and other cities to flee to the relative safety of the island's southern districts. In the north, invading Tamils erected a separate kingdom, while in the south, a succession of petty kingdoms rose and fell even as Sinhalese culture flourished with great advances in art and literature.

Contact with Europe began with the arrival of a Portuguese expedition in 1505. The island had always been an important port and trading station in the ancient world, a tradition that continued as the Europeans established trading posts and forts and gradually extended their control. In 1592, the center of the Sinhalese kingdom was moved to the inland city of Kandy, a location more secure from attacks by the voracious European invaders. The Portuguese were followed by Dutch explorers and traders. In 1638, the Sinhalese king signed a treaty with the Dutch East India Company in an effort to rid his kingdom of the Portuguese, who controlled much of the coastal districts. The Dutch defeated the Portuguese but retained control of the coastal regions rather than return them to Sinhalese control. The kingdom survived despite a continuing war with the Dutch. During the Napoleonic Wars, the British, fearing that French control of the Netherlands might bring French control of Sri Lanka, occupied the coastal districts of the island they called Ceylon with little resistance in 1796.

Sinhalese culture is a modern South Asian culture that retains many traditional customs and ceremonies. A wide variety of folk beliefs and ancient rituals remain part of the modern culture, as do traditions such as folk songs sung by workers in various trades to accompany their work. More ancient rituals, such as toivils, or exorcisms, continue as vibrant parts of the island culture. The Sinhalese music and dance, based on ancient traditions, were modernized between the 1930s and 1950s with new forms and the introduction of Sinhalese filmmaking. The Sinhalese language, Sinhala, has two varieties, spoken and written. Derived from the Indo-Aryan languages brought to the island by migrants from northeastern India, it developed in isolation, with many words borrowed from the Dravidian languages of South India and later borrowings from the colonial languages, Portuguese, Dutch, and English. The Sinhalese culture is closely tied to their Buddhist religion. While Buddhism in mainland India was mostly eradicated by Hindu kings and later Islamic invaders, it continued to flourish in Sri Lanka. The Buddhism practiced on the island includes various religious elements borrowed from the Hindus of northern Sri Lanka and the Indian mainland. They also continue to worship some Hindu gods such as Vishnu, who is seen as the protector of Buddhism and of the island.

itself. Pre-Buddhist practices, such as a belief in spirits and devils, are now part of the island's belief system.

In 1802, the Dutch formally ceded their territories in Sri Lanka to the British, who created a crown colony. The next year, the British invaded the inland kingdom of Kandy, the invasion known as the Kandyan War. Although the British were repulsed, they returned and finally occupied the kingdom in 1815, ending all Sinhalese independence. Following a major rebellion, the Wastelands Ordinance was adopted that stripped the highland Sinhalese of their lands, which were then turned into British coffee, tea, and rubber plantations worked by their former owners. The British planters imported large numbers of Hindu Tamil indentured laborers from their mainland territories. The laborers and their families soon made up 10% of the island population. The British colonial authorities favored the Burghers, of mixed Dutch and Sinhalese descent; certain high-caste Sinhalese groups; and the Hindu Tamils, who were mainly concentrated in the northern and eastern districts of the island. This favoritism exacerbated enmities that have survived to the present.

In 1909, the British introduced partial self-government, but universal suffrage was not allowed until 1931. Sinhalese groups organized to agitate for greater autonomy, while the Tamils in the north of the island sought separate self-government. Independence for British Ceylon was granted in 1948, with agreements between the Sinhalese and northern Tamil leaders that effectively disenfranchised the numerous Indian Tamil plantation workers. In 1970, Ceylon became a republic under the ancient Sinhalese name of Sri Lanka. Sinhala was adopted as the only official language, beginning a rapid decline in relations between the Sinhalese and the Tamils. In 1983, communal rioting involving Sinhalese and Tamils quickly spread across the island, leading to a vicious civil war and a strong separatist movement among the Tamils in the north and east. Fighting continued to disrupt island life until the rebel Tamils were finally defeated in 2009. Relative peace has returned to the Sinhalese, but the burning issue of relations with the Tamils remains like a dark cloud on the horizon.

**James B. Minahan**

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2

# BBC NEWS

## SOUTH ASIA

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25 September 2013 Last updated at 08:14 ET

### Sri Lanka profile

Lying off the southern tip of India, the tropical island of Sri Lanka has attracted visitors for centuries with its natural beauty.

But it has been scarred by a long and bitter civil war arising out of ethnic tensions between the majority Sinhalese and the Tamil minority in the northeast.

After more than 25 years of violence the conflict ended in May 2009, when government forces seized the last area controlled by Tamil Tiger rebels. But recriminations over abuses by both sides continue.

The island fell under Portuguese and Dutch influence after the 16th century, and Britain began its conquest in the 1790s.

There was a long-established Tamil minority in the north and east, and Britain also brought in Tamil labourers to work the coffee and tea plantations in the central highlands. This made the island, then called Ceylon, a major tea producer.

The majority Buddhist Sinhalese resented what they saw as British favouritism towards the mainly-Hindu Tamils.

The growth of assertive Sinhala nationalism after independence fanned the flames of ethnic division, and civil war erupted in the 1980s against Tamils pressing for self-rule.

Most of the fighting took place in the north. But the conflict also penetrated the heart of Sri Lankan society, with Tamil Tiger rebels carrying out devastating suicide bombings in the capital Colombo in the 1990s.

The violence killed more than 70,000 people, damaged the economy and harmed tourism in one of South Asia's potentially most prosperous societies.

International concern was raised about the fate of civilians caught up in the conflict zone during the final stages of the war, the confinement of some 250,000 Tamil refugees to camps for months afterwards, and allegations that the government had ordered the execution of captured or surrendering rebels.

A UN report published in 2011 said both sides in the conflict committed war crimes against civilians. The Sri Lankan government rejected this and later reports as biased.

In September 2013 the main Tamil opposition party won a convincing victory in elections to a devolved provincial council in the north, which was set up after constitutional talks with the government. Commonwealth observers reported army intimidation of voters.

### More South Asia stories

[print page](#)

## Tamils

The Tamils, sometimes known as Thamils, Tamuls, Tamill, or Tamilians, are a Dravidian ethnic group inhabiting parts of southeastern India and the northwestern region of Sri Lanka. Emigrant communities are especially important in Malaysia, Canada, the United Kingdom, Singapore, the United States, Germany, South Africa, and other parts of the world. The estimated 78 million Tamils speak a Dravidian language, the most widely spoken of the Dravidian languages of southern India and Sri Lanka. The majority of the Tamils are Hindus, with small Christian and Muslim minorities.

The ancient Dravidians once inhabited almost all of present India until they were driven south by the invasions of Aryan tribes from the Iranian Plateau between 2000 and 1700 BCE. The Aryan invaders often adopted the Dravidians' Hindu beliefs but developed a new form of the religion that enshrined a rigid caste system that relegated the Dravidians and other non-Aryan peoples to the lowest rungs of society. The Aryans also created an elaborate priestly ritual, known as Brahminism, which was rejected by the Dravidian peoples moving south to escape Aryan domination. In the more tropical south, the Dravidians divided into a number of distinct ethnic and cultural groups, the most important being the Tamils. Buddhist Aryans conquered the island of Sri Lanka in the fifth century BCE, and it became the center of an advanced Buddhist society until it was conquered by Tamil invaders from the Indian mainland in 235 BCE.

The Tamil conquerors ruled Sri Lanka until the resurgent Buddhist Aryans overthrew Tamil rule in 101 BCE. The Tamils halted the long Aryan advance to the south while expanding their rule in the Dravidian territories. Under the powerful Chola dynasty, the Tamils again invaded Sri Lanka in 1017 CE. The Tamil invaders took control of the north of the island and spread south along the eastern coast. The Tamil Empire, based on the Indian mainland, ruled northern and eastern Sri Lanka, while the Aryan Sinhalese controlled the west and south. Centuries of sporadic war kept the island divided between the two ethnic groups. For over three centuries, the Tamil Chola rulers maintained a flourishing culture and economy that supported a great flowering of Hindu Tamil culture in southern India and in the Tamil parts of Sri Lanka. In decline in the 13th century, the kingdom gradually lost power and territories before the mainland territories were conquered by invading Muslims in 1279.

A century later, the resurgent Tamils defeated the Muslims and reestablished a Hindu kingdom. In the early 16th century, the Portuguese established a base on the mainland Tamil coast. Taking advantage of nearby Sri Lanka's ethnic conflicts, they took control of the Tamil Jaffna kingdom in the northern part of the island in 1619. The English established a trading post at Madras in 1639, and the French opened a post at Pondicherry in 1673. The Dutch ousted the Portuguese from Sri Lanka in 1658. The British gained control of the region in the 18th century, adding the Tamil north of Sri Lanka to the provincial government of the Tamil lands at Madras.

The Tamils, like the other Dravidian peoples, are generally smaller and darker than the Aryan peoples of northern India and southern Sri Lanka. The Tamil culture is based on the ancient Dravidian culture that evolved a remarkable literature in the Tamil language that represents the oldest body of secular literature in South Asia. Tamil art is mostly religious in nature, though the religious element is often used as a means to represent other themes. The performing arts have also evolved a distinct music and traditional dances that are shared by all Tamil people. In Sri Lanka, the Tamil culture is predominant in the north and east, even though the Tamils are divided into two distinct groups, the descendants of early settlers from the mainland and the so-called Indian Tamils, brought to the island as laborers in

the 19th century. The two Tamil groups in Sri Lanka had little contact with each other until the mid-20th century.

The Tamil language is an important part of the culture. It forms one of the 22 scheduled languages of India and was the first of India's many languages to be declared a classical language by the Indian government in 2004. Written in its own script, it is considered the oldest of the Dravidian languages and is characterized by sharp differences between the formal and informal speech patterns. The great majority of the Tamils are Hindus, though their belief system, known as Traditional Hinduism, is less rigid and more relaxed than the Hinduism of northern India where Brahminism prevails. Most Tamils see Brahminism as elitist and even anti-Dravidian.

The city of Madras became the center of British authority in the southern parts of South Asia. It developed rapidly as one of the three cornerstones of the British Indian Empire. The stability brought to the region by British rule fostered an important Tamil cultural revival in the late 19th century. The revival was particularly noted for new forms of literature that drew on ancient Tamil traditions. It spread throughout the Tamil territories in India and Sri Lanka, where a parallel national movement emerged in the early 1900s. The Tamil national movement was mostly absorbed by the spread of the Indian national movement in the 1930s.

In Sri Lanka, the Tamils were favored by the British and advanced more rapidly than the rival Sinhalese, leading to bloody pogroms and ethnic violence. At the end of the Second World War, both India and Sri Lanka were granted independence, while the Tamils, a minority in both countries, turned to regionalism and ethnic politics in the late 1940s. The new government of Ceylon, later known as Sri Lanka, immediately disenfranchised the Indian Tamils, the descendants of the 19th-century imported laborers, which greatly curtailed Tamil political strength. Discrimination and language conflicts provoked serious ethnic clashes and rioting in the 1950s and 1960s in Sri Lanka. In India, mainly dominated by the Aryan northerners, cultural and language demands by the Tamils and other Dravidians went mostly ignored. Ethnic political parties formed to protect Tamil interests, gaining control of the legislature of Madras state in 1967. The name of the state was changed to Tamil Nadu, meaning the Tamil Nation, in 1968.

Continued ethnic conflict in Sri Lanka led to open warfare in the 1980s, with a strong separatist movement among the Tamils in the north and east. Often supported by the mainland Tamil nationalist groups, the rebel Tamils fought to separate their districts from the rest of Sri Lanka in a new nation to be called Eelam. The Tamil movement on the mainland remained mostly nonviolent, though Prime Minister Rajiv Gandhi was assassinated by a dissident Tamil in 1991. The Tamil rebels were militarily defeated, and a new agreement ended one of the world's longest-running wars, which had cost over 60,000 lives. Relative peace and stability returned to both Tamil regions after 2001, though Tamil nationalism remains a potent issue, particularly in Sri Lanka and among the Tamils of the extensive Tamil diaspora.

**James B. Minahan**

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MLA



## Tamil Tigers

*Prabhakaran's signature*

**Tamil Tigers**, byname of **Liberation Tigers of Tamil Eelam (LTTE)**, guerrilla organization that sought to establish an independent Tamil state, Eelam, in northern and eastern Sri Lanka.

The LTTE was established in 1976 by Velupillai Prabhakaran as the successor to an organization he had formed earlier in the 1970s. The LTTE grew to become one of the world's most sophisticated and tightly organized insurgent groups. During the 1970s the organization carried out a number of guerrilla attacks. In 1983, after the killing of 13 soldiers by Tamil guerrillas and retaliatory attacks by the Sri Lankan military, large-scale violence erupted between the government and the LTTE. By 1985 the group was in control of Jaffna and most of the Jaffna Peninsula in northern Sri Lanka. Under Prabhakaran's orders, the LTTE had eliminated most of its rival Tamil groups by 1987. To fund its operations, the group engaged in illegal activities (including bank robberies and drug smuggling) and the extortion of Tamils in Sri Lanka and elsewhere, but it also received considerable voluntary financial support from Tamils living abroad.

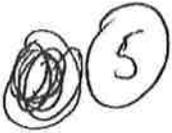
The LTTE lost control of Jaffna in October 1987 to an Indian peacekeeping force (IPKF) that had been sent to Sri Lanka to assist in the implementation of a complete cease-fire. However, following the withdrawal of the IPKF in March 1990, the Tigers grew in strength and conducted several successful guerrilla operations and terrorist attacks. On May 21, 1991, a suicide bomber killed former Indian prime minister Rajiv Gandhi while he was campaigning in the Indian state of Tamil Nadu. Other attacks included an August 1992 land-mine explosion in Jaffna, which killed 10 senior military commanders; the May 1993 assassination of Sri Lankan President Ranasinghe Premadasa; a January 1996 suicide bomb attack on the central bank of Colombo that killed 100 people; and a July 2001 attack on Colombo's International airport that destroyed half of the country's commercial airliners. An elite unit of the LTTE, the "Black Tigers," was responsible for carrying out suicide attacks. If faced with unavoidable capture by Sri Lankan authorities, those operatives and others purportedly committed suicide by swallowing cyanide capsules that they wore around their necks.

Negotiations between the LTTE and the government broke down in the mid-1990s. In December 2000 the LTTE declared a unilateral cease-fire, which lasted only until April. Thereafter, fighting between the guerrillas and the government again intensified until February 2002, when the government and the LTTE signed a permanent cease-fire agreement. Sporadic violence continued, however, and in 2006 the European Union added the LTTE to its list of banned terrorist organizations. Soon after, heavy fighting erupted between the rebels and government forces, and thousands were killed.

In January 2008 the government formally abandoned the 2002 cease-fire agreement, and authorities captured major strongholds of the LTTE over the following months. The town of Killinochchi, the administrative centre of the LTTE, came under government control in January 2009. By late April, government troops had cornered the remaining LTTE fighters along a small stretch of the northeast coast. A final offensive by army forces in mid-May succeeded in overrunning and occupying the rebels' last stronghold, and the LTTE leadership (including Prabhakaran) was killed. The number of civil-war-related deaths in Sri Lanka since the early 1980s was estimated at between 70,000 and 80,000, with many tens of thousands more displaced by the fighting.

The number of LTTE fighters was never determined conclusively, and the figure undoubtedly varied over time as the organization's fortunes rose and fell. Estimates from various sources range from a few thousand to some 16,000 or more. The highest totals appear to have been during the first years of the 21st century. A United Nations report on Sri Lanka from 2011 listed some 5,800 rehabilitated LTTE fighters.

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April 2, 2014

# THEWORLDPOST

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## The Other Two-State Solution: After 56 Years, Sri Lanka

Posted: 08/08/2013 12:02 pm

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On September 21, the people of Sri Lanka's Northern Province will be allowed to vote in their first democratic election in 36 years. This allows an end to the country's 26-year long civil war, which saw the deaths of between 70,000 and 100,000 people.

The last election held in the Northern Province was in 1977. Almost five years to the date afterwards, Sri Lanka's Civil War began. It pitted the Tamils, an ethnic group who lived mostly in the Northern and Eastern Provinces of the island, against the Sinhalese, the other and much larger ethnic group who lived in the South and West. At the start of the war the Tamils constituted about 18 percent of Sri Lanka's total population of 20 million, while the Sinhalese made up about 74 percent, with the remainder being made up of Muslims and Christians.

The Tamils fought the Sinhalese for two primary reasons: 1) the 'Official Language Act' of 1956 made Sinhala (the language spoken by the Sinhalese) the official language of the state, and 2) the 1972 and 1978 Constitutions made Buddhism the favoured and protected religion of Sri Lanka. The Tamils, who spoke Tamil and were primarily Hindu, thus felt betrayed by their own government since the two acts effectively robbed them of their ability to speak their own language and practice their own religion. The 1978 Constitution is, by the way, still the supreme law of Sri Lanka.

Over the decades the Tamil feeling of betrayal moved into full-scale civil war only ending in 2009 with the complete destruction of the Tamil militant group, the LTTE. During the war, the LTTE carried out the most suicide bombings of any terrorist organization in the world up until 2003. Their suicide bombings included their attacks on the Sri Lankan World Trade Center and the state's military headquarters. The LTTE was certainly a terrible terrorist organization, and yet it was largely the only Tamil group fighting in the civil war.

Although the war ended in 2009, the East had its first provincial elections in 2008, rewarded for having betrayed the LTTE. The North, therefore, for the past four years has been under a type of military occupation. After Sri Lanka's President spoke out against the creation of provincial councils in February, he now seems to have conceded to the immense international pressure for elections in the North. Ironically, both Tamil and Sinhalese leaders first agreed to provincial councils in 1957, only to have extremists on both sides accuse the other of ill intentions. (Neil DeVotta, "Blowback", pg. 98, 102-105, 111) Thus after 56 years of marginalization and war, the North will finally have what both sides agreed upon.

Sri Lanka serves as a powerful example of what can come when two peoples share the same territory and yet possess different religions, cultures, and languages. One cannot but help but think of the Israeli-Palestinian conflict, which itself is demarcated by these very factors as well as the use of suicide terrorism as a *modus operandi* of the self-proclaimed marginalized groups. However, one should not want to go down the same road as Sri Lanka which killed tens of thousands of people, lasted three decades, and made the Sri Lankan Tamil population fall from 18 to 3.9 percent. One, including the Israelis, would not and do not want the Israeli-Palestinian conflict to end the same way.

However, while it may seem at times that Israel-Palestine are slipping down the same road, for example even during the Oslo Peace Process the Israelis doubled the number of settlers in Palestine and even expanded the total number of settlements, Israel/Palestine has something Sri Lanka never had during its 56 years: international awareness and pressure for peace. Since the conception of Israel there have been two Oslo's, two Camp David's, and two UN resolutions (181 and 242) regarding Israeli-Palestinian relations. Sri Lanka never shared any of these (except for the SLMM) until this very year's UN resolution. And while the situation today, and for the foreseeable future, may look faint, the Palestinians need not worry. Their position will never become like the Tamils of Sri Lanka, "Never Again."

18 people are discussing this article with 32 comments

# The Sri Lankan Conflict

Author: Jayshree Bajoria

Updated: May 18, 2009

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## Introduction

The conflict between the Sri Lankan government and the [Liberation Tigers of Tamil Eelam](#) (LTTE) has lasted nearly three decades and is one of the longest-running civil wars in Asia. More commonly known as the Tamil Tigers, the LTTE wants an independent state for the island's Tamil minority. Following a fierce, year-long military offensive, the Sri Lankan government claimed in May 2009 that it had [defeated the separatist group \(NYT\)](#) and killed its leader Vellupillai Prabhakaran. But the group may continue to launch guerilla-type attacks on the country. For a lasting peace, experts say the government will need to find a political solution to the ethnic conflict between the majority Sinhalese and the minority Tamils that has plagued the country since its independence. The European Union and Canada have joined the United States, India, and Australia in labeling the LTTE a terrorist organization, which has made it more difficult for the group to get financing from abroad. The civil war has killed nearly seventy thousand, and watchdog groups have accused both the LTTE and the Sri Lankan military of human rights violations, including abduction, extortion, and the use of child soldiers.

## Historical Context

Sri Lanka has been mired in ethnic conflict since the country, formerly known as Ceylon, became independent from British rule in 1948. A 2001 government [census \(PDF\)](#) says Sri Lanka's main ethnic

populations are the Sinhalese (82 percent), Tamil (9.4 percent), and Sri Lanka Moor (7.9 percent). In the years following independence, the Sinhalese, who resented British favoritism toward Tamils during the colonial period, disenfranchised Tamil migrant plantation workers from India and made Sinhala the official language. In 1972, the Sinhalese changed the country's name from Ceylon and made Buddhism the nation's primary religion. As ethnic tension grew, in 1976, the LTTE was formed under the leadership of Velupillai Prabhakaran, and it began to campaign for a Tamil homeland in northern and eastern Sri Lanka, where most of the island's Tamils reside. In 1983, the LTTE ambushed an army convoy, killing thirteen soldiers and triggering riots in which 2,500 Tamils died.

India, which has its own Tamil population in the south, deployed a peacekeeping force in 1987 that left three years later amidst escalating violence. During the ensuing conflict, the LTTE emerged as a fearsome terrorist organization, famed for suicide bombings, recruitment of child soldiers, and the ability to challenge Sri Lankan forces from the Jaffna Peninsula in the north down through the eastern side of the island. The U.S. State Department placed the LTTE on its terror list in 1997. In 2002, Norway brokered a cease-fire agreement between the LTTE and the Sri Lankan government. Peace talks broke down the following year, but experts posit the fragile truce held in large part because of devastation related to the 2004 tsunami, which caused thirty thousand deaths on the island.

... August 2005, the assassination of Sri Lanka's foreign minister, Lakshman Kadirgamar, reignited the conflict. For the next two years, both the government and rebels repeatedly violated the cease-fire agreement. In January 2008, a cabinet spokesman said it was "useless talking to them [the LTTE] now" (AP), and the Sri Lankan government formally withdrew from the truce, prompting Nordic monitors to pull out of the country. Since the end of the cease-fire, the Sri Lankan military has been trying to root out the LTTE, and in May 2009, the government claimed that it had defeated the rebels and liberated the country.

## Taking Control from the LTTE

In November 2005 national elections, candidate Ranil Wickremasinghe of the governing United National Party (UNP) lost narrowly to anti-LTTE hard-liner Mahinda Rajapaksa. Rajapaksa allied his Sri Lanka Freedom Party (SLFP) with two staunchly anti-LTTE political parties: the radical Marxist Janatha Vimukthi Peramuna (JVP, People's Liberation Front) and the nationalist Jathika Hela Urumaya (JHU, National Heritage Party) controlled by Buddhist monks. Muslim parliamentarians have also sided with this alliance against the militants.

In 2006, the government launched a military campaign to root out the LTTE, and by July 2007, it had seized control of the country's east. The governing coalition forged a partnership with the pro-government splinter

of the LTTE, Tamil Makkal Viduthalai Pulikal (TMVP), and installed the leader of that party as chief minister of the newly created Eastern Provincial Council after May 2008 elections. Experts say this approach would likely be used in the north if the government succeeds in defeating the LTTE. However, rights groups allege the TMVP commits human rights abuses with impunity because of support from the central government. The Sri Lankan government **denies these allegations (BBC)**, saying they are intended to discredit it and its allies.

## Humanitarian Concerns

Watchdog groups have accused both the Sri Lankan military and the LTTE of engaging in widespread human rights abuses, including abduction, conscription, and the use of child soldiers. In August 2007, Human Rights Watch released a report that catalogues **alleged abuses** on both sides of the conflict. Amnesty International made similar accusations in its **2008 report** on the state of the world's human rights.

Increased fighting in the country's north in early 2009 left more than 250,000 displaced; both the LTTE and the government were accused of placing civilians at risk. The last few months of fighting between the government and the militants resulted in huge civilian casualties and censure from the international community. European Union foreign ministers called for an independent inquiry into **alleged war crimes (BBC)** by both Tamil Tiger rebels and Sri Lanka's government. Watchdog groups also accused both sides of violating international laws of war. In April 2009, Human Rights Watch reported while rebels were preventing civilians from leaving the last tiny strip of land where they were fighting the government forces, the government forces **repeatedly and indiscriminately shelled** the area. UN satellite images suggested the government **shelled "no-fire zone" (Guardian)** where more than 50,000 people were trapped.

Both sides have also increasingly targeted the media. The government has cracked down on all independent Tamil news sources and denies access to conflict zones for journalists, according to a 2008 **report** from media watchdog Reporters without Borders. Three journalists have been killed since 2008. The LTTE tolerates no dissent in the areas it controls, while in the rest of the country reporters and editors critical of the government's war against the Tigers are labeled "traitors" and "terrorists," notes a January 2009 **report** by the International Press Institute. "A hostile environment of intolerance by the top political leadership has created a culture of impunity and indifference" for the attacks on the media, it says.

## Funding and Support for the LTTE

Approximately one-quarter of the global Tamil population lives outside of Sri Lanka. Most of the diaspora resides in Canada, the United Kingdom, and India. While some of the Tamils who live overseas support LTTE efforts, the LTTE often uses intimidation to secure most of its funds from abroad. LTTE tactics include telling

expatriates to contribute funds to protect the safety of family members back in Sri Lanka, as well as kidnapping affluent Tamils in Sri Lanka for ransoms secured overseas. Members of the Tamil community abroad say the culture of fear that surrounds such tactics is enough to coerce them to fund the LTTE. The U.S. State Department says the LTTE has also used charitable groups, like the Tamils Rehabilitation Organization, as a front for fundraising. These forms of funding have made the LTTE one of the wealthiest militant organizations in the world. In a **January 2008 report (PDF)**, the Congressional Research Service said the LTTE continues to raise an estimated \$200 million to \$300 million per year despite recent declines in overseas financing.

## India's Role in the Conflict

During the 1970s, India's external intelligence agency, the **Research and Analysis Wing (RAW)** helped to train and arm the LTTE, but after the group's terrorist activities grew in the 1980s--including its alliances with separatist groups in the southern Indian state of Tamil Nadu--RAW withdrew this support. In 1987, India made a pact with the Sri Lankan government to send peacekeeping troops to the island. The Indian forces were unable to end the conflict and instead began fighting with the LTTE. India was forced to withdraw by Sri Lankan President Ranasinghe Premadasa in 1990. Rajiv Gandhi, prime minister of India at the time of the peacekeeping force deployment, was killed by an LTTE suicide bomber in 1991. Premadasa met a similar fate in 1993.

India has been wary of getting involved in Sri Lanka since then, but trade between the two countries has been on the rise. Bilateral trade increased from \$658 million in 2000 to \$ 3.2 billion in 2008, and India remains one of the country's leading foreign investors. Sri Lanka is also in talks to form a **partnership (Bloomberg)** with India's National Stock Exchange, which may include offering India a stake in Sri Lanka's bourse. The Asian Development Bank in 2008 said the rise in violence had not yet had an **impact on growth (PDF)**, which has been driven by strong domestic demand and a robust private sector. But it says the escalating conflict could hamper economic growth. The United Nations Development Program's 2008 statistics show Sri Lanka **ranks 104** out of 179 countries on the Human Development Index, which measures education, standard of living, and life expectancy.

India remains concerned about the conditions of the Tamil minority in Sri Lanka, as it stirs protests and tensions among its own Tamil population in the south. In February 2009, India's foreign minister expressed concern over the safety of civilians in Sri Lanka and said the only way forward would be the devolution of power from the center to the provinces. Under the **1987 accord** with India, which was followed by the **thirteenth amendment** to the Sri Lankan constitution, Colombo agreed to devolve some authority to the

provinces and make Tamil an official language of the state. But no government has fully implemented the provisions, say experts.

## Washington's Role

Washington has not been a major player in the Sri Lankan civil conflict. According to the Congressional Research Service, the United States has provided more than \$3.6 billion to Sri Lanka since its independence in 1948, most of it in the form of food aid. Military aid was suspended in December 2007 because of Sri Lanka's human rights violations, which are catalogued in the U.S. State Department's **annual report on human rights practices**. Since 2008, the United States has also been working with the Sri Lankan government through the U.S. Agency for International Development on **programs** focused on democracy, governance, humanitarian assistance, and economic growth. It also awarded a five year, \$12 million contract to **support regional government** in Sri Lanka's eastern and north central provinces.

It is essential that the government moves to give "a fair deal to the Tamils and integrate them more effectively in the fabric of the nation." -- Robert Rotberg, Harvard University

The LTTE campaigns regularly to be taken off the U.S. State Department's terrorist list. In August 2006, federal authorities arrested and charged eight suspects in New York with attempting to bribe U.S. officials to remove the LTTE from the list. The suspects, said to have close ties with LTTE leaders like Prabhakaran, are also charged with trying to purchase surface-to-air missiles, missile launchers, AK-47s, and other weapons for the LTTE.

## The Future of the Conflict

By early 2009, many experts said the LTTE's conventional military capabilities had been largely crushed. It is "effectively finished except as a guerilla outfit" says **Robert Rotberg** of Harvard's Program on Intrastate Conflict and Conflict Resolution. However, he cautions the outfit could carry on a guerilla war for years, depending on the survival of its leader, Prabhakaran. Unlike the 1990s, when the government's claims that it had defeated the rebel force were quickly proved wrong, the army, a much stronger and less corrupt force, has managed to deal a hard blow to the Tigers. Moreover, Rotberg adds, the LTTE has run out of money because of the successful blocking of payments from the Tamil diaspora.

But the larger problem of integrating the island's minority Tamil population will remain even if the LTTE is defeated, say experts. It is essential that the government moves to give "a fair deal to the Tamils and integrate them more effectively in the fabric of the nation" says Rotberg. Ahilan Kadirgamar, spokesperson for the Sri Lanka Democracy Forum, an independent group of activists working to promote democracy, says the





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# Groups warn of backlash as U.N. calls for probe into Sri Lanka civil war abuses

By Tim Hume, CNN

Updated 5:45 AM EDT, Wed April 2, 2014



Sri Lankan pro-government protesters demonstrate outside the U.S. embassy in Colombo last month against the U.N. resolution.

### STORY HIGHLIGHTS

The U.N. has moved to launch an international inquiry into alleged abuses in Sri Lanka's civil war.

Opponents of the inquiry claim it will find the war flawed.

Some advocates say recent arrests seem intended to discourage testimony.

Sri Lanka has accused Tamil groups operating in the West, accusing them of terrorism.

(CNN) -- Rights groups are warning of a backlash against activists in Sri Lanka following a landmark United Nations resolution calling for an international inquiry into abuses at the end of the country's civil war.

The resolution, which was adopted by the U.N. Security Council, calls for a "comprehensive investigation into alleged serious violations and abuses of human rights" allegedly committed both by Sri Lankan government forces and the separatist Tamil Tigers in the final stages of the country's brutal 26-year civil war.

The resolution -- the Council's third directed at Sri Lanka in recent years, but the first explicitly calling for an independent probe -- tasked the U.N.'s Office of the High Commissioner for Human Rights with conducting the investigation. Sponsored by countries including the United States and Britain, the resolution was supported by 23 members of the 47-member Human Rights Council, with 12 opposed and 12 abstentions.

In comments on a government website, Sri Lanka's President Mahinda Rajapaksa said his government rejected the resolution, saying it did not help efforts at national reconciliation. The government would press ahead with its own healing process by pursuing recommendations made by its Lessons Learned and Reconciliation Commission, he said.

A bloody end

The Sri Lankan civil war ended in May 2009 with the crushing defeat of the Tamil Tigers in their heartland in the north of the island.

According to a report by a panel appointed by U.N. Secretary-General Ban Ki-moon, government troops were responsible for abuses including the intentional shelling of civilians, summary executions, rape, and blocking food and medicine from reaching affected communities. One report estimates up to 40,000 Tamil civilians may have been killed in the war's final stages.

The Tigers similarly stand accused of abuses, including using child soldiers, deploying civilians as human shields, and killing those who tried to escape.

The Human Rights Council resolution also expresses "serious concern" at conditions that rights organizations claim persist in Sri Lanka -- including the intimidation of activists, disappearances and torture.

Sri Lanka's government has consistently denied the allegations against it, and claims it faces a renewed threat of Tamil separatists regrouping in the country's north. This week, it banned the Tamil government-in-exile and 15 other Tamil groups operating in the U.S., Britain, Canada, Australia and Norway, accusing them of committing and supporting terrorism.

Amnesty International's representative to the U.N. in Geneva, Peter Splinter, told CNN that the move would add to a climate that made it difficult for NGO staff, journalists and others interacting with Tamil groups, as it could render them vulnerable to anti-terror laws.

"The consequences of that is that anyone dealing with those organizations will be subject to accusations of cooperating with terrorism --- that brings them within the parameters of a rather draconian piece of legislation, the Prevention of Terrorism Act," he said.

#### 'Culture of impunity'

Rights groups have welcomed the U.N. resolution, with David Griffiths, Asia-Pacific deputy director at Amnesty International, saying it brought "new hope for the thousands of victims of abuses in Sri Lanka," and presented the country's government with the opportunity "to restore some international credibility by cooperating with the investigation."

But they say that Sri Lanka appeared to be responding to the increased international scrutiny by demonstrating a renewed determination to crack down on dissent.

Fred Carver of the UK-based Sri Lanka Campaign for Peace and Justice said the recent arrests of prominent human rights activists Ruki Fernando and Rev. Praveen Mahesan under anti-terror laws highlighted the "culture of impunity" in which the government was operating.

Shortly after Fernando was released after more than two days of detention last month, he told CNN he believed his arrest was part of "a deliberate attempt to intimidate and suppress any form of dissent, criticism or challenge, and clearly not allow people outside Sri Lanka to know what's happening inside the country." Fernando, who Carver said had since been instructed by the government not to speak with media, said the security personnel questioning him seemed interested in whether he was sharing information with people behind the U.N. resolution in Geneva.

Splinter said the crackdown on activists and civil society figures appeared calculated to send a message to potential witnesses not

to cooperate with the U.N. inquiry, which was scheduled to deliver an oral report to the Human Rights Council in September, and a written report in March.

He said Sri Lanka's refusal to cooperate with the probe would likely not prove an issue, as similar commissions of inquiry into abuses in Syria and North Korea had progressed without the involvement of those governments. A crucial consideration, though, would be safeguarding the protection of witnesses, as even those in the diaspora would likely have family members remaining in Sri Lanka who could be vulnerable to potential retribution, he said.

READ MORE: Are Sri Lanka's 'anti-terror' arrests an attempt to intimidate activists?

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# UN calls for Sri Lanka war crimes court to investigate atrocities

Government forces and Tamil Tiger rebels most likely committed war crimes during 26-year civil war, report says

Jason Burke in Delhi and Amantha Perera in Colombo

Wednesday 16 September 2015 05:17 EDT

The UN has found evidence “strongly indicating” that war crimes were committed in Sri Lanka in the closing phases of its civil war, and called for the establishment of a special “hybrid” international court to investigate individuals responsible for the worst atrocities.

Unveiling a 220-page, two-volume report in Geneva, Zeid Ra’ad al-Hussein, the UN high commissioner for human rights, said it described horrific abuses including torture, executions, forced disappearances, sexual abuse by security forces; as well as suicide attacks, assassinations and recruitment of child soldiers by separatist extremists from the nation’s Tamil ethnic minority.

The report found that both sides “most likely” committed war crimes in the years before the conflict, which had wracked the island nations for decades, came to a bloody end in 2009.

“We have not cited names because we were looking at broader patterns of organisation and planning which breach the threshold of ... war crimes and crimes against humanity ... It was apparent that organisation and planning [took place] in the commission of many of these crimes,” Hussein told reporters.

Senior officials in the Sri Lankan army and government have previously been accused of responsibility for very serious rights abuses, as have leaders of the Liberation Tigers of Tamil Eelam (LTTE), an extremist organisation with a long record of violence against civilians, including other Tamils.

Hussein said the report was not “earth-shattering in terms of revelations” but it would provide “focus and clarity” and “a good foundation for criminal investigations to proceed”.

The report comes as the US prepares to co-sponsor a resolution at the UN human rights council in Geneva seeking to improve accountability in Sri Lanka.

Rights groups and some governments want an international investigation, but Sri Lanka has long resisted such a move. The proposed hybrid court appears aimed at allowing a mutually acceptable compromise.

“We have to end this impunity which exists. I hope that Sri Lanka to chart out a new path for itself and set an example for other countries,” Hussein said, adding that the composition of the new court would be the subject of discussions with the Sri Lankan government.

Much of the report focuses on the battles at the end of 2008 and through the first five months of 2009 when the LTTE was forced out of long-held territory and into small pockets of land where civilians and fighters mixed.

Thousands are believed to have died in indiscriminate shelling by government forces around the town of Mullaitivu, on Sri Lanka’s north-east coast.

The report also says “there are reasonable grounds to believe the Sri Lankan security forces and paramilitary groups associated with them were implicated in unlawful killings carried out in a widespread manner against civilians and other protected persons [including] Tamil politicians, humanitarian workers and journalists were particularly targeted during certain periods, but [also] ordinary civilians”.

It details “brutal use of torture by the Sri Lankan security forces, particularly in the immediate aftermath of the armed conflict when former LTTE members and civilians were detained en masse” and says that there are “reasonable grounds to believe that rape and other forms of sexual violence by security forces personnel was widespread against both male and female detainees, particularly in the aftermath of the armed conflict”.

The report also criticised the LTTE for recruiting children, “a pattern of abductions leading to forced recruitment of adults” and for stopping civilians fleeing the conflict zone to government-controlled areas.

The report poses a challenge to President Mathripala Sirisena, who ousted Mahinda Rajapaksa in January in a surprise election victory.

Rajapaksa, who was hailed by many for crushing the LTTE and ending its terrorist threat, was seeking a third term as president.

Officials repeatedly blocked international efforts to look into crimes committed by both sides during the 26-year conflict during Rajapaksa’s rule.

Namal Rajapaksa, the former president’s son and a member of parliament, described the proposal for a “hybrid” court as “a complete insult to the entire legal system in this country”.

“Sri Lankan courts have already demonstrated that they have the capability to conduct credible investigations within the existing legal framework. The double standards practiced by certain sections of the international community is injustice in itself,” he said.

An earlier UN report found that up to 40,000 civilians, almost all Tamils, may have been killed in a final army offensive ordered by Rajapaksa in the last months of the civil war, though the government disputes that figure.

Sirisena, who has repeatedly spoken of his desire to bring reconciliation to the polarised population of 22 million, has to satisfy international calls for strong measures against those senior individuals suspected of involvement in war crimes without weakening his still fragile administration within Sri Lanka.

Sri Lanka has suffered decades of conflict between a largely Buddhist Sinhalese majority and a predominantly Hindu Tamil minority. There is a strong nationalist support base for Rajapaksa and his family - some of whom are accused of playing key roles in the alleged killings - which may now rally to the former leader.

Britain and the US pushed for an investigation into the abuses, but will seek to limit any damage to Sirisena's government.

Campaign groups have said the report has "huge significance" and will not only shape Sri Lanka's future but "could play a major part in defining what is lawful in modern warfare".

"There is now no doubt that war crimes and crimes against humanity were committed by both sides of Sri Lanka's civil war, and that many of the tens of thousands of civilians who died in the early months of 2009 were murdered by their own government," said Fred Carver, campaign director for the Sri Lanka Campaign for Peace and Justice.

"The only way to end this cycle of violence and to build a lasting peace in Sri Lanka is with prosecutions that will break the prevailing culture of impunity. The survivors of Sri Lanka's civil war have made it clear that these prosecutions must be led by the international community."

Sandaya Eknaligoda, whose journalist husband is widely suspected to have been abducted by security forces in 2010, said she welcomed the UN call for those who are guilty to be punished.

"It is now up to the Sri Lankan government to show what they will do, whether they will carry out the promise they gave during elections that they are willing to take hard decisions on reconciliation," she said.

Pressure for an international investigation grew when it became clear that domestic inquiries set up by the then government of Sri Lanka were partisan and ineffectual. The recommendations of a "Lessons learned and reconciliation committee" went largely unimplemented.

An aide to Sirisena said the president agreed a hybrid system was necessary "because we do not have any kind of judicial process in the past that has heard cases on war crimes", but said he was "of the view that he will not agree to anything beyond foreign advisors and technical participation in any such court or commission."

The new report immediately prompted reactions that underlined the continuing ethnic and political polarisation in Sri Lanka.

CVK Sivaganam, chairman the Northern Provincial Council and member of the Tamil

National Alliance, said: "We don't trust a domestic mechanism. We had domestic mechanisms and they have not lived up to expectations. In fact they have made the issues worse, by trying to dilute abuse charges. We have been calling for an international investigation because past governments have been responsible for the abuses and we could not expect them to carry out an impartial investigation.

"There has been some change since the January election, but most of it has been cosmetic, we need to see real action that demonstrates this administration is genuine about taking action."

Prakarama de Silva, a Sinhalese retired school teacher from Colombo, said he would support any investigation "as long as it does not send the our armed forces to an international court".

"But we will not support anything that will brand them war criminals, they are not. They won a bloody war against a merciless terror group," de Silva said.

A letter signed by more than 50 international supporters of an international judicial process argues that though recent elections have led to some welcome reforms, including curbs on the powers of the executive presidency, increased press freedom, and a drive against corruption and nepotism, the political changes have done little to reign in the power of the military or result in any significant changes in the conditions faced by the Tamils in the north and east of Sri Lanka.

This week Sri Lanka's government pledged to set up a South Africa-style truth and reconciliation commission to look into atrocities during its civil war, as it came under renewed pressure to prosecute perpetrators.

South Africa, which confronted its own apartheid-era crimes through such a body, would advise the country on how to use the commission to provide remedy to victims and to track down missing people, said the foreign minister, Mangala Samaraweera.

"The reputation of the vast majority of armed forces was tarnished because of the system and culture created by a few people in positions of responsibility," he said, without elaborating.

The UN was meant to release its report on Sri Lanka in March, but agreed to hold off for six months to let the new government look into why suspects had not been prosecuted.

Vallipuram Amalanayagi, 41, from Batticaloa in the east, said she and her family already knew what was in the report before its publication. "We have lived through it. I have been looking for my husband for almost seven years. When I go to the police or the government agent to inquire whether there is any new information on my husband, they ask me about how many chickens I have, they always want to avoid the real question, that my husband is missing. So how can I trust a state investigation? For now we will wait and see."

More news

## Sri Lanka

Sri Lanka acted to address some longstanding demands for accountability and political reconciliation linked to the 27-year civil war with the Liberation Tigers of Tamil Eelam, which ended in 2009. The government conducted two public consultations, one on constitutional reform and another on implementing an October 2015 United Nations Human Rights Council resolution on transitional justice.

Although the government, elected in January 2015, did not deliver all reformist promises made during the election campaign, media and civil society groups in the country largely enjoyed continued freedom from surveillance, harassment, and attacks. A long-promised Right to Information bill was enacted in June 2016. There was some progress on emblematic cases linked to the civil war, such as the murder of a prominent newspaper editor, the enforced disappearance of a political cartoonist, and the killing of five youths by state security forces in the eastern district of Trincomalee.

However, despite its pledges, the government failed to abolish the draconian Prevention of Terrorism Act (PTA), and instead used the preventive detention law during a series of arrests in April and May. A draft version of a law intended to replace the PTA retained many problematic clauses including troubling expansions of police powers. The government's unwillingness to consult adequately before enacting legislation to establish a permanent Office of Missing Persons damaged public trust during the transitional justice process.

The newly appointed Constitutional Council moved rapidly through the year to appoint members to the National Human Rights Commission and the Police Commission, and is expected to continue to work towards restoring the independence of other public service commissions.

## **Constitutional Reforms**

A government-appointed independent task force on constitutional reform, constituted in December 2015, conducted nationwide public consultations that ended in May 2016. The taskforce heard from over 2,500 individuals, and received several hundred other submissions. Despite government-imposed time limits, it published a comprehensive public report on its findings on May 31.

The task force recognized some contentious political issues, such as whether Sri Lanka should be a unitary or a federal state, the exact nature of devolution of powers from the center, and the supremacy of Buddhism. Importantly for the protection of fundamental rights, the task force recommended that the constitution be regarded as the supreme law of the land and that the judiciary be tasked with ensuring all legislation complies with the constitution.

## **Accountability for Past Abuses**

In October 2015, the UN Human Rights Council adopted a consensus resolution in which Sri Lanka pledged to undertake many human rights reforms, including resolving the many transitional justice demands arising out of the civil war. Under the resolution, Sri Lanka promised to establish four transitional justice mechanisms, including a special court “integrating international judges, prosecutors, lawyers and investigators” with an independent investigative and prosecuting body. The resolution also called for an office on missing and disappeared persons, a truth-telling mechanism, and a mechanism designed to guarantee non-recurrence and reparations.

A government task force designed to hold public consultations nationally on the four transitional justice mechanisms was slow to get off the ground. Shortly after, the government announced a framework to create an office to discover the fate of those missing and forcibly disappeared, leading to an outcry over inadequate public consultations. This lack of trust has marred the ongoing public consultations on the other three mechanisms.

The government failed to properly implement important recommendations to improve the human rights situation in the country, including a repeal of the PTA and reforms to the

Witness and Victim Protection Law. Other undertakings, such as broader reform of the security sector and return of private lands confiscated by the military, were halting at best. An update from the UN High Commissioner for Human Rights in June 2016 mentioned the need for greater progress, and was due to provide a more comprehensive report to the Human Rights Council in early 2017.

Senior members of government continued issuing contradictory statements on the need to have international participation in the four transitional justice mechanisms, with the president and prime minister both claiming these would be wholly domestic processes, contrary to the Human Rights Council resolution.

### **Police Torture and Ill-Treatment**

Sri Lankan police are not held accountable for routine torture and ill-treatment of individuals taken into custody. Sometimes torture is carried out to extract “confessions,” but it is also used for personal vendettas or to extort funds. Police often used methods designed to leave no visible marks, suggesting a level of institutionalization. The National Human Rights Commission, though limited in resources, visited and actively monitored prisons and detention centers in 2016, and issued directives on procedures to be followed following arrest.

In April and May 2016, the UN special rapporteur on torture, Juan Mendis, visited Sri Lanka and reported that torture by the police Criminal Investigation Department was common. The rapporteur also found an increase in torture in cases of real or perceived threats to national interests by the Terrorism Investigation Division. He reported a near total impunity in both old and new torture cases.

### **Prevention of Terrorism Act and Politically Motivated Torture**

The government attempted a redraft of the Prevention of Terrorism Act but was forced to withdraw it when it failed to meet international standards. A second draft forwarded in October did not ease concerns about ensuring rights of detainees and protecting against custodial torture. The special rapporteur on torture expressed particular concern about detainees held under the PTA and called for its unequivocal repeal.

The PTA allows for arrests for unspecified “unlawful activities” without warrant and permits detention for up to 18 months without the suspect appearing before a court. It has facilitated thousands of abuses over the years, including torture, enforced disappearances, and extrajudicial executions.

While especially problematic during Sri Lanka’s long civil war, authorities continued to use the PTA even after the war ended. Following the discovery of suicide vests in Chavakchcheri in the north, security forces reportedly arrested 11 men in April and May. Many of the arrests were first undeclared, with families reporting only that security forces had abducted the men. Following pressure, particularly from the National Human Rights Commission, security forces admitted to holding them under the PTA.

### **Overseas Migrant Workers**

More than 1 million Sri Lankans are employed overseas, mostly in the Middle East, and many remained at risk of abuse at every stage of the migration cycle, from recruitment and transit, to employment, repatriation, and reintegration. More than a third of Sri Lanka’s migrants are domestic workers, almost exclusively female.

The government took some steps to protect their rights abroad, but many continued to face long working hours with little rest, delayed or unpaid wages, confinement in the workplace, and verbal, physical, and sexual abuse. The *kafala* (sponsorship) systems in the Middle East ties workers’ visas to their employers; in several countries they cannot transfer jobs without employer consent, and can be punished with imprisonment and deportation if they leave employers.

In June, the government announced that it appointed a committee to study strategies to reduce the number of domestic workers abroad.

In 2016, the UN Committee on Migrant Workers reviewed Sri Lanka’s record under the International Convention on Migrant Workers and their Families. Among other recommendations, the committee called on Sri Lanka to withdraw the Ministry of Foreign Employment Promotion and Welfare January 2014 circular that required a “family

background report” for women migrants, as it discriminated against women and denied them the right to seek employment abroad instead of providing support they may need.

### **Sexual Orientation and Gender Identity**

State and non-state discrimination and abuses against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) population persist. Sections 365 and 365A of the Sri Lankan Penal Code prohibit “carnal knowledge against the order of nature” and “gross indecency,” commonly understood in Sri Lanka to criminalize all same-sex relations between consenting adults.

Sri Lankan law does not specifically criminalize transgender or intersex people. But no laws ensure that their rights are protected, and police have used several criminal offenses and regulations to target LGBTI people, particularly transgender women and men who have sex with men (MSM) involved in sex work. These include a law against “cheat[ing] by personation,” and the vaguely worded Vagrants’ Ordinance, which prohibits soliciting or committing acts of “gross indecency,” or being “incorrigible rogues” procuring “illicit or unnatural intercourse.”

Some trans women and MSM said that repeated harassment by police, including instances of arbitrary detention and mistreatment, had eroded their trust in Sri Lankan authorities, and made it unlikely that they would report a crime. The community also reported abuse and harassment at the hands of medical authorities, leading many transgender people to self-medicate rather than seeking professional assistance.

### **Women’s Rights**

Allegations of sexual and other violence committed against women during the civil war are expected to be addressed through the transitional justice mechanisms, although there are concerns that many women will be reluctant to come forward absent an independent victim and witness protection program.

## **Key International Actors**

The Sri Lankan government continued its engagement with the international community in stark contrast to the hostility of the previous government, with key actors such as the United States and European Union voicing cautious optimism regarding the government's efforts to implement the 2015 Human Rights Council resolution.

There were several visits by UN special mandate holders over the course of the year. The commissioner for human rights, Zeld Ra'ad al-Husseini, visited the country in February, and Secretary-General Ban Ki-moon visited in September. Both lauded the progress made by the government, although Zeld called for speedier implementation of the resolution, for greater efforts at confidence-building with the minority populations, and the need for international participation in transitional justice mechanisms.

The Human Rights Council resolution remained largely unimplemented although the government was able to report progress on certain aspects and did seek technical expertise from the relevant branches of the UN and other countries.

The Sri Lankan government initiated discussions with the UN and other stakeholders on the possibility of incorporating Sri Lankan security forces in international peacekeeping operations, although the mechanism for doing so had yet to be finalized given the difficulty of vetting forces who might have been engaged in war crimes.

In November, Sri Lanka appeared before the UN's Commission Against Torture to respond to allegations of abuse, where it denied allegations of torture and abuse.