



House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Accountability and Human Rights in Sri Lanka

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Thank you to Representative Ross, Co-Chairs McGovern and Smith, and members of the Commission for the opportunity to speak with you today.

The human rights situation in Sri Lanka is grim and has only gotten worse over the past two years. The government would like you to believe that they have sufficient institutions in place to pursue accountability for human rights violations. This is simply not the case. Security forces in the country have enjoyed decades of impunity for war crimes and crimes against humanity. Torture of detainees in police custody has been widespread for many years. The government has silenced independent voices through arbitrary detention and harassment.

Between 2015 to 2019, the prior government took limited steps to improve accountability, including by setting up an Office on Missing Persons and an Office for Reparations. But since the current government took power in late 2019, these institutions have been intentionally undermined.

The current government refuses to provide accountability on its own, making international pressure and US leadership critical. Since the end of the civil war with Tamil separatists in 2009, violence towards minorities has continued to plague the country. The Muslim community suffers

boycotts of their businesses, physical violence, and forced evictions. Violent mobs have destroyed Muslim-owned homes, businesses, and mosques. Attackers have used iron rods, machetes, and petrol bombs.

In each of these incidents, the state failed to protect the Muslim community, to hold perpetrators to account and to ensure justice for victims. But the state's failure to deliver accountability is more than a failure to respond. It's a political strategy that pays dividends to those in power. The state's complicity and participation in the violence and discrimination against minority groups has long been an effective strategy in seizing and consolidating political control.

In 2019, suicide bombers from a local Islamist armed group carried out the Easter Bombings, in which suicide bombers coordinated attacks on three churches and three hotels. More than 250 people were killed and over 500 injured. In the aftermath of the violence there was a need for leadership, for credible investigation, and for justice.

Instead, anti-Muslim sentiment reached a fever pitch. Many politicians, especially those who had risen to prominence during the civil war and including current President Gotabaya Rajapaksa, saw this an opportunity to capitalize on the violence for their own personal gain. The Sri Lanka People's Party or SLPP used this moment of widespread xenophobia to garner the support of the majority Sinhalese Buddhist community and to encourage extremist Sinhalese Buddhist nationalist groups.

This strategy proved effective. The SLPP came to power on the promise of authoritarian leadership and strengthened public security. And because this calculus of vilifying minorities for political gain worked, it continues today. Muslims are targeted and scapegoated by the State to distract from other political and economic issues. Muslims currently face the threat of legislation that would ban face veils and close madrasas. In the early days of the COVID-19 pandemic, the government implemented a forced cremation policy, despite cremation being contrary to Islamic tradition. As Sri Lanka continues to suffer both the impacts of the ongoing pandemic and the increasing pressures brought on by the country's current financial crisis, the government has again and again sought to codify legislative harassment and discrimination to distract from the State's failure to govern responsibly and effectively in the face of crises.

The government has also sought to distract from their efforts to undermine the domestic institutions necessary to pursue accountability, a sabotage that allows those in power to enjoy impunity for past crimes of which they have been accused while also ensuring their ability to perpetuate politically expedient attacks in the future.

Current President Gotabaya Rajapaksa was Defence Secretary during the civil war and still faces allegations of war crimes. He has every interest in directing his government to interfere with justice mechanisms. Criminal charges against government loyalists have been dropped and investigations abandoned without explanation.

In March of last year, the president pardoned Sunil Rathnayaka, a sergeant who had been found guilty of the murder of eight Tamil civilians during the civil war. His victims included three children, one of who was a five- year-old whose body showed signs of torture. It took thirteen years for the courts to deliver this conviction and one day for the President to undo it.

In January of 2021, murder charges were inexplicably dropped against four suspects, including a government-aligned member of parliament, who had been arrested on suspicion of assassinating Tamil politician Joseph Pararajasingham. The authorities have indicated no interest in reopening the case or pursuing justice for the crime.

In August 2021, the authorities decided not to proceed with charges against a former Navy commander over his alleged role in the forced disappearance of eleven Tamil youth in 2008 and 2009.

The domestic institutions are broken by design and the government refuses to fix them.

International pressure and U.S. leadership in ensuring accountability will be critical in changing the reality for survivors of human rights violations in Sri Lanka. I'd like to suggest three strategies for U.S. engagement in this regard.

1. The first is through the UN Human Rights Council, where the U.S. has shown leadership in the past and can do so again. The U.S. should work closely with the Office of the UN High Commissioner for Human Rights to collect and preserve evidence of alleged war crimes and crimes against humanity during the war. The U.S. should also support a strong follow-up resolution on Sri Lanka at next September's Council session.
2. The second is to engage and support human rights activists in Sri Lanka. In particular, the U.S. Embassy should send observers to court hearings in emblematic cases, including those of Hejaaz Hizbullah, Ahnaf Jazeem and Prageeth Ekneligoda.
3. Finally, the U.S. should call on the Sri Lanka government to end laws and policies that violate human rights and to repair the credibility of domestic institutions. Specially, calls should be made for the repeal of the Prevention of Terrorism Act; and for full

transparency in the operations of the Office on Missing Persons and the Office for Reparations, two critical bodies that are now being run without independent oversight.

The domestic mechanisms in their current state are, by the design of those in power, entirely inadequate to provide accountability. But Sri Lanka is not impervious to outside pressure. Consistent messaging must insist to the Sri Lankan authorities that the U.S. and the international community will not allow grave human rights violations to go unpunished. Holding on to political power to escape accountability is not a permanent solution. There will be demands for accountability until there is accountability and calls for transitional justice until there is justice. There is no office to which President Rajapaksa or anyone else can aspire that will allow those in power to escape justice.

U.S. leadership can play an important role in underscoring this message, with actions and words, and in promoting accountability in the country.

Thank you and I welcome your questions.