

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on

Accountability and Human Rights in Sri Lanka

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Virtual via Cisco WebEx

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Thank you Congresswoman Ross, and thank you to co-chairs McGovern and Smith.

As has been noted, despite Sri Lanka's civil war ending in 2009, the island has failed to pursue genuine reconciliation with the Tamil minority and accountability for alleged human rights violations. This even as nationalists with links to government figures whip up Islamophobia to periodically attack the country's Muslims.

Both the Liberation Tigers of Tamil Eelam (LTTE) and Sri Lanka's military forces committed war crimes throughout the war; and this was especially the case during the last six months of the conflict. But with nearly all LTTE leaders dead—many killed after they surrendered to government forces—the onus is on the Sri Lankan state. But with many among the country's leading politicians and military personnel accused of having committed war crimes, securing even a modicum of accountability has been difficult. The fact is that there is also no support for accountability among especially the majority Sinhalese community.

Wars lead to atrocities. And they brutalize people and societies. Sri Lanka's war was no different. But countries that have engaged in ethnic conflicts are likely to experience further conflict unless reconciliation and some degree of accountability are pursued. Sri Lanka has failed on both counts. What is disturbing is how the governments of Mahinda Rajapaksa and Gotabaya Rajapaksa seem to prefer fanning ethnoreligious tension over reconciliation even as they cavalierly disregard any need for accountability.

The Lessons Learned and Reconciliation Commission put together after the war ended noted that “the root cause of the ethnic conflict in Sri Lanka lies is the failure of successive Governments to address the genuine grievances of the Tamil people.” The war multiplied those grievances. Yet

rather than trying to accommodate legitimate Tamil complaints, Rajapaksa governments have sought to suppress and humiliate the community. Indeed, it often seems like governments under the Rajapaksas are pursuing a schadenfreude nationalism whereby they and their majoritarian advocates take glee in seeing Tamils being humiliated.

Why else prevent Tamils from singing the national anthem in the Tamil language, a privilege they enjoyed for years and was reinstituted under the previous government? Why harass and prevent Tamils seeking to remember those who died during the ethnic conflict, whether they were associated with the LTTE or not? And this while the government builds massive monuments to honor soldiers who perished in the conflict. And despite Tamils commemorating their dead peacefully between 2015 and 2019 under the previous government. Why not return Tamil lands taken over during the conflict, instead of using them to further militarization and Tamil dependence and insecurity?

As Shreen Saroor noted, this schadenfreude was also evident when Muslims were forced to cremate relatives who died from COVID-19, and this despite the World Health Organization and others reiterating that burying coronavirus victims posed no dangers. That the government reversed course in February when it wanted predominantly Muslim countries in the United Nations Human Rights Council to oppose a resolution against it proved that the practice was hardly health related.

These are merely some issues pertaining to reconciliation, and they are so easily dealt with when compared to the demands related to accountability. The post-war years make one thing clear: the Sri Lankan state is not committed to pursuing accountability for the alleged war crimes committed against Tamils. The goal is to silence those within Sri Lanka who demand justice and string along the international community into the distant future.

Sri Lankans from all communities have experienced human rights abuses especially over the past 50 years. Few representing the state have been charged for perpetrating crimes against them. This absence of accountability—that extends to corruption among high-ranking officials—has led to a culture of impunity that reached new levels with the violence committed against Tamils. And the present government, as both Representatives McGovern and Ross noted, has exacerbated this culture of impunity by appointing serving and retired military personnel accused of war crimes to high positions and pardoning individuals like the army sergeant who was sentenced to death for slitting the throats of eight Tamils (including four children).

This culture of impunity is directly related to the absence of accountability. Thus the quest for accountability is important not merely because it is related to crimes against Tamils, but because securing some sort of accountability could prevent such crimes against all communities being repeated.

It is also clear that only international pressure moves the government on human rights. For instance, the government only now discusses amending the Prevention of Terrorism Act (PTA)

because the European Union Parliament has cited the PTA and threatened to yank away the Generalized System of Preferences Plus (GSP+) privilege Sri Lanka depends on.

The PTA was designed to target Tamils. Following the 2019 Easter Sunday attacks it also targeted Muslims remotely related to the suicide bombers. None should be surprised if going forward it will be used to target Sinhalese now protesting the regime.

The international community should continue to pressure Sri Lanka to get rid of draconian statutes like the PTA and pursue reconciliation and accountability. But this accountability should not be about seeking revenge; it should be about attaining closure. This understanding is especially important given the ground realities in Sri Lanka.

The Tamil diaspora should play a constructive role in putting pressure on Sri Lanka to account for crimes committed against Tamils, but the diaspora needs to also acknowledge the atrocities the LTTE perpetrated in Sri Lanka. Tamils who continue to campaign for a separate state while ensconced abroad are no friends of Tamils living in the island. Reconciliation and accountability are absolutely necessary for all communities in Sri Lanka to move forward amidst imperfect pluralism and democracy, but any promotion of Tamil separatism makes that quest harder.

Thank you and I look forward to trying to answer your questions.