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**Repression, Civil Conflict, and Leadership Tenure:  
The Sri Lanka Case Study**

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# **REPRESSION, CIVIL CONFLICT, AND LEADERSHIP TENURE; THE SRI LANKA CASE STUDY**

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## SRI LANKA CASE STUDY

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## Executive Summary

Sri Lanka has a long history of ethnic tensions among individuals and groups who identify by caste, religion, and clan.<sup>1</sup> While Sri Lanka has been a democracy since its independence, perhaps it is better understood as an “ethnocracy,” where the state is used systematically by the majority population group to ensure its continued dominance. Civil conflict in Sri Lanka is rooted in legalized discrimination and the inadequate protection of minorities (International Crisis Group: Nov. 2012, 2-3; Interview with Alan Keenan: 7/26/2015).

When the country became independent in 1948, the Sinhalese (Buddhist) majority adopted discriminatory measures against the Tamil (and to a lesser extent Muslim) minorities. After years of peaceful protests, many of the Tamils turned to violence to achieve a separate Tamil state in the North and East. The war lasted from 1983-2002, when the Sri Lankan government and the LTTE (the Tamil Tigers) agreed to a ceasefire.<sup>2</sup> However, the two sides again turned to violence in 2006-2009. The civil war finally ended after the Sri Lankan army defeated the LTTE in May 2009. During the war, both the Tamils and the government allegedly conducted human rights abuses including attacks on civilians, unlawful killings, extrajudicial executions, abductions and enforced disappearances, and torture of prisoners. The LTTE also allegedly used civilians as human shields and recruited and deployed child soldiers. Few perpetrators have been brought to justice for these crimes. The war’s end did not put a stop to ethnic tension and minority grievances. The two administrations since the war have continued to repress ethnic minorities, although President Sirisena has taken many steps to reduce state sanctioned repression. Until recently, the government was unable and unwilling to fully protect minorities (Silva et al: 2009; Sooka: 2014, 13).<sup>3</sup> According to Louise Arbour, former UN High Commissioner for Human Rights, the government’s postwar policies have deepened the rift between Tamils and the Sinhalese and failed to adopt reforms that could foster postwar reconciliation (Arbour: 2014).

However, Sri Lanka has had two recent elections that could lead to a significant decrease in repression, greater inclusion, and reconciliation. In a surprise victory in January 2015, Maithripala Sirisena defeated Sri Lanka’s long-time leader Mahinda Rajapaksa in a Presidential election. Before his victory, Sirisena noted “the nation is suffering from authoritarianism” which had caused “grave suffering, through massive waste and abuse and corruption and absolute impunity. We need therefore to provide immediate relief to those who are oppressed, and embark on social and economic reforms that will restore normalcy and lead to prosperity for all” (Sirisena: 2014). The

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<sup>1</sup> This material is based upon work supported by, or in part by, the U.S. Army Research Laboratory and the U. S. Army Research Office under grant number W911NF-14-1-0485. We are grateful to the Army for their support.

<sup>2</sup> The Liberation Tigers of Tamil Eelam (LTTE) is the only terrorist group which once possessed its own 'Military with infantry, sailors, and an air force. The FBI widely considered the LTTE one of the deadliest terrorist groups. However, since the death of Velupillai Prabhakaran on May 18, 2009 and its defeat, it is considered inactive inside Sri Lanka. <http://www.satp.org/satporgtp/countries/shrilanka/terroristoutfits/LTTE.HTM>

<sup>3</sup> In Sri Lanka caste is often intertwined with other variables such as ethnicity and social class.

new President promised to end censorship and persecution of minorities, political rivals, and journalists.<sup>4</sup> He also put forward legislation to establish independent commissions to run the police, public service, and judiciary and to transfer much of the president's executive powers to parliament (Fenson: 2015; Dibbert: 2015). In so doing, he gave hope that the Sri Lankan state could improve their rule of law, accountability, and evenhandedness. From January to July, the new administration was unable to make meaningful moves toward addressing wartime abuses. Much of the former Tamil territory remains occupied by Sri Lanka's army, which is engaged in large-scale construction, property development, and business ventures. Meanwhile, many of the displaced Tamils have been unable to return and rebuild their lives (Oakland Institute: 2015; US Department of State: 2015; Human Rights Watch: 2015; International Crisis Group: 3/16/2012). However, on August 18, 2015, the President and his Prime Minister gained seats in another snap election. They vowed to establish independent commissions to run the police, the public service and the judiciary and transfer much of the President's executive powers to parliament. Former President Rajapaksa and his allies are less well positioned to challenge these proposals in Parliament. They also said they plan to engage with Tamil parties to address Tamil issues. Some Tamils expressed optimism that the government will attempt to achieve reconciliation and improve human rights and economic conditions for minorities.<sup>5</sup>

### **Q1. Do Sri Lankan citizens respond differently when confronted with political repression, violent repression or a mix of repressive tactics?**

Yes, but it depends on the period and the citizen group. Before 1983, despite a mix of political and violent repressive acts committed and/or condoned by the state, Tamils responded to repression with political protest. However, after the riots and pogroms of 1983, they turned to violence. From 1983-2009, Tamils and Muslims living in the North and East suffered violent repression by both the Tamil Tigers and the Sri Lankan army. They often responded to violent repression with equally violent actions. Since the war, although violent repression has been greatly reduced, the Sri Lankan government continues to discriminate among citizens and to use both political and violent repression.

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<sup>4</sup> NA, "Sri Lanka's Rajapaksa Suffers Shock Election Defeat, BBC News, 1/9/2015, <http://www.bbc.com/news/world-asia-30738671>; Nikil Kumar, Sri Lanka's New Leader to Dissolve Parliament and Launch War Crimes Probe," Time, <http://time.com/3814842/sri-lanka-war-crimes-parliament-maithripala-sirisena/>; Annie Gowen, "Sri Lanka Voters block Former President's Comeback," *Washington Post* 8/19/2015 [https://www.washingtonpost.com/world/asia\\_pacific/voters-in-sri-lanka-block-political-comeback-bid-by-former-president/2015/08/18/f93170d0-5367-4ec7-88c8-c2f89030e678\\_story.html](https://www.washingtonpost.com/world/asia_pacific/voters-in-sri-lanka-block-political-comeback-bid-by-former-president/2015/08/18/f93170d0-5367-4ec7-88c8-c2f89030e678_story.html); and Shihihar Annee and Frank Jack Daniel, Sri Lanka's new government promises end to repression," Reuters, 1/11/2015, <http://www.reuters.com/article/2015/01/11/us-sri-lanka-rights-media-idUSKBN0KK0G020150111>

<sup>5</sup> NA, "Sri Lankan PM warns against return to divisive politics," 8/19/2015, <http://www.thejakartapost.com/news/2015/08/19/sri-lankan-pm-warns-against-return-divisive-politics.html#sthash.ZMDgOPHg.dpuf> <http://www.thejakartapost.com/news/2015/08/19/sri-lankan-pm-warns-against-return-divisive-politics.html#sthash.ZMDgOPHg.dpuf>; B Sivakumar, "Sri Lankan election results: It's an opportunity to solve Tamils' issues, Karunanidhi says," <http://timesofindia.indiatimes.com/india/Sri-Lankan-election-results-Its-an-opportunity-to-solve-Tamils-issues-Karunanidhi-says/articleshow/48540955.cms>

**Q2. Do officials use different types of repression in response to different types of civil conflict?**

Officials generally used both political and violent repression against Tamils and more recently Muslims. Although there was little evidence that officials coordinated attacks, they seemed to condone them and did little to prevent them.

**Q3. Does the use, and type of repression (whether political, violent or some combination), increase the likelihood that rulers retain power?**

For Sri Lankans, there was a tipping point. Once the Rajapaksa regime started to squelch domestic criticism of the reconciliation process, the government's lack of accountability, and rule of law, Sinhalese voters joined with Tamil moderates and voted Rajapaksa out. Meanwhile, the use of violence by the Tamil Tigers during the war towards other Tamils may have delegitimized violent repression among the Sri Lankan Tamils. However, Tamils could again turn away from moderation if the government does not address their concerns and allow them greater autonomy and more economic and political opportunities. Meanwhile, as the two snap elections reveal, the public seems to want greater more stability, reconciliation, and better governance. They elected leaders who promised to provide those results and kicked out the more repressive leader.

## Sri Lanka Case Study

The case study proceeds as follows. First, we provide an overview and recent history of Sri Lanka. We next describe the civil conflict/repression relationship in Sri Lanka, focusing on the two most recent incidents of repression and civil conflict – from 2006-2008 and 2010-present. We describe the repressors and then examine the underlying factors that may cause people to protest in Sri Lanka. Next, we focus on the nature of repression in Sri Lanka (types and victims) as well as the Sri Lankan people's response to repression. We next discuss the economic and political consequences of Sri Lankan repression at home and abroad and discuss the likelihood of continued repression in Sri Lanka. Finally, by focusing on our three questions, we note the key points revealed by the Sri Lankan case study.

### Ia. Sri Lanka Overview and Recent History

Sri Lanka, an island in the Pacific Ocean, is a multiethnic and multilingual society comprised of some 20 million people of whom some 75% are Sinhalese. Some 11% are Sri Lankan Tamils, 4% are Indian Tamils, and 9% are Sri Lankan Moors, among others (CIA: 2014). In the 19<sup>th</sup> century, the British were able to unify these diverse ethnic groups into a unitary state, but the British government also favored development in Tamil territories rather than the country as a whole (Imtiyaz: 2008, 6-7). In 1948, Sri Lanka gained its independence from the British government. At this time, many Tamils spoke English, were educated in English, and served in the bureaucracy. The British had favored the tea plantations (which were worked by Tamils) during the colonial period and many of the Sinhalese felt that the new government should focus development on the south and west – areas dominated by the Sinhalese Buddhist majority and where the majority of Sinhalese lived. So to some extent, development policies favored by the new government were a response to colonial development policies.

The Sinhalese dominated government then took several steps that alienated the Tamils and reduced their access to opportunities. In 1949, the government disenfranchised Tamil plantation workers and deprived many of them of their citizenship. In the years that followed, the government resettled the Sinhalese into Tamil territory, destroyed the Tamils' livelihoods, and adopted discriminatory measures aimed at the cultural and economic marginalization of the Tamils. In 1956, the government decreed that Sinhala should be the only language to be spoken within the nation. Tamil parliamentarians protested these laws to little effect. Meanwhile, the government also backtracked on efforts to allow greater autonomy or move to a federal system (BBC News Asia: 2015; Imtiyaz: 2008). While Sri Lankans of Sinhalese ancestry hoped these efforts would help them move out of poverty, many Tamils saw these actions as oppressive and unfair (Imtiyaz: 2008). Although Tamil leaders in this period responded to violence with generally peaceful protests, some Tamils gradually turned to violent protest. Many younger Tamils were unable to find jobs and were often discriminated against in education. They were also furious about state sponsored violence against Tamils. According to Imtiyaz, "Tamil youths lost...trust in

the state and its institutions and thus, initiated the violence in the form of organized armed resistance to symbols of state authority in the Jaffna peninsula” (Imtiyaz: 2008, 18.) In this period, Tamils kept calling for a weaker executive and greater autonomy through federalism, but the Sri Lankan authorities refused to provide them with that autonomy. The army was sent in to assist the police in restoring law and order in the Jaffna peninsula in 1961 (BBC News Asia: 2015; Imtiyaz: 2008)

In 1970, a group of Tamil students organized a militant student body called the ‘Tamil Students Movement’ to protest government plans to limit access of Tamil students to universities. Very quickly this movement went underground and turned to overt terrorist activities. The students became increasingly violent in Jaffna from 1972 onwards, beginning with the publication of a new constitution seen by the Tamil United Liberation Front (TULF) as anti-Tamil. In 1972, the student movement split into two Tamil terrorist groups – the Tamil New Tigers (TNT) and Tamil Eelam Liberation Organization (TELO). These groups were determined to meet Sinhalese violence with violence of their own. In July 1983, countrywide riots and clashes between Sinhalese and Tamils left thousands of Tamils dead and several hundred thousand as refugees. Government forces were deployed in the Northern and Eastern Provinces (BBC News Asia: 2015; Imtiyaz: 2008)

In 1972, the Parliament approved a new constitution that made Buddhism the dominant religion. In response, the Tamils called for an independent Tamil state, which they called “Eelam.” In 1981 a Sinhalese mob burned the Jaffna library destroying many important Tamil manuscripts. On July 23, 1983 the Tamil Tigers fighting for an independent state ambushed a military patrol in northern Sri Lanka, killing 13 Sinhalese soldiers. In response, groups of Sinhalese targeted Tamils in Colombo, the capital. The riots lasted from July 24 to July 30, 1983; thousands of Tamils died, tens of thousands were injured, and tens of millions of dollars’ worth of mostly Tamil-owned homes and businesses were left in ruins. Some 150,000 people were displaced, and many Tamils emigrated, fearing for their lives. The 1983 race riots, also called Black July, became a defining moment for the nation, sparking a civil war for a separate Tamil state (Homeland: 2015; Imtiyaz: 2008). More than three decades later, no one has been prosecuted for the atrocities committed.<sup>6</sup>

The war undermined the economy in the North and to a lesser extent the East. According to the Senate Foreign Relations Committee (2009), although Sri Lanka’s economy grew during the war years, growth was uneven. Sri Lanka has developed a strong garment industry, which constitutes 43 percent of total exports, and the country is still one of the world’s largest tea exporters. The Western Province, where Colombo is located, contributes to almost 50 percent of Sri Lanka's GDP, while there are fewer opportunities in other areas, particularly the former conflict regions. Ironically, many of the LTTE leaders were from poorer communities where individuals lacked work and access to higher education. They had hoped that an outcome of the war would be to

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<sup>6</sup> NA, “Black July anniversary: the legacy of the Tamil massacre in Sri Lanka,” *The Week*, 723/2015  
<http://www.theweek.co.uk/64509/black-july-anniversary-the-legacy-of-the-tamil-massacre-in-sri-lanka>



provide these opportunities through a separate state that would focus on development of Tamil regions (Senate Foreign Relations: 2009).

With the war's end, however, the Rajapaksa Administration deepened the militarization of the North and in so doing threatened peaceful coexistence. The Administration allowed groups of Sinhalese into the Northern Provinces and has done little to enable Tamils to return (International Crisis Group: 3/16/2012). Meanwhile, the administration also weakened the government's commitment to democratic procedures and institutions. Rajapaksa jailed former Army Chief Sarath Fonseka, who ran against Rajapaksa in the 2010 elections. In addition, the Parliament ratified an amendment to the constitution that abolished an independent judicial appointments body and instead gave those powers to the president. Moreover, the Parliament impeached the independent-minded chief justice in January of 2013 after she presided over a judicial decision that went against the government. From 2005-2014 at least a dozen journalists have been killed, disappeared, or fled into exile.<sup>7</sup> The Rajapaksa Administration also continued to invest significantly in the military as a means of preventing renewed violence, arguing that such investment will prevent renewed terrorism (International Crisis Group: 3/ 2012).

The Administration of Rajapaksa did little to examine its own behavior during the war. In 2011, under pressure from the United States and other countries, the United Nations Human Rights Council (UNHRC) agreed to launch an inquiry into war crimes committed by both the Sri Lankan state forces and Tamil separatist rebels. A majority of UN member states wanted to prod the nation to promote reconciliation. The UN issued a resolution that called on President Rajapaksa to adopt the recommendations of his own Lessons Learnt and Reconciliation Commission, which he appointed to explore accountability for alleged violations of international law in the final months of the war. The Human Rights Council also requested that the government present a comprehensive action plan to investigate these violations, protect and promote freedom of expression, and enact rule of law reforms. In March of 2012, the UNHRC passed a resolution calling on the government to implement the recommendations of the LLRC. Subsequently the Sri Lankan government drafted the National Plan of Action to implement the recommendations of the LLRC (LLRC Action Plan). The Action Plan was approved by the Cabinet in July 2012. In March 2013 the UNHRC adopted a second resolution entitled Promoting Reconciliation and Accountability in Sri Lanka and in July 2013 the Government added another 53 recommendations to the Action Plan. The UN was set to release the report but held off under pressure from the new Sri Lankan government elected in January 2015. In the hopes of encouraging a more flexible response, the UN Rights Chief Zeid Ra'ad al-Hussein said he had recommended deferral of the team's report until September, and the president of the Human Rights Council agreed, given the changing context in Sri Lanka. The new Sri Lanka government won a delay of six months on the war crimes report and agreed to set up an inquiry into domestic atrocities, aimed at achieving

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<sup>7</sup> David Lewis "In Rajapaksa's Sri Lanka, repression is a family affair," *The Conversation*, 11/1/2013, <http://theconversation.com/in-rajapaksas-sri-lanka-repression-is-a-family-affair-19675>

truth and reconciliation.<sup>8</sup> However, the Sirisena Administration's failure to act to encourage reconciliation reveals significant governance problems including inadequate rule of law, a culture of impunity and a lack of will (International Crisis Group: 2013, 1-3; Center for Policy Alternatives: 2014; Interview with Alan Keenan: 7/26/2015). As we noted earlier, the new Parliament may provide the Sirisena Administration with the authority to improve the rule of law and reverse the culture of impunity.

The war was not the only tragic event in Sri Lankan history. In 2004, a 9.0 magnitude earthquake in Indonesia led to a tsunami with 90-foot high waves. The tsunami was one of the deadliest disasters in recorded history, at its most devastating in Indonesia, followed by Sri Lanka. Many people drowned and entire villages and industries devoted to tourism and fishing were destroyed. The tsunami left thousands of families without shelter and destroyed their primary sources of livelihood.<sup>9</sup> Many Tamils (and others) left the country for other locales where they perceived greater opportunities. The tsunami and the civil war intersected, making reconstruction in the North and East difficult. The Worldwatch Institute reported that the country's south has done well in attracting reconstruction funds, and the west has long been better integrated into the world economy. But income dropped by 25% in the East. Donors and the government gave few reconstruction funds to the North and East, which is where the majority of Tamils lived. (Worldwatch: 2007)

### **Ib. The Potential Presented by the Sirisena Administration**

From January to June, Sirisena struggled to find a balance between offering reconciliation and not alienating traditional Sinhalese elites. He was also dogged by former President Rajapaksa and his allies, who constantly monitored and often criticized Sirisena's policy choices. After Sirisena achieved the Presidency, he issued a detailed 100-day plan and put forward 100 policy changes that could address some of the country's challenges. He promised to provide housing for the homeless, put in place a democratic civil administration in former conflict regions, put forward legal steps forbidding the denigration of other races, religions, and religious leaders, provide protection to all places of religious worship, and set up national and local councils of religious leaders to promote reconciliation (Sirisena: 2014). His Administration has also taken steps to become more transparent and accountable. For example, the government has published details on its progress in implementing its work program for the first 100 days and sought public comment

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<sup>8</sup> NA, "Sri Lanka wins delay over UN war crimes report," Reuters, 2/16/2015, <http://www.reuters.com/article/2015/02/16/us-sri-lanka-warcrimes-idUSKBN0LK17X20150216>; and Center for Policy Alternatives, "Commentary on the Progress Achieved in Implementing the National Plan of Action to Implement the Recommendations of the Lessons Learnt and Reconciliation Commission," 2/12/2014, <http://www.cpalanka.org/commentary-on-the-progress-achieved-in-implementing-the-national-plan-of-action-to-implement-the-recommendations-of-the-lessons-learnt-and-reconciliation-commission/>

<sup>9</sup> <http://www.dailymail.co.uk/travel/article-3131893/An-eyewitness-account-Sri-Lanka-s-remarkable-recovery-Boxing-Day-tsunami-2004-saw-90-foot-walls-water-crash-coastline.html#ixzz3jPLn3tYx>

on its plans.<sup>10</sup> Meanwhile, the Parliament passed the 19th amendment which limits the president to two terms, restricts his ability to dissolve parliament early and call snap elections, ends the absolute immunity from court challenge to a president's actions, and gives the prime minister significant control over cabinet appointments (Interview with Alan Keenan: 7/26/2015).

However, Sirisena has also taken steps that cause concern among advocates of reconciliation and good governance. He has appointed members of his family and cronies to key positions and released few political prisoners. He was also unable to pass the 20<sup>th</sup> Amendment, which would allow greater representation for minority voters. Additionally, he has not brought the military under greater civilian control nor advocated for reforms to strengthen the judiciary and provide greater access to information (Dibbert: 2015). Sirisena spent months resisting a drive by his own party members to bring Rajapaksa back to power, and he reached out by providing jobs to some Rajapaksa acolytes in an attempt to buy support. By April, Sirisena recognized he would need to obtain greater control. In May of 2015 the president dissolved parliament and called a snap election for August 17, 2015. Just days later, Rajapaksa announced he would run for a Parliamentary seat in the hopes of again obtaining control of the government.

The election was held on August 18, 2015 and was generally seen as free and fair, although observers found election violations.<sup>11</sup> Sirisena and Prime Minister Ranil Wickremesinghe's United National Party won 106 seats while Rajapaksa's alliance won 95 seats and the rest of the seats were won by Tamil-majority parties.<sup>12</sup> Some analysts posited that the win would yield greater efforts to address minority grievances. According to P. Saravanamuttu of the Centre of Policy Analysis, "The Sirisena government is not perceived as thuggish or repressive. There is a sense that it made a genuine effort to chart a new course, even though it was not able to fulfill all its "100 day promises." The Guardian reported that the center-right alliance will try to muster the two-

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<sup>10</sup> Department of Project Management and Monitoring, Ministry of Finance Sri Lanka, "Progress Report of 100 Day Work Programme - as at 23rd April," [http://www.pmm.gov.lk/resources/100day\\_All\\_Proposals\\_EN.pdf](http://www.pmm.gov.lk/resources/100day_All_Proposals_EN.pdf)

<sup>11</sup> As of June 2015, over 300 complaints were lodged with the elections secretariat, while the Program for Protection of Public Resources (PPPR) - the election monitoring arm of Transparency International Sri Lanka - recorded a large number of violations pertaining to the misuse of public resources. The Centre for Monitoring Election Violence reported 105 violations as of July 2015. NA, "Elect me twice, shame on you," Daily FT, 7/25/2015, <http://www.ft.lk/article/449523/Elect-me-twice--shame-on-you>; Jehan Perera, "The Reasons Why Sirisena Decided to Dissolve the Sri Lankan Parliament," The Citizen, 6/29/2015, <http://www.thecitizen.in/NewsDetail.aspx?Id=4200&The/Reasons/Why/Sirisena/Decided/to/Dissolve/the/Sri/Lankan/Parliament> and Namini Wijedasa, "Rematch in Sri Lanka," India Today 7/16/2015, <http://indiatoday.intoday.in/story/mahinda-rajapaksa-sri-lanka-general-election-upfa/1/451865.html>

<sup>12</sup> Anusha Ondaatje, "Sri Lankan President Boosted as Rajapaksa's Comeback Bid Fails," Bloomberg news, 8/18/ 2015, <http://www.bloomberg.com/news/articles/2015-08-18/sri-lankan-prime-minister-claims-mandate-in-tight-election-race>; and "Sri Lanka's prime minister defeats former president Rajapaksa in elections, 8/18/2015," <http://www.theguardian.com/world/2015/aug/18/sri-lanka-prime-minister-declares-victory-ranil-wickremesinghe>

thirds majority required to pass proposed constitutional reforms that would make the government more accountable.<sup>13</sup>

If Sirisena wins again and gets significant support from Tamils, he may have the political will and power to take important steps towards the reconciliation of Sri Lanka's three ethnic communities. Yet, as of this writing, reconciliation still seems to be on hold.

## **II. Who are the Repressors?**

The repression/civil conflict relationship in Sri Lanka is complicated and varies by date, victims, and source. Sri Lanka has multiple repressive actors as the table below illustrates.

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<sup>13</sup> Nirupama Subramanian, "Sri Lanka polls: Sirisena, Rajapaksa, and the 'unfinished business of January'" Indian Express, 8/17/2015, <http://indianexpress.com/article/explained/today-in-sri-lanka-sirisena-rajapaksa-and-the-unfinished-business-of-january/>

Period	Repressive Actor	Victim and type of repression of Tamils	Type of Repression of Sinhalese	Type of Repression of Muslims
1948-1983	Sri Lankan government	Discriminated in provision of employment, education. After 1983, government officials allegedly in cahoots with violent Sinhalese to force out, murder Tamils	None	Some discrimination
1948 – present	Buddhist nationalist groups	Instigate riots	None	None
1983-2009	Tamil Tigers (LTTE)	Violent political repression of Tamils	Targeted civilians- Civil war/violent repression. Murdered Tamil moderates. Forced women/children to serve in military.	None
2009-2014	Sri Lankan government and military	Political and violent repression towards citizens who criticize government, declining under Sirisena	Political and violent repression towards citizens who criticize government, declining under Sirisena	Mob violence against Muslims may be encouraged by military and other government entities.

In general, the repressors in Sri Lanka are the elite Sinhalese. They control most of the government, civil service, media, and industry. Until recently, the Sinhalese populace generally supported the laws that denied minority groups access to opportunities. Many of the Sinhalese felt that they had been denied benefits in the colonial period and they wanted their new country to provide redress. After independence, however, the Sinhalese majority supported laws that went the colonial government's favoritism towards the Tamils to laws, policies, and actions that discriminated against and denied Tamils (and to a lesser extent Muslims) opportunities

(International Crisis Group: 11/2012; Interview with Alan Keenan: 7/26/2015; Interview with Sadanand Dhume: 7/22/2015). Meanwhile, as noted earlier, radical Buddhist groups regularly organized and attacked Tamils and Tamil property. The government turned a blind eye and even condoned pogroms of Tamils before the war. Although government officials gradually reduced political repression and economic discrimination during the war, the government has not fully ended the repression of Tamils. In 2012, the International Crisis Group reported that government policies were generating new grievances and anger because the state has failed to protect the rights and guarantee the equal status of Tamils (International Crisis Group: 11/2012, 1).

During the war (1983-2009), both sides used political and violent repression. Tamil rebel leaders, as well as the Sri Lankan government, used threats and violence to silence detractors. The LTTE forced children, and at times women, into service. According to the International Crisis Group, “the military struggle trumped politics” so moderates were denounced as traitors and often killed. Tamil Muslims became alienated from the more radical LTTE members (International Crisis Group: 11/2012, 3, 6-8). Thousands of Tamils were denied rations, services, and the permission to leave LTTE territory, and were charged fines, detained, and killed by the LTTE as “traitors” for acts of perceived disloyalty. Meanwhile, the Sri Lankan government focused on silencing those who opposed the way the war was fought, particularly those who were critical of violations of international humanitarian law by the Sri Lankan forces. Members of the security forces and government-allied paramilitaries arrested, threatened and killed critical journalists, and used intimidation and violence to silence witnesses to government violations (Amnesty: 4/30/2013, 7).

After the war ended in May 2009, the Rajapaksa government continued to utilize both political and violent repression. From 2009 to 2014, the Rajapaksa government often equated criticism and dissent with treason. Sri Lankan officials and state-owned media employed the term “traitor” with alarming frequency against detractors, often threatening death or injury to the person accused. Journalists, human rights activists, and labor rights activists were threatened and even disappeared. The government did not lift the wartime state of emergency until September 2011. The executive even threatened the judiciary branch when it interfered with Rajapaksa’s plans. Chief Justice Shirani Bandaranayake was impeached on January 13<sup>th</sup>, 2013 on three charges of personal and professional misconduct. Parliament proceeded with the impeachment despite a Supreme Court ruling of January 3<sup>rd</sup> 2013 that the hastily-assembled Parliamentary Select Committee (PSC) appointed to examine the charges against her did not have the legal authority to make decisions adversely affecting the rights and tenure of a superior court judge (International Crisis Group: 2/2013; Amnesty International: 4/30/2013, 29-40)

### **III. The Role of Impunity**

Unfortunately, Sri Lanka officials have been unwilling to hold repressors to account. The Department of State (2015) reports that government officials and others tied to the ruling

coalition enjoy “a high degree of impunity” ((Department of State: 2015, 2). Individuals suspected of association with pro-government paramilitary groups committed killings, kidnapping assaults, and intimidation of civilians. Paramilitary forces and government security forces seem to collaborate closely. Extremist groups including Buddhist groups commit numerous abuses such as rioting, assaults, and setting fires – without fear of prosecution. The government prosecuted a very small number of government and military officials implicated in human rights abuses and has yet to hold anyone accountable for alleged violations of international humanitarian law during and after the conflict (Department of State: 2015).

In 2015, Human Rights Watch reported that although Sri Lanka has legislation prohibiting torture, in practice disciplinary or criminal prosecutions against police officers and their superiors were rarely taken. It found that where the perpetrators were identified, they were allowed to remain on active duty or were transferred to another police station. Offending officers were rarely punished unless they were particularly egregious cases under the media spotlight. The human rights NGO noted that superior officers were never punished. Moreover, many victims told the NGO that the police were essentially in cahoots with the military and threatened victims against taking actions. Finally, those individuals who reported being mistreated, either through a lawyer or the National Human Rights Commission, cited ongoing harassment by the police when back in their villages (Roth: 2015).

The Sri Lankan government has been particularly unwilling to examine the behavior of the military. In 2012, the Army created a court of inquiry to look into civilian casualties in the final stages of the war. The court of inquiry found that although the LTTE had violated international humanitarian law with impunity, “the military had carried out President Rajapaksa’s ‘zero civilian casualty’ directive, behaved as a well-disciplined military force, and observed international humanitarian law completely” (Department of State: 2015, 7). In short, the military found it behaved perfectly during the war and did not abuse civilians.

As an example, in May of 2015, President Sirisena appointed Major General Jagath Dias, who led the Army’s 57th Division during the last two years of the civil war as Army Chief of Staff – one of the armed forces’ highest positions. The 57th Division took part in the last battles of the war, where the two sides engaged in extremely bloody fighting on a small stretch of beach in the Mullaitivu District. Human Rights Watch documented the indiscriminate shelling of civilians and hospitals by government forces in the region where the 57th Division was deployed. In 2013, General Dias was denied entry visas to Australia and the United States for his possible involvement in war crimes.<sup>14</sup> Despite this, he was promoted by the same Sri Lankan government that has promised reconciliation.

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<sup>14</sup> Human Rights Watch, “Sri Lanka: New Army Chief a Blow to Justice,” 5/17/2015, <http://www.hrw.org/news/2015/05/17/sri-lanka-new-army-chief-blow-justice>

#### IV. What Factors Led to Civil Conflict in Sri Lanka?

We believe that two principal factors explain civil conflict in Sri Lanka. First, the State did not adequately protect minorities and showed favoritism towards the Sinhalese majority. We delineated this history earlier in the case study. Secondly, the State does not provide all of its citizens with adequate constitutional protections for political rights such as freedom of speech and access to information. Even today, the government can easily curtail the rights of its citizens without a system of due process and frequently argues that national security trumps human rights. Hence, although Sri Lanka is democratic, it remains repressive and can easily become ever more repressive. Moreover, unless Sri Lankans change these laws, it will be hard to achieve reconciliation and better governance.

Analysts describe Sri Lanka as a republic like the United States (CIA Fact book: 2014). However, Sri Lankans do not have the same protections as citizens in many other democracies. According to Amnesty International,

“Sri Lanka’s domestic laws are not fully in line with international human rights standards. As example, Article 14 of Sri Lanka’s Constitution guarantees the rights to freedom of speech and expression including publication; freedom of peaceful assembly and freedom of association. But the Constitution allows for restriction of all these rights on much broader grounds than those permitted under international human rights law. The government can restrict civil and political rights *“in the interests of racial and religious harmony.”* Freedom of expression can also be limited *“in relation to parliamentary privilege, contempt of court, defamation, or incitement to an offence,”* and *freedom of association can be restricted by law “in the interests of... [the] national economy.”* So the government can easily repress dissent, protests, and demonstrations when it wants (Amnesty International: 4/ 30/ 2013, 11-12). Rather than viewing these expressions of citizen opinion as essential, the Constitution seems to be written to see them as a threat to stability. The Constitution also allows the government to restrict dissent and can arrest and detain individuals as *“prescribed by law in the interests of national security, public order and the protection of public health or morality.”* The Constitution specifically notes that “for the purposes of this paragraph “law” includes regulations made under the law for the time being relating to public security” (Amnesty International: 4/ 30/ 2013, 11-12).

Because this language in the Constitution allows policymakers to easily make national security arguments to justify policies that limit the human rights of its citizens. Sri Lanka’s parliament adopted legislation such as the Prevention of Terrorism Act of 1979 (PTA) as well as other emergency regulations which restricted freedom of expression and assembly. As example, the Prevention of Terror Act contains broad restrictions on freedom of expression that “is likely to cause religious, racial, or communal disharmony or feeling of ill-will or hostility between different

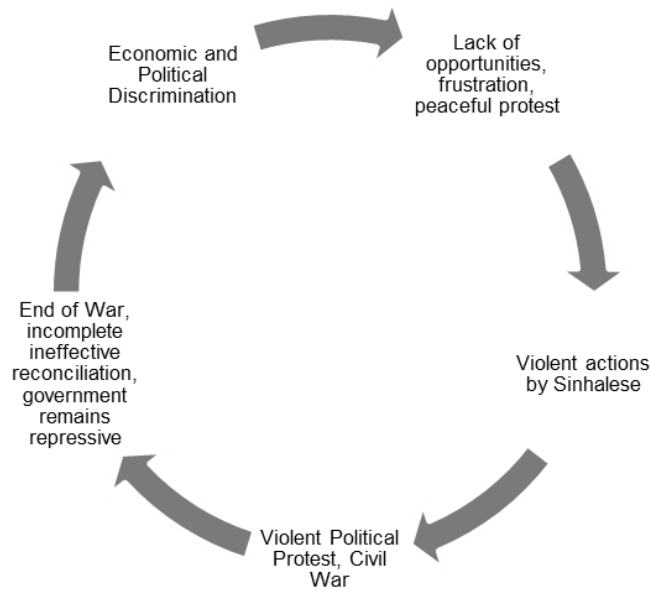


communities or racial or religious groups.” It leaves it to the government to decide what can cause such disharmony (Amnesty International: April 2013). The government can easily decide that unpopular opinions not held by the majority Sinhalese create ill-will or hostility and hence must be limited.

Moreover, under the current constitution and emergency laws, Sri Lankans cannot easily hold their government to account. Sri Lanka has no law guaranteeing the right to information – despite a Supreme Court ruling in 2004 that denial of access to official information amounted to an infringement of the Constitutional right to freedom of speech and expression (Amnesty International: 4/2013). In reviewing Sri Lanka’s human rights performance, the UN has also stressed that under international law the right to freedom of expression embraces a right of access to information held by public bodies and that states should enact procedures for gaining access to information such as by means of freedom of information legislation. However, the government has not acted despite the end of the war. In 2011, opposition lawmakers from the United National Party (UNP) proposed a “Right to Information Act”, but it was voted down by the government majority in Parliament. In July 2012, Charitha Herath, Secretary to the Ministry of Media and Information, told delegates to a South Asian Association for Regional Cooperation (SAARC) meeting in Colombo that the government would not introduce legislation guaranteeing a right to information, citing national security concerns (Amnesty International: 4/30/2013, 11-12). Because of these gaps and national security justifications, it is easier for the government to argue that repression of civil liberties is in the public interest.

The government has done little since the war to get at the fundamental problems that led to violence, in particular the repression of minorities. Sri Lankan officials did not make conciliatory gestures that might foster a genuine dialogue. Some Tamils are wary about the long-term significance of post-war Sinhalese “triumphalism” and fear that they may be marginalized in Sri Lanka despite their long history on the island. The educated Tamil middle class has been devastated, many emigrated years ago. The situation is particularly dire for Tamils in the north, who are trapped between living in government-run camps and returning to homes destroyed in the war (Senate Foreign Relations: 2009; International Crisis Group: 11/2012, 1).

The following illustration shows how ethnic discrimination led to civil conflict in Sri Lanka. It then shows that although repression has been reduced, the Sri Lankan government and people have not addressed Tamil grievances.



## V. The Nature of Repression in Sri Lanka

### a. Political Repression

Leaders use political repression to deny people their voice and civil liberties. The war's end in 2009 did not lead to gradual reduction of repression; instead, until 2015, the government became more authoritarian and senior officials were determined to root out dissent. Since the end of the war, the government continues to hold detainees suspected of being LTTE members without charge under the Prevention of Terrorism Act (PTA). Many family members and lawyers are unable to obtain information about where, or indeed if, their loved ones are detained. These detainees are often not treated fairly and some prisoners have been beaten or murdered (Roth: 2015; International Crisis Group: 2/2013). In addition, Amnesty International reported that the government has monitored and intimidated dissenting lawyers and a broad range of lesser-known community-level activists, blocked websites, and discouraged public discussion of issues the authorities view as "controversial" (Amnesty: 2013, 7-8). The Rajapaksa regime did not investigate the killing of journalists, and journalists were assaulted or disappeared (until 2015) (International Crisis Group: 2013, 18). According to Swaminathan Natarajan of the BBC, threats and denial of access to places and information resulted in the media not reporting certain events. In interviews with 20 Sri Lankan journalists, Natarajan was told by 12 journalists that their safety had not improved since the war (Asian Forum for Human Rights and Development: 2015; Amnesty: 2013, 8-9; International Crisis Group: 2/2013, 16-17; Inform Human Rights Documentation Center: 2015).

Under Rajapaksa, the police arrested trade union activists and labeled them terrorists, arguing that strikes are mass demonstrations that undermine public security (Amnesty: 2013, 20-22). The

military and police arrested Tamil students and disrupted Tamil political protests. The government tried to undermine international organizations trying to bring human rights violations to light and has denied and expelled foreign journalists. Senior government officials have reportedly threatened activists (Amnesty: 2013, 22-23, 47; International Crisis Group: 2/2013, 17). The Sirisena Administration has not continued these practices.

After pressure from human rights organizations, on 23 March 2012, the UN High Commissioner for Human Rights warned the Sri Lankan delegation to the HRC session that there must be no reprisals against Sri Lankan human rights defenders after the UN passed a resolution calling on Sri Lanka to take credible steps to ensure accountability for alleged serious violations of international law. The High Commissioner's spokesperson, Rupert Colville, said there had been "an unprecedented and totally unacceptable level of threats, harassment and intimidation directed at Sri Lankan activists who had travelled to Geneva to engage in the debate, including by members of the 71-member official Sri Lankan government delegation." (UN News Service: 2012) He noted that since January 2012, Sri Lankan media had been running a "continuous campaign of vilification," naming and often including images of activists, calling them an "NGO gang" and repeatedly accusing them of treason, mercenary activities and associating with terrorists. Comments by readers of the articles posted online called for activists to be killed and one called for burning down their houses. Colville said that intimidation and harassment of Sri Lankan civil society activists had also been reported elsewhere in Geneva, outside the UN (Amnesty International: 4/30/2013, 47; UN News Service: 2012).

In 2014, the Observatory for the Protection of Human Rights Defenders, a joint program of the World Organization Against Torture (OMCT) and the International Federation for Human Rights (FIDH) warned that Sri Lanka was violating many political and civil rights of its citizens because of its highly militarized character. For example, on July 1, 2014, the National Secretariat for Non-Governmental Organizations (NGOs), which operates under the Ministry of Defense and Urban Development, warned the NGO to stop "unauthorized activities." According to the National Secretariat, such activities include "press conferences, workshops, training for journalists, and dissemination of press releases which is beyond [the NGOs'] mandate." The warning seemed designed to prevent human rights organizations from monitoring the government's human rights performance.<sup>15</sup>

As noted earlier, since President Sirisena took office, the government has become much less repressive, especially against Tamils. Compared to 2014 and the Rajapaksa rule, the intensity and number of attacks, threats, and intimidations against dissent has decreased during the first 100 days of Sirisena's Presidency. However, few Tamil detainees have been released (Asian Forum for

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<sup>15</sup> Obstacles to freedom of association and expression Sri Lanka, 7/9/2014, <https://www.fidh.org/International-Federation-for-Human-Rights/asia/sri-lanka/15723-sri-lanka-obstacles-to-the-freedom-of-association-assembly-and-expression>; and [https://www.fidh.org/International-Federation-for-Human-Rights/asia/sri-lanka/?id\\_mot=27](https://www.fidh.org/International-Federation-for-Human-Rights/asia/sri-lanka/?id_mot=27)

Human Rights and Development: 2015; Amnesty: 2013, 8-9; International Crisis Group: 2/2013, 16-17; Inform Human Rights Documentation Center: 2015).

### **b. Repression Online**

Policymakers often use domestic Internet governance regulations to deny their citizens the ability to influence public debate and to organize political opposition. In July of 2012, the government announced new regulations to monitor and control websites. From 2012 to the end of 2015, websites with articles criticizing the government have been plagued by repeated “denial of service” attacks, their offices have been raided by police and burned by unknown arsonists, and their staff have been assaulted and arrested with some feeling that they had no choice but to flee the country (Amnesty International: 2013, 8-9; Weliamuna: 2013). We have no official sources, but the new Administration seems must more open to the idea that the public deserves access to information including about what government is doing (part of the Sirisena 100 promises).

### **c. Repression of Ethnic Groups**

Policymakers can use laws and regulations to deny citizens political voice and access to educational and economic opportunities. Muslims and Tamils, who generally live in the North and East of Sri Lanka, have long struggled for their rights. In 1956, the government made Sinhala the sole official language for State business. This action may have conveyed to Sri Lankan Muslims and Tamils (who speak Tamil) that they were less than equal citizens. Because they could not speak Sinhala, many Tamil civil servants lost their jobs, while others could not take advantage of state opportunities (International Crisis Group: 2012, 2).

Since 1987, Tamil has been an official language of the State, but Tamil speakers often suffer language discrimination throughout the country. They also suffer religious discrimination because many Tamils are Hindu or Christian. However, Buddhism was given special status in the 1972 and 1978 constitutions. Since the 1980s, state history textbooks celebrate Sri Lanka as a Buddhist/Sinhala country (International Crisis Group: 2012, 2).

Ethnic minorities lost control over their land in areas where they were traditionally the majority—the North and East. In 1957 and 1965 the Tamils were granted limited autonomy, but those rights were “abrogated after opposition from the Nationalist Sinhalese. “ Under the 1972 and 1978 constitutions, Sri Lanka was defined as a unitary state, and provincial authorities had little power. Meanwhile, because power and authority were centralized from Colombo, the capital, decisions about development were not designed to help Tamils prosper. The government provided irrigation and development projects, which brought Sinhala peasants to traditional Tamil areas in the East and North (International Crisis Group: 2012, 2).

In 1987, under pressure from the government of India, the Sri Lankan Parliament passed the 13<sup>th</sup> amendment that established provincial councils with which Tamils were to be granted limited powers of self-rule in a merged northeastern province. The International Crisis Group argues that it gave “watered-down recognition to the idea” that the North and East of the country could constitute a Tamil homeland. However, it delegated few powers, and the President and Parliament could take back these powers (International Crisis Group: 11/2012, 4-5). We note that in another case study, the government of Mali also gave lip service to decentralization, which was supposed to empower its minority Tuareg.

Tamils have long felt insecure, suffering from violent attacks that have some degree of government support. Anti-Tamil mob riots occurred in 1958, 1977, 1979, and 1983. Tamils suffer from a lack of economic and educational opportunities and economic underdevelopment in Tamil-majority areas. According to the International Crisis Group, “Tamil concerns have been consistently marginalized,” and ethnically biased state institutions and a politicized court system provide “little or no redress for or legal protection against the range of injustices faced by Tamils.” (International Crisis Group: 2012, 3; International Crisis Group: 2009).

Repression of Tamils and other ethnic minorities continued after the war. Radical Buddhist groups led by monks have attacked and damaged mosques and have expressed concerns about growing Muslim fundamentalism. The government has done little to prevent such attacks. (International Crisis Group: 2/2013, 23-24). According to the US Department of State, nationalist Buddhist groups tied to government offices attacked Muslim homes, businesses, and places of worship in 2013 (Department of State, 2014, 6-7). In June 2014, protests led by the Buddhist nationalist Galagodaaththe Gnanasara Thero led to riots that left at least four Muslims dead, 80 injured, and numerous homes and businesses in the town and surrounding areas destroyed. In mid-May of 2015, police obtained court orders to prevent remembrance events for Tamils killed during the war. Police also interrogated organizers, participants and media at some events, compelled organizers to change venues, and subjected remembrance events to heavy surveillance. Bus owners had also been intimidated not to transport people to such events. Earlier in May, a Northern Provincial Council member was summoned by the police to be questioned in relation to an allegation that he had lighted lamps to remember the LTTE in November of 2014 (Inform: 2015). Meanwhile, in the North, the army constantly monitors groups providing assistance to Tamils. Human rights defenders there report heavy police surveillance and repeated interrogation about their activities, international contacts, and donors. Many victims of this new repression are not prominent activists engaged in advocacy at the international level, but local community workers providing assistance to people struggling to recover from decades of armed conflict (Amnesty International: 2013, International Crisis Group: 2/2013, 19).

Ironically, the thirteenth amendment gave greater political clout among the Sinhalese to the nationalist Sri Lanka Freedom Party headed by Mahinda Rajapaksa. He won the 2009 election

because many Tamils were not allowed to vote by the LTTE. Had they voted, they would have divided the vote and he would not have won.<sup>16</sup> However, since the election of President Sirisena, the onus has been on Tamil moderates to participate in the political process. Sirisena needs their votes to reduce corruption and improve governance.

#### **d. Violent Repression**

During the war, Sri Lankan and Tamil officials both engaged in violent repressive acts. In March 2011, the UN Secretary-General's Panel of Experts on accountability in Sri Lanka found credible allegations, which if proven indicate that a wide range of serious violations of international humanitarian law and international human rights law were committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity. The researchers asserted that more than 10,000 civilians were killed; the LTTE used civilians as human shields and conscripted child soldiers. Meanwhile, the Sri Lankan army shelled areas it knew were densely populated by civilians and people trapped by the fighting could not get access to sufficient and safe food, water, and medical care (Amnesty International: 2013, 26).

Violent repression did not end with the end of the conflict. In its most recent human rights report on Sri Lanka for 2014, the Department of State reported that some 68 individuals were detained arbitrarily, tortured, or murdered in police custody. The Bar Association of Sri Lanka called for a special commission to investigate the incidents but the government took no such action in 2013 and 2014. In addition, the military and paramilitary regularly killed suspected LTTE operatives. In fact, in 2014, State noted that the paramilitaries "increasingly took on the characteristics of criminal gangs and they sought to solidify their territory and revenue sources." US diplomats also stressed that they heard persistent reports of "intimidation, extortion, corruption, and violence against civilians in the Tamil-dominated northern district of Jaffna. In addition, nationalist Buddhist groups tied to government offices attacked Muslim homes, business, and places of worship (Department of State: 2015, 3-6; Roth: 2015). According to Father M. Sakthivel, convener of the Colombo-based Christian Solidarity Movement and a Catholic priest, politicians use Bodu Bala Sena, an influential Sinhalese Buddhist nationalist group, as a cover for violence and racism.

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In 2013, Amnesty International reported that oppositional political activists as well as community activists were subjected to threats and intimidation, physical attacks, arrests, repeated

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<sup>16</sup> Rajapaksa defeated the ruling United National Party (UNP) candidate by just 180,000 votes and might have won but the LTTE enforced a boycott on Tamil voters in areas it controlled. Some alleged that the boycott was part of a deal in which Rajapaksa paid the LTTE to suppress the vote, which would have supported the UNP.

[https://www.wikileaks.org/plusd/cables/07COLOMBO844\\_a.html](https://www.wikileaks.org/plusd/cables/07COLOMBO844_a.html); and NA, "WikiLeaks: Ranil Has Called For The Arrest Of Basil, Lalith And P.B." 4/2/2012, [Colombo Telegraph](http://www.colombotelegraph.com).

<https://www.colombotelegraph.com/index.php/wikileaks-ranil-has-called-for-the-arrest-of-basil-lalith-and-p-b/>  
<sup>17</sup> NA, "Activists commemorate 'Black July' in Sri Lanka," [UCA News.com](http://www.uca-news.com),

<http://www.uca-news.com/news/activists-commemorate-black-july-in-sri-lanka/73975>

interrogations, and enforced disappearance when organizing. Such attacks have been carried out with impunity: there have been no effective investigations and no prosecution of suspected perpetrators. Sri Lankan officials and those working at their behest assault, jail, abduct, and even kill those who challenge their authority; to avoid the legal and political consequences of their wartime actions, they attempt to silence those who could expose the truth. The government justified its actions under the Prevention of Terrorism Act described above (Amnesty International: 4/2013).

#### **e. Repression against Women**

Women have been particularly hurt by government repression in Sri Lanka. Under the guise of preventing renewed violence, the government maintains soldiers in the Tamil regions. According to the International Crisis Group, the Northern and Eastern parts of the country remains heavily militarized and under centralized control. Women in the region have little control over their lives and no reliable institutions to turn to. The government has mostly dismissed women's security issues and exacerbated fears, especially in the north and east (International Crisis Group: 12/2011). Moreover, because some Tamil women were active combatants (although many were coerced in the LTTE) Sri Lankan military have had almost free reign to monitor and even jail women they suspect (Gowrinathan: 2012). In the post-war period, several human rights organizations as well as the Department of State asserted that security forces stepped up the use of sexual violence, torture, and rape against LTTE suspects or those perceived to support the LTTE. More than half of the abductions supposedly occurred from 2013 to 2014 (Department of State: 2014, 19, 56-57; Sooka: 2014, 6). In her February 2014 report on Sri Lanka to the UN Human Rights Council, High Commissioner Navi Pillay reiterated concerns that women were vulnerable to sexual harassment and violence as a result of the heavy military presence in the north. Sri Lanka responded angrily to the suggestion that militarization might endanger women and repeated assertions that it had taken concrete action when cases were reported. Interestingly, the government also denied that military personnel were involved in the civil administration in the north of Sri Lanka (Sooka: 2014, 84; UK Foreign and Commercial Office: 2015).

In May 2015, the Sri Lankan government stated that the country had some 50,000 war widows. At least one in five families in the North is led by a woman with no husband, according to official estimates. The districts with the highest figures — above 20 percent — are those where the fighting was fiercest. Social workers in the north say that poverty forces many women to leave their potentially vulnerable children behind as they seek jobs further and further away from their villages. They report high levels of children dropping out of school and frequent cases of child abuse.<sup>18</sup> The International Crisis Group found many incidents of gender-based violence, including domestic violence, within the Tamil community as well. They noted that women have been forced

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<sup>18</sup> Amantha Perera, "Acknowledging the plight of Sri Lanka's Tamil war widows," *UCA News.com*, 5/14/2015, <http://www.ucaNews.com/news/acknowledging-the-plight-of-sri-lankas-tamil-war-widows/73581>

into prostitution or coercive sexual relationships. Some have also been trafficked within the country and abroad. Women are fearful of abuse and are less able to move for education or employment opportunities. The fact that women must rely on the military for everyday needs not only puts them at greater risk of gender-based violence, but also prevents them from building their own capacity within communities (International Crisis Group: 12/2011, i-ii). Hence, women and children remain deeply scarred by war, with little state investment in resources to help them improve their circumstances or obtain access to opportunities.

#### **f. Denial of Property and Land Rights**

For many Tamils remaining in Sri Lanka, life is a struggle. Independent analysts estimate some 93,000 Sri Lankans are internally displaced. Some 26,000 people remain unable to return to their lands due to military occupation as of February 2013. The government continues to use private land in the North and East and some NGOs have reported that Tamil citizens are frequently pressured to sell their land to military business interests (ICG: 2013, 20).

Without their land and homes, these Tamils cannot reestablish their lives. Hence denial of their land rights is an indirect form of repression. Since the end of the war and the tsunami (which also uprooted many people), resettlement and questions of ownership, access, and control have been important issues for the government to address. However, the government has at times ignored and disregarded existing laws and unfairly taken property without compensation (Fonseca: 2011). By denying people access to their property, the government makes it harder for people to use their resources and abilities productively and undermines its own growth. Moreover, people who are unable to return to their property may not easily let go of grievances. Under Sri Lanka law, such acquisitions must adhere to the Land Acquisition Act, which allows lands to be acquired for a “public purpose.” Recent acquisitions have included military development and tourism. In other instances, land has simply been seized by state entities with little redress for affected parties. For example, in October 2014, some 20,000 land permits were taken from individuals in the North. The public is generally unaware of their land rights and entitlements. Moreover, as a result of the war and tsunami, many individuals have lost documents that would allow them to claim ownership and control. One think tank, the Centre for Policy Alternatives, said “these trends are extremely dangerous in a context that provides for limited options to challenge illegal practices and unfair and unjust policies.” (Fonseca; 2014, 11)

According to the International Crisis Group, the government points to the many new roads and infrastructure projects as well as job opportunities it has created in the areas where it has seized land for “public purpose.” However, the returnees have seen little benefit; they have lost their homes and have few jobs, economic opportunities, or savings. Many more people have not returned because they cannot argue for their property or land. The government has focused on broad based development (or the military’s needs) and has not focused on the more immediate needs of returnees or those who yearn to return (International Crisis Group: 3/2012, i-ii).



## **VI. The Sri Lankan Public's Opinion Regarding Repression and Reconciliation**

In 2009, with the end of the war, Tamil leaders focused on finding common ground through the political system. But the Sinhalese public, some 70% of the population, still seemed supportive of repression in the interest of maintaining national security (International Crisis Group: 2012, i). We theorize that the Sinhalese feared the return of conflict. In 2011, the Centre for Policy Alternatives polled some 1993 Sri Lankans of all ethnicities. They found large majorities, and that all four communities (Sinhala – 68.2%, Tamil – 70.3%, Up country Tamil – 70.8%, Muslim – 87.8%)<sup>19</sup> stated that democracy is preferable to any other kind of government. Some 52.7% of Sinhala respondents, 76.3% of Tamil respondents, 71.1% of Up country Tamil respondents, and 70.1% of Muslim respondents strongly disagreed with the suggestion of having the army rule a country. On the topic of a political solution for Sri Lanka's ethnic problems, 29.7% of Sinhala, 59.1% of Tamil, 30.8% of Up country Tamil, and 53.5% of Muslim communities agreed that the Constitution should be changed to produce a political solution to the country's ethnic problem.<sup>20</sup>

Yet views were starting to change. By 2013, the Center again polled 2145 Sri Lankans of all ethnicities. 26.5% of people from the Tamil community said that the Government has done nothing to address the root causes of the conflict while 35.5% from the Sinhalese community say that the Government has done a lot. Almost 50% from the Tamil community, 58.8% from the Up Country community and 39.3% from Muslim community believe that the Government has done a little but not enough. But the poll revealed that Sri Lankans were beginning to accept the idea that they should do more. In 2013, 61.1% of Sri Lankans think that the Government should give priority to allocating resources to rebuilding the conflict affected areas, even if this means that less money is spent on the rest of the country. This opinion is held by 80% from the Tamil community, 59.1% from Sinhala, 63.5% from Up Country Tamil, and 49% from Muslim communities.<sup>21</sup>

The January and August 2015 elections as well as these polls reveal that the Sri Lankan public wants greater reconciliation, but it is unclear how far they want their government to go in terms of providing autonomy to Tamils. The August election may reveal if the majority of Sinhalese want more pluralism and less discrimination.

## **VII. The Economic and Political Consequences of Sri Lankan Repression**

### **a. Economic Consequences**

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<sup>19</sup> Up country Tamils are Tamils who are originally from India, not Sri Lanka.

<sup>20</sup> Social Indicator, Center for Policy Alternatives, "Democracy in Post-War Sri Lanka - Top Line Report, 2011," July 2011, <https://www.scribd.com/doc/62576282/Democracy-in-Post-War-Sri-Lanka-Top-Line-Report>

<sup>21</sup> Social Indicator, Center for Policy Alternatives Sri Lanka, Democracy in Post War Sri Lanka, <http://www.cpalanka.org/top-line-survey-results-democracy-in-post-war-sri-lanka/>

During and after the civil war, Sri Lanka has been held back by civil conflict. Although the nation has continued to grow and develop rapidly, one can't help but wonder how much growth has been missed because Tamil (and Muslim) contributions have been suppressed.

Sri Lanka is important strategically both through trade and national security: 40 percent of all seaborne oil passes through the Strait of Hormuz and half of the world's merchant fleet capacity sails through the Straits of Malacca. With its strategic location near deep-water ports in India and Myanmar, Sri Lanka could serve as the fulcrum of a modern and dynamic Indo-Pacific region (Kerry: 2015). Under Rajapaksa's leadership, Sri Lanka's posted economic growth averages 7 percent a year since the end of the civil war in 2009, with inflation declining along with unemployment, poverty, and inequality. Per capita GDP has increased from \$869 in 2000 to \$3,256 in 2013. Sri Lanka posted a real GDP growth of 7.3 percent in 2013, rising to an estimated 7.5 percent in 2014, although the IMF has projected growth will ease to 6.5 percent this year and the next (IMF: 2014, 9). However, the government is unable to deliver equitable economic growth because it is unwilling to achieve reconciliation. The Sirisena coalition was united by its desire to defeat Rajapaksa but it is not united on how to achieve equitable development. Sirisena promised to expand subsidies and raise welfare payments, which, in the absence of offsetting revenue gains, would jeopardize Sri Lanka's hard-won progress in reducing its large debt and interest burdens. Moreover, he promised to empower the Parliament and reduce the power of the Presidency. But the Parliament, like his Cabinet, was divided before the election (Fensom: 2015).

Since the end of the war, international organizations as well as governments such as the US have tried to use development aid to foster conflict sensitivity and economic equity among all ethnic groups – Sinhalese, Tamil, and Muslim. For example, the World Bank tried to encourage Sri Lanka to focus development on areas in the South and East where the war had done extensive damage. From 2009 to 2012, Sri Lanka resettled about half of those displaced by the 30-year war and rehabilitated homes as well as the village infrastructure in parts of the affected areas. The country also improved its rural electrification and began providing potable water to conflict affected regions. The Bank also tried to encourage reconciliation through development: it required staff, in examining projects, to ask whether sufficiently broad stakeholder consultations were conducted, whether adequate impartial grievance mechanisms were established, whether project management and administration was adequately sensitive to inter-ethnic issues, and finally whether conflict-generated needs were adequately identified. However, the government has not yet ensured that development leads to new opportunities for minorities (Senate Foreign Relations: 2009; World Bank Independent Evaluation Group: 2012).

Sri Lanka both depends on and is hurt by the loss of many of its talented citizens to other countries (a brain drain). Between 1.2 and 1.5 million people of Sri Lankan origin live overseas, either as temporary migrant workers or as permanent migrants. This represents between 6-7 percent of the total population and about 15 percent of the total labor force in 2005. The bulk of

migrants are Tamils, forced out by the war (Ukwatta: 2005). The external migration provides macroeconomic stability and income (Gallina: 2007, 5-7, 10, 12, 19, 31). However, it also reveals that many Sri Lankans perceive greater opportunities overseas.

## **b. Domestic Political Consequences**

Although many Tamils are willing to make concessions to get concessions from the Sri Lankan government, they have not achieved much progress. The military still maintains many troops in the North and East with checkpoints. The military also runs larger businesses, and hence controls how the north is being developed and transformed. The government continues a process of Sinhalization in the North by shipping new families and appointing Sinhalese officials to local government jobs. As a result, the Tamil people have little control over their economic destiny. Additionally, the government has not made real progress on accountability for war crimes and has refused to provide Tamil authorities with a list of detainees, and even deny Tamils the right to sing the national anthem in Tamil. The International Crisis Group concluded that by not giving major political concessions to the moderates, the government undermines moderation and indirectly encourages more radical or separatist groups who can easily criticize the lack of results. Tamils also bear some responsibility for their failure to make extensive political progress. While Sinhalese policymakers have not devised constitutional arrangements to recognize the status of the Tamils as a distinct people and effectively provide them with a form of political autonomy, Tamil groups are divided as to whether they are a people who deserve a measure of self-governance or if they are a minority deserving equal rights (International Crisis Group: 11/2012, 12-13, 15-17).

Meanwhile, Muslims also feel insecure in the face of attacks on religious sites and identities. However, despite shared concerns, many Muslims were alienated by the violence during the times of Tamil militancy and hence, unwilling to cooperate (International Crisis Group: 11/2012, 25).

## **c. International Political Consequences**

India, China, the US, and the European Union have all responded differently to the end of the war. India directly suffered from the spillover from the Sri Lankan conflict in 1991 when a LTTE female suicide bomber assassinated Prime Minister Rajiv Gandhi, reportedly in response to Gandhi's decision to send an Indian Peace Keeping force to Sri Lanka in 1987. Communal tensions in Sri Lanka could undermine stability in India, particularly in the southern Indian state of Tamil Nadu, home to 60 million Hindu Tamils. India's large Tamil population just across the Paulk Strait fuels fears among Sri Lanka's Sinhalese community who fear upheaval in India could lead more Tamil to migrate to Sri Lanka. While the Sinhalese fear Indian instability, Indians fear Sri Lankan instability. India has thus worked quietly behind the scenes to push for faster resettlement for Tamils. (Senate Foreign Relations: 2009).

While India wants to encourage reconciliation, China wants to gain new markets for its goods and cheaper and easier access to resources and greater control over its sea lanes. According to the Congressional Research Service, “Chinese activity in the region appears to be seeking friends like Sri Lanka to secure its sea lines of communication from the Straits of Hormuz and the western reaches of the Indian Ocean region to the Strait of Malacca to facilitate trade and secure China's energy imports” (Senate Foreign Relations: 2009; International Crisis Group: 11/2012, 22). China has provided billions of dollars in military loans, infrastructure loans, and port development. Since 2014, China has become the country's largest investor, top government lender, and second-biggest trading partner. Chinese-funded projects include a \$1.4 billion plan to build a city roughly the size of Monaco on reclaimed land in Colombo port. Sirisena vowed to scrap the project, which would be Sri Lanka's biggest foreign-funded investment on record (Tiezzi: 2015).

In 2010, the European Union decided to use its trade leverage to help bolster reconciliation among the Sri Lankan people. The EU is Sri Lanka's largest export destination; it takes some 36% of its exports. Sri Lanka was eligible for the GSP Plus program, which allows Sri Lankan goods a reduction in EU tariffs. Sri Lanka was thus able to get a growing share of garment production, providing jobs to thousands of Sri Lankan women. However, the GSP Plus benefit is predicated on Sri Lanka's compliance with internationally recognized labor and human rights standards, including treatment of the IDPs. After evaluating Sri Lanka, EU officials determined that the country was not adhering to 3 of the 27 international covenants that a country must abide to qualify for the consideration of GSP Plus. In February of 2010, the EU warned the nation it would have 6 months before GSP was suspended, but that the decision could change pending the country's response. The Sri Lankan government did not issue a formal response, viewing the action as a violation of its sovereignty. The EU suspended GSP, but in March of 2015, because the new Sri Lankan government seems more committed both to reconciliation and to meeting its human rights commitments, the EU announced that it would reconsider Sri Lanka's case under a special monitoring process.<sup>22</sup>

Meanwhile, the United States was torn as to what incentives it could offer Sri Lanka to facilitate regional stability, domestic reconciliation, improved governance, and closer ties. The US wants to keep the government independent, moderate, and nonaligned, to encourage its territorial integrity and democratic institutions, and to stimulate social and economic development. It also wants to keep the government friendly to the US and open to sharing information about security

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<sup>22</sup> On EU policies towards Sri Lanka, European Union External Action, “EU Relations with Sri Lanka,” [http://eeas.europa.eu/sri\\_lanka/index\\_en.htm](http://eeas.europa.eu/sri_lanka/index_en.htm). On Sri Lanka failure to respond, DG Trade, “EU regrets silence of Sri Lanka regarding preferential import regime,” [http://trade.ec.europa.eu/doclib/docs/2010/july/tradoc\\_146301.doc%20ftw.pdf](http://trade.ec.europa.eu/doclib/docs/2010/july/tradoc_146301.doc%20ftw.pdf); and <http://ec.europa.eu/trade/policy/countries-and-regions/countries/sri-lanka/>. On GSP, NA, Sri Lanka loses GSP Plus,” Tamil Guardian, 2/24/2010, <http://www.tamilguardian.com/article.asp?articleid=2673>; and NA, “Sri Lanka starts process to regain EU's GSP Plus,” Adaderana.lk 3/28/2015, <http://www.adaderana.lk/news/30289/sri-lanka-starts-process-to-regain-eus-gsp-plus>

developments in Asia. The Department of State notes that American interests in the region include securing energy resources from the Persian Gulf and maintaining the free flow of trade in the Indian Ocean. US policymakers want to encourage the current government to take stronger reconciliation efforts, but policymakers also recognize that government officials do not want to move too fast and arouse opposition from Sinhalese parliamentarians and traditional elites.<sup>23</sup> Hence, the US is struggling to push Sri Lankan officials to do more without alienating them. Policymakers recognize that Sirisena is trying to resume a nonaligned posture while he reevaluates the country's international relations (Gunaratne and Miller: 2015). Hence, they have adopted a strategy of renewed engagement while at times reminding Sri Lanka of their concerns about the failure to account for the impact of the war. Between 2010 and 2012, the US reevaluated the nation's eligibility for US GSP in the wake of inadequate protection of labor rights. US policymakers decided they saw sufficient improvement and commitment and that they could achieve more lasting changes by working with the government.<sup>24</sup> Sri Lanka has also asked for assistance from the US Millennium Challenge Corporation (MCC). The MCC, however, can only lend to countries that meet its strict good governance provisions.<sup>25</sup> Sri Lanka would probably not be able to meet these provisions, given its record of discrimination of ethnic minorities.

The US has criticized the current regime for not fully investigating or allowing the United Nations to investigate the human rights violations that went on during the war. US policymakers recognize that many Sri Lankans believe a solution cannot be imposed from outside; they must be allowed to oversee the transitional justice programs developed by their democratically elected leaders. Nonetheless, in May of 2015, Secretary of State Kerry warned Sri Lankans that "true and lasting peace, especially after a civil conflict, requires policies that foster reconciliation, not resentment. It demands that all citizens of the nation be treated with equal respect and equal rights, and that no one be made to feel excluded or subjugated. It calls for a military that projects its power outward to protect its people, not inward to police them" (Kerry: 2015) He then called on the government to investigate missing persons, to repatriate citizens and return their land to them, to release political prisoners, to strengthen democratic institutions, and to "cooperate with the United Nations as it explores the best way to mount a credible domestic investigation into allegations of human rights abuses. Kerry noted that the investigation must be seen as legitimate in the eyes of the Sri Lankan people (Kerry: 2015).

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<sup>23</sup> Department of State, US Relations with Sri Lanka, Fact Sheet, 2/25/2015, <http://www.state.gov/r/pa/ei/bgn/5249.htm>; and Testimony of Atul Keshap, "Nomination Hearing for Ambassador to Sri Lanka and Maldives Senate Foreign Relations Committee," 6/23/2015, [http://www.foreign.senate.gov/imo/media/doc/062315\\_Keshap\\_Testimony.pdf](http://www.foreign.senate.gov/imo/media/doc/062315_Keshap_Testimony.pdf)

<sup>24</sup> USTR, "USTR Closes GSP Worker Rights Review of Sri Lanka: Preference Program Helps Promote Progress on Labor Issues," 6/29/2012, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2012/july/ustr-closes-gsp-worker-rights-review-sri-lanka>

<sup>25</sup> NA, "Sri Lanka seeks grant assistance from US," *Business Standard*, 7/19/2015, [http://www.business-standard.com/article/news-ians/sri-lanka-seeks-grant-assistance-from-us-115071900010\\_1.html](http://www.business-standard.com/article/news-ians/sri-lanka-seeks-grant-assistance-from-us-115071900010_1.html). Re MCC criteria, The MCC Board of Directors selects countries eligible for MCC assistance. For a country to be selected as eligible for an MCC assistance program, it must demonstrate a commitment to just and democratic governance, investments in its people, and economic freedom as measured by different policy indicators. <https://www.mcc.gov/pages/selection>

Such lectures are not well received in Sri Lanka. In 2009, one Western aid official told Senate Foreign Relations Committee staff: “Sticks don't work with the Sri Lankan Government. They need to hear coordinated, constructive messages that give them time to implement change without losing face.” Others warned that the US must compete with China by investing in projects that are Sri Lankan government priorities such as big infrastructure projects and roads, rather than projects that the US wants to encourage reconciliation. In its 2009 study, the Senate Foreign Relations Committee concluded that while humanitarian concerns remain important, U.S. policy toward Sri Lanka cannot be dominated by a single agenda. The US has important U.S. geostrategic interests in the region such as expanding trade, competing with China for regional influence, and reducing terrorism (Senate Foreign Relations: 2009).

### **VIII. Will Repression Continue in the Near Future?**

The Sirisena Administration is trying to reduce repression. It has taken steps such as case-by-case reviews of those detained under the Prevention of Terrorism Act, the lifting of restrictions on media reporting, the end of Internet censorship, and the appointment of non-military personnel as governors to the North and East Provinces. It has also removed nongovernmental organizations from the oversight of the Ministry of Defense (Roth: 2015). These measures represent an important step forward, but they don't send the right signals to the Sri Lankan public, particularly the Tamils, about repression and reconciliation. The Sri Lankan Army has not withdrawn troops or camps in the North. The new Commander of the Army, Lieutenant General Crishantha De Silva, said that safeguarding territorial sovereignty was of paramount importance and vowed to take all measures to prevent the resurgence of militancy in the North. In addition, the military refuses to release land to the original owners in the North and East, although some owners have been returned private lands adjacent to various Army camps have been released from time to time, after May 2009.<sup>26</sup>

However, Sri Lankan attitudes are changing. Sri Lanka has a growing Sinhalese middle class that increasingly sees the need to improve the rule of law, fight corruption, and end impunity. This growing middle class has not yet aligned with minority groups and/or business to develop a broad good governance political coalition (Interview with Alan Keenan: 7/26/2015). Nonetheless, public opinion seems increasingly to support reconciliation and to be optimistic about improving governance. In June of 2015, the Social Scientists' Association in Sri Lanka polled some 1,500 households, across 44 electorates, in 22 electoral districts in the country. They found that 84% of respondents agreed that the government should intervene more to ensure the rights of the minorities. While 79% of the Sinhalese respondents were of this view, 90% of the Tamil community, 89% of the Muslim community and 88% of the Up Country Tamil (Indian Tamils) community concurred. Similarly, 90% of the respondents agreed that the government needed to

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<sup>26</sup> NA, “Sri Lanka Army not to withdraw troops, camps from North,” *ColomboPage* 4/2/2015, [http://www.colombopage.com/archive\\_15A/Apr02\\_1427914608CH.php](http://www.colombopage.com/archive_15A/Apr02_1427914608CH.php)

do more to ensure the livelihood security of war-affected individuals in the North and East of the country. 68% of those polled were hopeful that relationships between ethnic communities would improve. Although 60% of all polled felt that media freedom had improved; only 50% of respondents reported that the rule of law was improving.<sup>27</sup> Hence, more Sri Lankans agree that the nation's failure to improve the rule of law for all citizens means it is thwarting their potential and the country's future.

## **IX. Sri Lanka Repression, Civil Conflict, and Leadership Tenure: the Sri Lankan Case Reveals**

**Q1. Do Sri Lankan citizens respond differently when confronted with political repression, violent repression or a mix of repressive tactics?** *Yes, but it depends on the period and the citizen group. Before 1983, despite a mix of political and violent repressive acts committed and/or condoned by the state, Tamils responded to repression with political protest. However, after the riots and pogroms of 1983, they turned to violence. From 1983 to 2009, Tamils and Muslims living in the North and East suffered violent repression by both the Tamil Tigers and the Sri Lankan army. They often responded to violent repression with equally violent actions. Since the war, although violent repression has been greatly reduced, the Sri Lankan government continues to discriminate among citizens and to use both political and violent repression.*

**Q2. Do officials use different types of repression in response to different types of civil conflict?** *Officials generally used both political and violent repression against Tamils and more recently Muslims, while not always coordinating attacks, but implicitly condoning them.*

**Q3. Does the use and type of repression (whether political, violent or some combination) increase the likelihood that rulers retain power?** *For Sri Lankans there was a tipping point. Once the Rajapaksa regime started to squelch domestic criticism of the reconciliation process the government's lack of accountability and rule of law, Sinhalese voters joined with Tamil moderates and voted Rajapaksa out. Meanwhile, the use of violence by the Tamil Tigers during the war towards other Tamils may have delegitimized violent repression among the Sri Lankan Tamils. However, Tamils could again turn away from moderation if the government does not address their concerns and allow them greater autonomy and more economic and political opportunities. As the two snap elections reveal, the public seems to want greater more stability, reconciliation, and better governance. They elected leaders who promised to provide those results and kicked out Rajapaksa, their repressive leader.*

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<sup>27</sup> Social Scientists Association, "Political Weather Analysis, Survey on Current Trends, June 2015, <http://ssalanka.org/sri-lanka-political-weather-analysis-june-2015/>

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