



The Long Shadow of War – *The Struggle for Justice in Postwar Sri Lanka*

Q&A - May 28, 2015

What makes this new report important?

This first independent in-depth report on post-war Sri Lanka reveals how, six years after the violent conclusion of the conflict, thousands of Tamils remain displaced from their lands and homes due to the continued occupation of the Northern and Eastern Provinces by the Sri Lankan military.

The change of government in January 2015 and Secretary Kerry's visit to the country in May 2015 suggest hope for reconciliation amidst Sri Lanka's new relationship with the international community. However, *The Long Shadow of War* brings forward evidence, information, and analysis that demonstrate an intensification of the Sinhalese colonization of Tamil homeland following the end of the war. It concludes that the dire human rights situation and continued heavy military occupation of the North and the East are unlikely to change, despite the promises and gestures of the new Sri Lankan government.

Through personal testimonies and photo galleries, the report makes real the day-to-day lives of the internally displaced peoples (IDPs). Despite government's claims that all IDPs have been settled, thousands remain displaced from their homes and livelihoods. The report exposes how in the name of maintaining security, the military is running tourist luxury resorts, hotels, and other business ventures on the lands of the displaced. It explains how this is part of a larger process of Sinhalization and colonization of the North East, and raises serious concern about the reversibility of this process.

Isn't the army presence necessary given the long history of conflict?

In 2014, an estimated 160,000 soldiers were stationed in the North, a ratio of roughly one army personnel for every six civilians, despite the end of hostilities in 2009. As revealed by the Oakland Institute's report, this occupation is not about ensuring security. The army is engaged in large-scale property development, construction projects, and business ventures including travel agencies, farming, holiday resorts, restaurants, and cafes. The army runs luxury resorts and golf courses erected on land seized from now-internally displaced Tamil people. Tourists can book holidays at luxury beach resorts, such as the Hotel Thalsevena, by directly calling reservation numbers at the Ministry of Defence.

What is Sinhalaisation?

The ongoing land grabs perpetuate and build upon a long history of marginalization of the Tamil population, which has involved violence, pogroms, repressive laws, and a government-orchestrated colonization of the Northern and Eastern parts of the island nation that used to constitute Tamils' homeland.

After independence in 1948, the takeover of land and displacement that continue even today started via "development" projects and irrigation schemes, through which Tamil lands were colonized via the settlement of hundreds of thousands of Sinhalese brought from the Southern part of the country. Beyond the destruction of Tamils' livelihoods and the takeover of their land and water resources, this colonization involved a systematic war on Tamil culture, language, and religion. The 1956 law that made Sinhala the only official language in the country was one of the many discriminatory measures aimed at the cultural and economic marginalization of the Tamils.

This process not only stripped them of their culture, land, and livelihoods, but also significantly altered the demographic makeup of these regions.

Since the end of the war, the process of Sinhalaisation has intensified, with an aggressive government-led effort that systematically replaces Tamil culture and history with victory monuments dedicated to Sinhalese hegemony and Buddhist religion on the ruins of the Tamil homeland. This involves the establishment of Sinhala signboards, streets newly renamed in Sinhala, multiple monuments to Sinhala war heroes, war museums, and the construction of Buddhist temples--even in areas where no Buddhists live.

In addition to the land question, what other human rights issues are highlighted in the report?

The report brings forward two other key human rights issues that remain unaddressed following the end of the war.

The first concerns the thousands of people missing since the end of the conflict. A 2012 United Nations report refers to more than 70,000 people who are not accounted for. The Bishop of Mannar has given an even higher number of 147,000 missing from the Vanni region alone. The Oakland Institute researchers gathered dozens of testimonies that confirm that large numbers of individuals are still missing. Many include personal statements from family members of those missing since their surrender to the Sri Lankan army in 2009 and those missing before then, and statements of people whose sons, brothers, and husbands were "whitevanned" (a term that became synonymous with disappearances in Sri Lanka after hundreds of abductees were taken away in white vans).

The second major issue is the lack of any thorough investigation and prosecution of war crimes and human rights violations committed by both sides over the course of the conflict. The Liberation Tigers of Tamil Eelam (LTTE, known as "Tamil Tigers") were defeated in 2009 through a bloody military offensive that led to widespread destruction, the killing of tens of thousands of civilians by government shelling, and the displacement of the entire civilian population living in rebel-controlled territories. A 2011 United Nations panel raised serious questions about the actual objectives of the military operations, observing how the army "shelled on a large scale in

three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate.”

On February 10, 2015, Sri Lanka’s Northern Provincial Council (NPC) passed a strongly worded resolution accusing the successive Sri Lankan governments since independence, of committing genocide against the Tamils. The resolution calls for the UN Office of the High Commissioner for Human Rights Investigation on Sri Lanka (OISL) to investigate the claim of genocide and recommend appropriate investigations and prosecutions by the International Criminal Court. Available information appears to provide enough ground for the UN to investigate the accusation of genocide.

Will the recent change of government affect the situation?

The new government elected in early 2015 promised that it will engage in a process of truth and reconciliation. Some of its initial gestures have included the release of eight political prisoners and the release of some lands in the North and East. However, these moves are minimal given the extent of the problems highlighted in the report and raises serious questions about the government’s ability to do more. The current level of military occupation and the ongoing Sinhalaisation belie the government's assurance.

The announcement on May 15, 2015 of Maj. Gen. Jagath Dias’ appointment as the Army Chief of Staff, one of the armed forces’ highest post, despite the fact that under his command the 57th division was implicated in serious human rights abuses, rebuffs current government pledges to credibly investigate alleged war crimes through a domestic accountability mechanism.

The release of Tamil activist Jayakumari Balendran came with conditional bail of about \$1,500. Held under suspicion by the Terrorism Investigation Division (TID) for more than a year though Balendran was not charged with a specific crime, her 13-year old daughter was kept in the custody of the child protection authorities. The release of people on bail is not the same as letting them go free. In addition, she had to surrender her passport and has to report in person to the police each month while her investigation continues. She returned to a home where her belongings are missing. Unable to rent a place, she is now living with her mother in a hut with no basic facilities while her daughter is back with the child protection services. Balendran’s crime: she had been involved in efforts to find missing people from the war after her own son was forced into the ranks of the rebel army as a child and has been missing since 2009, when he reportedly surrendered to government forces. Her testimony to the Oakland Institute since her release is a direct challenge to President Sirisena’s government, questioning its commitment to reconciliation and justice.

May 19, 2015 celebration of war heroes of the armed forces, police and civil defence forces at the 'Ranaviru' commemorative parade (Victory Parade) by the Ministry of Defence, came after banning events planned to remember the civilians killed in the North during and towards the end of the war. Mullaitivu’s magistrate issued a stay order banning any events to remember the innocent up to 14 days from May 18 in Mullaitivu police area. Events that were organized, despite the ban, had an intimidating presence of the police and army officials.

In the light of the above, a process of truth and reconciliation has little hope of succeeding and depicts the lack of decisive and concrete moves to ensure a genuine democracy, with full and equal human rights ensured to all citizens, including the minorities.

What should the international community do?

In March 2014, the UN Human Rights Council adopted a resolution to launch an inquiry into war crimes allegedly committed by both Sri Lankan state forces and Tamil separatist rebels and the ongoing human rights abuses on the ground today. President Mahinda Rajapaksa, who oversaw the government's victory over the LTTE, responded by prohibiting the UN investigators from entering the country. Despite the government's obstruction, the UN was set to release the report on suspected human rights abuses in March 2015. However, the new government of President Maithripala Sirisena secured a 6-month postponement of the release, promising its own internal inquiry and reconciliation program.

Given the government inaction over these critical human rights issues, international pressure is critical for any decisive action to take place. India and the US have made gestures of geopolitical cooperation since the elections in early 2015 ushered in new leadership. It is critical that instead of pursuing their geostrategic interests, key members of the international community demand the release of the UN inquiry which has already been completed. The Human Rights Council should start establishing a judicial process under the auspices UN control to ensure justice is done.

The human rights situation in Sri Lanka will not improve until the culture of impunity is replaced with a culture of responsibility, accountability, and fulfillment of full rights of minorities in the country. Ensuring that this happens is the responsibility—not a political dilemma—of the international community. This is a vital moment for Sri Lanka and for international justice.

What was your research methodology? How was the information collected?

This report is based on research conducted in 2014-2015. This included desk review of literature and interviews with political leaders, human rights groups, war widows, internally displaced people (IDPs), and impacted populations. Field visits were made to villages, IDP camps, war memorials, and “development” projects in the Eastern and Northern Provinces in December 2014.

The primary methods used to gather data included focus group sessions employing a facilitated discussion around ongoing land grabs and continued military occupation of the North and East. Each focus group was comprised of 6 to 8 respondents. Prior to the start of the session, the research team went over the topic, established an open environment to ensure all points of view were welcomed, and followed up on unexpected but relevant topics that were raised. Such focus groups were organized in Colombo (2), Batticaloa (5), Trincomalee (1), Jaffna (2), and Mullaitivu (1).

Individual interviews using open-ended questions were also conducted with key informants. More than 100 interviews were carried out in Colombo, Batticaloa, Trincomalee, Kuchaveli,

Jaffna, Vavuniya, Kilinochchi, and Mullaitivu with the intention of establishing detailed and in-depth information on issues raised in the report.

The business visa for Sri Lanka which could ensure interaction with the locals, unlike the tourist visa, and clearance from the Ministry of Defence to enter the Northern Province in December 2014 required our interaction with the government officials. We were clear that our visit would result in a report on post-war Sri Lanka. Our research involved communication and meetings with the Ministry of Commerce and Board of Investment to learn about programs in the North and the East to assist war impacted communities. Information such as business plans and budgets on their intended programs to assist war widows were promised but not received by the Institute.

While it was not possible to reproduce all testimonies in the report, the Oakland Institute is making detailed testimonies available to UN organizations, governments, and civil society organizations who care to learn about human rights abuses and displacement.

Did you face any constraints or limitations during your research?

Our fieldwork was conducted in December 2014. With impending elections and the forthcoming UN resolution, the watchful eye of the military made fieldwork difficult. Fieldwork in the Northern Province required clearance from the Sri Lankan Ministry of Defence. Access to all “high security zones” occupied by the military was not possible.

It was not possible for the research team to include all the districts in the North and East due to restrictions of time and the political conditions that prevailed during the research.