



THE SENTINEL PROJECT
FOR GENOCIDE PREVENTION

Risk Assessment

THE RISK OF MASS ATROCITIES IN SRI LANKA

January 2014

THE SENTINEL PROJECT FOR GENOCIDE PREVENTION IS A NON-PROFIT ORGANIZATION DEVOTED TO EFFECTIVE EARLY WARNING OF GENOCIDE AND THE IMPLEMENTATION OF PREVENTIVE MEASURES BEFORE LIVES ARE LOST.

WE WILL ACHIEVE THIS THROUGH THE CREATIVE USE OF TECHNOLOGY AND COOPERATION WITH THREATENED GROUPS.

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1.0 EXECUTIVE SUMMARY

The risk of mass atrocities in Sri Lanka reached a critical threshold from January through May 2009, when the government of Sri Lanka intensified efforts to militarily eliminate the Liberation Tigers of Tamil Eelam (LTTE) who had been fighting for an independent Tamil homeland since 1983. As hostilities escalated in the conflict zone, civilians trapped between the LTTE and the Sri Lankan government's armed forces became victims of mass atrocity crimes.

In April 2009, leading human rights advocates called on the UN Security Council to take immediate action to prevent human rights violations in Sri Lanka. They urged the Security Council to uphold the 'responsibility to protect' 100, 000 civilians at risk of mass atrocities in northern Sri Lanka.¹

Almost five years later, the risk of mass atrocities in Sri Lanka remains high. This report addresses some of the underlying sources of the risk of mass atrocities that represent a threat to human security in Sri Lanka.

Under President Rajapaksa's mandate, the operational freedom of state security agencies has been reinforced with an ever-greater concentration of power. Consequently, the military has been tasked with the reconstruction of devastated Tamil areas in the north, the heavy militarization of which remains one of the main obstacles to the region's recovery since the Sri Lankan military has assumed an economic role in not only overseeing but also approving development efforts. The military's freedom of action represents a potent example of socioeconomic deprivation of a specific group based on the treatment of Tamils as second-class citizens by the Sri Lankan government.

The high increment of the 2013 military budget has fueled concerns that have been raised by both ethnic Tamils and international human rights groups about the increasing presence of the military in the north. Moreover, military presence hinders the resolution of tensions between Tamils and the Sri Lankan government, especially in its increasing reliance on violence to quell political dissidence.

Additionally, the defeat of the LTTE in 2009 has done little to address the concerns and fears of the Tamils as they relate to Sinhalese domination. Instead of forming more inclusive relationships with the minority, the Sinhalese government has used this transitional period to reassert Sinhalese power. The subsequent "Sinhalese" of the north risks renewing tensions between Tamils and the Sinhalese government as it fails to address the old grievances that precipitated the civil war. In the Sri Lankan case, the continued appeal to Sinhalese nationalism by President Rajapaksa

¹ "Leading human rights' advocates urge the Security Council to uphold the responsibility to protect 100, 000 civilians at risk of mass atrocities in Sri Lanka", *Global Centre for the Responsibility to Protect*. http://www.globalr2p.org/regions/sri_lanka accessed December 27, 2013.

has done little to improve ethnic relations between the Sinhalese and Tamil ethnic groups.

The Rajapaksa government continues to undermine any power sharing efforts that have been proposed by Tamil moderates who are seeking a peaceful resolution to their grievances. Although the Tamil National Alliance (TNA) has emerged as a formidable voice for Tamils in Sri Lanka, the federal government consistently refuses to concede any significant power to them, even resorting to violent attacks on TNA supporters perpetrated by police in order to silence them. Additionally, police and military forces, as well as Sinhalese militias, continue to resort violence, including intimidation, disappearances, arbitrary arrests, torture, and even murder to restrain any opposition to the government.

The increasing consolidation of power by the president and his family has further eroded the remaining semblance of democracy in Sri Lanka by gradually eliminating any persons or systems of accountability. The government has refused to investigate war crimes and other atrocities committed by its military forces during the last phase of the civil war.

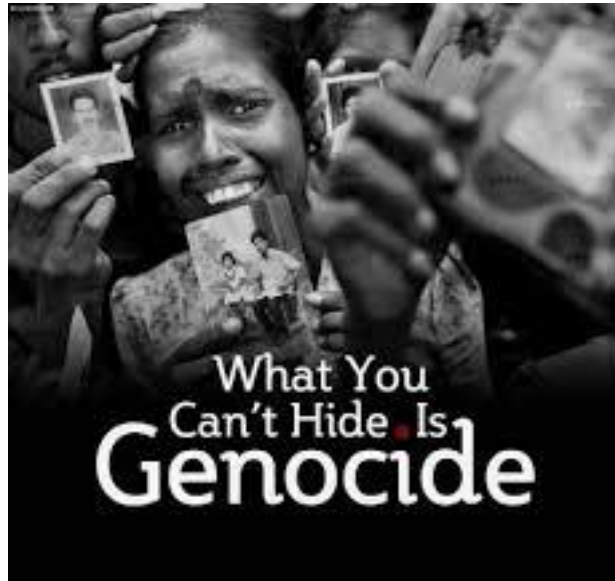
Violence remains a real risk for journalists, which is only heightened by the impunity that perpetrators enjoy. Moreover, the Sri Lankan government continues to rely on restrictive legislation enacted during the civil war in order to suppress the freedom of expression in peacetime.

Within Sri Lanka, numerous commissions of inquiry have failed to investigate these findings during the last decade. Additionally, genuine investigations or fact-finding missions have yet to be established, and there is no sign of improvement regarding national efforts. Both the Sri Lankan government's military strategy to fight the LTTE in northern Sri Lanka as well as the LTTE's counter-strategy constituted violations of international law and standards and often amounted to criminal conduct.

Sri Lanka's culture of impunity manifests as the under-enforcement of international human rights law. The operational freedom given to the military and police poses a risk of mass atrocities since it presents the opportunity for both the established regime and its challengers to either fortify or transform the existing order by eliminating threats and consolidating power.

The displacement of 470,000 people from the northern provinces during the civil war has also increased resentment by ethnic Tamils against the Sri Lankan government and military. This resentment could manifest into increased anti-government protests, which will undoubtedly lead to violent clashes between the two ethnic groups and subsequently extreme measures to subdue further challenges to government authority.

2.0 INTRODUCTION



Front page of the indictment document filed under the US Genocide Accountability Act of 2007 by the US-based NGO Tamils Against Genocide (TAG) and the Tamil Legal Defense Fund (TLDF) in 2009.

The end of three decades of war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) in May 2009 created an opportunity for the Sri Lankan state to recognize the multi-ethnic and multi-religious nature of the country. However, the government's euphoria at winning the war was followed by the establishment of a culture of impunity, particularly with respect to the military, as a reward for defeating the LTTE.

After the civil war, many hoped that the government would end institutionalized impunity for human rights violations and create a political space for dissent, adopting a more democratic style of governance. However, following the 2010 national elections, Sri Lanka witnessed the inauguration of a new political regime that has been described as a "hybrid regime," in which formal democratic processes, such as periodic elections, are combined with a strong incumbent party to limit the organizational capacity of the political opposition. This mixture of authoritarian and democratic elements has allowed state security agencies to operate with minimal constraints, especially in the northern regions of the country inhabited by Tamils.

The international community also had high expectations of change at the end of the civil war, when it was thought that President Mahinda Rajapaksa would return substantial power to the northern and eastern provinces in order to address the longstanding political marginalization of Tamils. The international community called on the Sri Lankan government to shrink the size and role of the military, relax the grip of its

security apparatus and begin to repair the damage caused to its democratic institutions by almost thirty years of war, particularly the damage caused to the police and judiciary.

Unfortunately, hopes for reconciliation have not been met. As a result, this risk assessment analyzes the sociocultural, economic, and political factors that continue to generate violent clashes between Sinhalese and Tamils that could escalate to mass atrocities. The information presented below has been gathered from international organizations, international human rights NGOs, and both Sri Lankan and international media. Through a detailed evaluation of the sources, this report illustrates and examines the concentration of power in the executive and military, the lack of accountability for human rights violations and the culture of impunity proclaimed by the government as some of the main risk factors for mass atrocities.

In the final chapter, this risk assessment considers the historical roots of the conflict and provides an account of some of the claims made by international human rights organizations concerning the perpetration of mass atrocities, including accusations of genocide against Tamils by the Sri Lankan government, especially with regard to the 40,000 civilians killed in the last months of the war.

2.0 HISTORICAL BACKGROUND

Sri Lanka, an island nation located in the Indian Ocean, was settled by waves of migration from India starting in the fifth century BCE. Sinhalese Buddhist Kingdoms were established in the central part of the island by Indo-Aryans from northern India, while Tamil Hindus coming from southern India settled in the northeastern coastal areas and established a kingdom in the peninsula. Beginning in the sixteenth century, Sri Lanka was colonized by the Portuguese, Dutch and British empires, finally becoming the British crown colony of Ceylon in 1815.²

In 1948, Ceylon peacefully gained its independence from Britain through the Ceylon Independence Act of 1947.³ However, ever since that time, the country has been marred by ethnic conflict between the Sinhalese majority clustered in the very densely populated south and west, and the largely Hindu Tamil minority living in the northern and eastern provinces.⁴ It is important to note that during British rule, the Tamils were the preferred ethnic group by the British and held bureaucratic positions (this will be further addressed later in this report).

Following independence, the most immediate problem facing Ceylon was called the “Indian question” and it concerned the political status of Indian Tamil immigrants who worked on the abovementioned tea plantations. Three pieces of legislation came into play which disenfranchised the Indian Tamil minority: the Ceylon Citizenship Act of 1948, the Indian and Pakistani Residents Act No. 3 of 1948, and the Ceylon Parliamentary Elections Amendment Act No. 48 of 1949. These laws created a deeper ethnic rift between Sinhalese and Tamils.⁵

The United National Party (UNP), which was the government in place after independence, promoted Sinhalese interests, making it the official language and offered members of that ethnic group the best positions in government. At the same time, the Tamil Hindu minority began to ask for greater autonomy in the northern and eastern regions.⁶

In 1972, Ceylon was renamed Sri Lanka, meaning “resplendent land” in Sanskrit.⁷ Ethnic tensions continued to escalate in the 1970s with civil unrest leading to a state of emergency in Tamil-populated areas and to the creation of a secessionist Tamil movement, the Tamil New Tigers militia, formed in 1972. The militia’s objective was to

² “Sri Lanka: Background and U.S. Relations”, *Congressional Research Service Report for Congress*, p.4 (URL accessed October 10th 2013) <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA48624>

³ “Post Colonial History”, *Sri Lanka Virtual Library* (URL accessed October 10th 2013) http://www.lankalibrary.com/geo/postcolonial_history.htm

⁴ “Sri Lanka: Background and U.S. Relations”, *Congressional Research Service Report for Congress*, p.4

⁵ *Sri Lanka Virtual Library*, “Post Colonial History”.

⁶ “The History of Sri Lanka”, *Canadian Broadcasting Company*, 18 August 2010, (URL accessed October 11th 2013). <http://www.cbc.ca/news/world/the-history-of-sri-lanka-1.776957>

⁷ “Sri Lanka: Background and U.S. Relations”, *Congressional Research Service Report for Congress*, p. 4

gain an independent homeland for ethnic Tamils in the north and east. The group later changed its name to the Liberation Tigers of Tamil Eelam (LTTE). Members of the LTTE, as they are commonly called, participated in numerous violent conflicts, such as massacring an army patrol in the north in 1983. This led to revolts by the Sinhalese, who went on a two-day rampage, killing several thousand Tamils and destroying their property. Most of the fighting over the years took place in the north, but was not confined to it, with incidents such as suicide bombings taking place in Colombo, the capital. The United Nations estimates that the violence cost between 80,000-100,000 lives, including activists, politicians, high-profile Tamils who rejected the violence, and civilians.⁸

Many ceasefires were attempted, first in December 2001 through Norwegian intermediaries, who helped to broker the first ceasefire in seven years in the hope of ending the civil war. However, the truce was ended by renewed violence, especially following the Tsunami in 2004 that killed more than 30,000 people, with constantly present tensions furthering the conflict. In January 2008, the government of Sri Lanka formally withdrew from the truce with both sides were accused of violating the rule of law by killing civilians and the government accused of targeting journalists who tried to report on the situation.⁹

By the end of 2008, the LTTE were mostly defeated and by 2009 the government officially announced the defeat of the rebel group and the death of their leader, Velupillai Prabhakaran. At the end of the 26-year civil war, some 300,000 Tamil civilians were placed in internment camps, where many remain today. In January 2010, early presidential elections were held and Mahinda Rajapaska became the new president amid accusations of rigged elections.¹⁰

⁸ "The History of Sri Lanka". *Canadian Broadcasting Company*, <http://www.cbc.ca/news/world/the-history-of-sri-lanka-1.776957>.

⁹ Ibid.

¹⁰ Ibid.

4.1 SOCIOCULTURAL

4.1.1 Existence of Distinctive Groups Separated by Social Divisions

The Sinhalese and Tamil ethnic groups consider themselves to be distinct communities and are largely divided geographically as well as culturally. As previously mentioned, Sri Lankan Tamils occupy the northern and eastern regions of the country and are mostly concentrated in Northern Province while the Sinhalese community is spread out across the southern part of the country. With regards to religious differences, Tamils are predominantly Hindu and Sinhalese are largely Buddhist. Sinhala people speak Sinhalese, which has long been the official state language of Sri Lanka, whereas Tamils speak Tamil. Since Sri Lanka gained independence in 1948, the Sinhalese and Tamil communities have also pursued divergent political goals. The Sinhalese majority, which assumed power at independence, has long pursued policies that assert Sinhalese superiority over Tamil culture, whereas Tamils have since sought to achieve autonomy and self-determination. Both groups even have divergent accounts of Sri Lankan history in support of their claims to particular rights and territory.¹¹ According to the literature on mass atrocities, this emphasis on group cohesiveness facilitates intergroup conflict and possible mass violence by encouraging members of each group to view outside groups as the “other.” This has long been the case in Sri Lanka since both groups have developed a narrative that depicts the other as the enemy. The Sinhalese government, for example, has long associated Tamil grievances with terrorism and Tamils continue to perceive Sinhalese policies as discriminatory and even genocidal in extreme cases. This is further discussed in the “History of Genocide” section below.¹²

Another growing case of distinctive groups separated by social divisions comes in the form of religious motivation as hardline Buddhists wage a terror-based war against Tamil-speaking Muslims in Sri Lanka.¹³ There has been mob violence and an increasing number of bomb attacks in Muslim areas of the country. For example, in January 2013 a crowd of Buddhist monks violently stormed a college, furiously shouting that exams were distorted to favour Muslims. Many similar incidents have occurred throughout Sri Lanka on the basis of rumours and lies, which are spread to instil fear and paranoia towards the country’s Muslims. For example, a new hardline group of Buddhists has encouraged the Sinhalese majority not to rent property to Muslims. Muslims were not directly involved in the 26-year civil war between the Buddhist Sinhalese government and Hindu Tamil rebels, and they were seen as remaining largely loyal to the state

¹¹ Minorities at Risk Project, “Assessment for Sri Lankan Tamils in Sri Lanka,” *Centre for International Development and Conflict Management – University of Maryland*, December 31, 2006, (URL Accessed October 5, 2012) <http://www.cidcm.umd.edu/mar/assessment.asp?groupid=78002>

¹² Tamilnet, “Genocide Needs Investigation but Separation Contextually Unwise: Allan Keenan”, *Tamil News Network.com*, October 12, 2012 (URL Accessed November 10, 2012) <http://www.tamilnewsnetwork.com/2012/10/10/genocide-needs-investigation-but-separation-contextually-unwise-allan-keenan/>.

¹³ “The Hardline Buddhists Targeting Sri Lanka’s Muslims”, *BBC News*, 24 March 2013, (URL accessed July 30 2013) <http://www.bbc.co.uk/news/world-asia-21840600> and Martin, Nik. “Violence in the Name of Buddhism”, *Deutsche Welle*, July 4, 2013, (URL Accessed July 30 2013) <http://www.dw.de/violence-in-the-name-of-buddhism/a-16929981>

during the conflict but are now being targeted. The reason behind these attacks is that Sinhalese Buddhists believe that the Muslims are going to take over the country politically and economically. These Buddhist nationalists believe that Muslims are conspiring to take over the country demographically by increasing their birth rate and sterilizing the Sinhalese. It is worth underlining that Muslims currently account for 9 per cent of the population, while the Sinhalese Buddhists make up 70 per cent.¹⁴ As explained by social activist Sanjana Hattotuwa, “The country is seen today as Sinhalese Buddhist. Everybody else has a rightful place. If they articulate concerns that question the dominant narrative then they should be put into their place. So the war ironically has given the space for new social fault lines.”¹⁵ It is important to note that this type of violence is not specific to Sri Lanka and has also been seen recently in places like Thailand and, most notably, Burma.¹⁶ However, it will be important to monitor the situation in Sri Lanka, because depending on the extent of the violence and regularity of such occurrences, mass violence against Muslims throughout Southeast Asia is a very strong possibility.



Members of the hardline Buddhist group called “Bodhu Bala Sena” protesting against Muslims.
(source: <http://www.bbc.co.uk/news/world-asia-21920735>)

4.1.2 Ethnic Nationalism

As a result of the civil war, hundreds of thousands of Tamils have left Sri Lanka and continue to leave in large numbers. While there are no official statistics on the exodus, it is known that 6,000 Tamils arrived in Australia in 2012, a number 33 times

¹⁴ “Curfew in Sri Lankan Capital after Mosque Attack”, *Associated Press*, August 10 2013, (URL accessed October 10th 2013) <http://bigstory.ap.org/article/official-7-injured-sri-lanka-mosque-attack>

¹⁵ “The Hardline Buddhists Targeting Sri Lanka’s Muslims”, *BBC News*

¹⁶ Martin, Nik. “Violence in the Name of Buddhism”

higher than 2011.¹⁷ In addition to driving Tamils to flee Sri Lanka and seek refuge elsewhere, ethnic nationalism could also once again trigger conflict in the country. With the government military present in the northern Tamil states and unquestionably superior to any domestic challengers, there is a serious risk that any group of Tamil nationalists who stage another insurgency would provoke a disproportionate response that would target civilians in their support base, whether that support is real or perceived.

4.1.3 Legacy of Intergroup Hatred or Grievance

The history of conflict in Sri Lanka dates back to the fourth century BCE, according to the Buddhist legend *Mahavamsa*, which tells the tale of how a young Buddhist prince led 200 monks in an assault against invading Tamils. In more recent history, scholars attribute the legacy of intergroup hatred between the Sinhalese and Tamils to British colonial “divide and conquer” policies that elevated Tamils above Sinhalese only for the Sinhalese to counter with the suppression of Tamils and their culture when Sri Lanka achieved independence. Leaders in both groups have continuously appealed to this legacy of intergroup hatred for political support. The LTTE appealed to the repeated oppression of Tamil culture at the hands of the Sinhalese government to launch the civil war, whereas the Sinhalese government continues to use the threat of Tamil terrorism to justify repressive policies. A 2011 United Nations report accused both sides of committing gross human rights violations during the last phase of the civil war. Furthermore, the report indicates that both Tamil and Sinhalese leaders are willing to resort to extreme measures in order to defend their groups, such as engaging in mass atrocities in the course of what they perceive to be collective self-defence.¹⁸ This will be further examined in the “History of Genocide” section below.

4.1.4 Prior Persecution of Outgroup(s)

The imposition of British rule over Sri Lanka in 1796 effectively unified the otherwise independent Tamil nation with the Sinhalese under one government. Sri Lankan Tamils, as a minority group representing about 12 per cent of the population, were elevated to bureaucratic positions by the British rulers while the Sinhalese were relegated to more subservient positions, which resulted in severe backlash after independence in 1948.¹⁹ Sinhalese political candidates generally won elections due to the much larger size of their ethnic support base and when in power the Sinhalese Sri Lanka Freedom Party passed a law in 1956 replacing English with Sinhalese as the official language, which excluded minority groups such as English-speaking Sinhalese and Burgher communities, along with Tamils and Tamil-speaking Muslims.

¹⁷ Mahr, Krista. “Amid Abuse and Fear, Tamils Continue to Flee Sri Lanka” Time World, 15 April 2013, (URL accessed July 30 2013) <http://world.time.com/2013/04/15/krista-sri-lanka-draft/>

¹⁸ United Nations, “Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka”, 31 March 2011, (URL accessed July 28 2013) http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

¹⁹ Minorities at Risk, “Sri Lankan Tamils.”

Sinhalese political dominance also marked the beginning of severe persecution of Tamils, who were forced out of influential public service positions, leaving many young Tamils without employment. Additionally, the government sought to nationalize much of the economy, thus further restricting the ability of Tamils to work even in the private sector. In 1972, when Ceylon became Sri Lanka, Buddhism was declared the state religion. These exclusionary moves were followed by a period of violent ethnic tension that culminated in 1986 with the beginning of full-fledged civil war (see “History of Conflict” section below).²⁰ In addition to anti-Tamil abuses, there is also growing persecution of Muslim communities in Sri Lanka, as mentioned above. Whether or not this persecution will give rise to new tensions remains to be seen.

4.1.5 Cultural Devaluation of Outgroup(s)

The civil war saw significant mutual devaluation by both the Sinhalese and Tamils on religious and cultural grounds. With the Sinhalese government and military now firmly in control of the Tamils in the north, the situation is changing very gradually. Recently, the Sri Lankan army dismissed a call for the demilitarization of the north by the Lessons Learnt and Reconciliation Committee (a commission of inquiry appointed by President Rajapaksa). They opted to re-evaluate the situation and create new doctrines instead of following the recommendation to start leaving the area and allow Tamils to return to normal life.²¹ The cultural devaluation of Tamils is still present and mainly committed by government troops.

4.1.6 Outgroup(s) Viewed as an Obstacle to Economic Progress

As seen in the “Sudden and Severe Economic Hardships” section below, the Sri Lankans who currently suffer the most from economic hardship are Tamils in the militarized northern states. However, the case is less that the outgroup – Tamils – are being viewed as an obstacle to economic progress and more that they are not given a chance to provide any economic support to the state or themselves.

4.1.7 Population Growth and Youth Bulge

Sri Lanka has a relatively low population growth rate and actually has a declining youth population. According to data obtained from the World Bank, Sri Lanka’s population growth rate has been steadily decreasing since 2004, when it was at 2.4 per cent, and reached its lowest rate at 0.92 per cent in 2010.²² Despite this declining

²⁰ Minorities at Risk, “Sri Lanka: The Failure of the Peace Process”, Asia report #124, 28 November 2006, pp.2-3 (URL accessed July 30 2013)

²¹ The Press Trust of India, “Sri Lankan Army Dismisses Call for Demilitarization”, January 24 2013 (URL accessed September 28th 2013) http://www.business-standard.com/article/pti-stories/sri-lanka-army-dismisses-calls-for-demilitarisation%20ion-113012400495_1.html

²² Google Public Data, “Population Growth Rate – Sri Lanka,” The World Bank, November 9, 2011, (URL accessed November 11, 2012), <http://www.google.com/publicdata>.

growth rate, Sri Lanka has a large population of 21,675,648 people²³ in a relatively small area, which makes Sri Lanka one of the most densely populated countries in the world with 324 people/square kilometer.²⁴ This high density does not necessarily present a mass atrocities risk against Tamils since they are largely concentrated in the north, which is one of the least populated areas in Sri Lanka.

Sri Lanka's youth comprise 26 per cent of its entire population.²⁵ As a consequence of the civil war, the youth population declined significantly from 35.2 per cent of the total population in 1981 to 26.5 per cent in 2001.²⁶ This might be a future area of concern because, as the World Bank indicates, by 2036 a majority of the current youth population of Sri Lanka will be over 60 years old, which will most likely put a significant strain on the labour force, unless the government is able to adapt its education, healthcare, transportation, and urbanization sectors accordingly.²⁷ Misplaced internal economic pressures risk reviving ethnic grievances in Sri Lanka if Tamils were to be further economically marginalized or scapegoated to compensate for a suffering economy.

²³ Central Intelligence Agency, "Sri Lanka", (URL accessed Septmeber 28th 2013) <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>

²⁴ Index Mundi, "Population Density (Number of people per square kilometer)," Index Mundi, January 1, 2011, accessed October 12, 2012, (<http://www.indexmundi.com/g/g.aspx?v=21000&c=ce&l=en>); Government of Sri Lanka, "Brief Analysis of Population and Housing Characteristics: Population and Housing Census in Sri Lanka," December 6, 2011, accessed December 15, 2012, (<http://www.statistics.gov.lk/PopHouSat/PDF/p7%20population%20and%20Housing%20Text-11-12-06.pdf>).

²⁵ Ibid.

²⁶ Ibid.

²⁷ The World Bank, "Sri Lanka Overview," *The World Bank Group*, (URL accessed December 5, 2012,) (<http://www.worldbank.org/en/country/srilanka/overview>).

4.2 ECONOMIC FACTORS

4.2.1 Long-Term Difficult Life Conditions

Since the end of the civil war, the Sri Lankan government has made significant strides in ensuring human and material security. The unemployment rate has declined considerably, while universal primary education has significantly improved the national literacy rate. Sri Lanka has also greatly improved its healthcare services and the national life expectancy of 75 years now compares to that of high-income countries. This achievement has been largely facilitated by its free “preventative and curative” healthcare services. The availability of clean drinking water in rural areas also improved slightly from 71 per cent in 2008 to 74 per cent in 2011 with the help of the World Bank.²⁸

Based on data from the World Trade Organization, Sri Lanka saw a 23 per cent increase in exported goods and services from 2010 to 2011, as well as a 20 per cent increase in imports of goods and services.²⁹ Unemployment has declined from 5.9 per cent in 2009 to 4.2 per cent in 2011.³⁰ However, there remains a high unemployment rate of 19.4 per cent amongst youth aged 15-24 but literacy rates are high at 91.2 per cent of the total population.³¹ Sri Lanka has also made significant progress in implementing most of the UN Millennium Development Goals and the country is on track to halving the national poverty rate to 14.1 per cent before 2015. It has also achieved a 97.5 per cent primary school enrolment rate, with the ratio of women to men in secondary and post-secondary institutions exceeded 100 per cent.³²

Sri Lanka has also made significant progress in rebuilding the northern and eastern provinces that were most affected by the civil war. According to the World Bank, close to 200,000 of the internally displaced persons from the conflict have returned back to their respective homes, a feat that exceeded the original target of 100,000. About 700,000 were thought to be internally displaced during the civil war, and another 700,000 had emigrated.³³ The state has also generated employment opportunities that exceed the original target.³⁴ The households benefiting from an increased income and village level social and economic infrastructure during the reconstruction efforts are numbered at about 300,000 whereas the original target was

²⁸ Ibid.

²⁹ World Trade Organization, “Sri Lanka”, (URL accessed October 1, 2012)

<http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=LK>.

³⁰ Index Mundi, “Unemployment Rate (%)”, (URL accessed October 10, 2012) <http://www.indexmundi.com/g/g.aspx?c=ce&v=74>.

³¹ CIA Factbook, “Sri Lanka”.

³² The World Bank, “Sri Lanka Overview,” and “Sri Lanka Human Development Report: Bridging Human Disparities for Human Development”, United Nations Development Program, 2012 (URL accessed July 13 2013)

<http://www.lk.undp.org/content/dam/srilanka/docs/localpublications/Sri%20Lanka%20Human%20Development%20Report%202012.pdf>

³³ Dhananjayan Sriskandarajah, “Sri Lanka”, Forced Migrations, (URL accessed July 13 2013)

<http://www.forcedmigration.org/research-resources/expert-guides/sri-lanka/fmo032.pdf>

³⁴ The World Bank, “Sri Lanka Overview.”

213,000.³⁵ Although development has not been uniform across Sri Lanka, the World Bank and the Economist Intelligence Unit (EIU) seem confident in the state's ability to generate and sustain programs that address long-term economic problems that would otherwise be a source of tension between Tamils and Sinhalese ethnic groups. According to the EIU, the economic forecast for Sri Lanka is positive due to its present peace "dividend" following the end of the civil war in 2009.³⁶ The generally prosperous current state of the Sri Lankan economy appears to mitigate the risk of mass atrocities.

4.2.2 Socioeconomic Deprivation Combined with Group-based Inequality

The reconstruction of devastated Tamil areas in the north following the end of the civil war is proving to be a prime example of socioeconomic deprivation of a specific group based on the treatment of Tamils as second-class citizens by the Sri Lankan government. The heavy militarization of the north is one of the main obstacles to the region's reconstruction since the Sri Lankan military has assumed an economic role in not only overseeing, but also approving development efforts. According to a recent report released by the Internal Displacement Monitoring Centre (IDMC), the prevalence of military forces in the area has made them a competitor against local Tamils in terms of agricultural development, fishing, trade and tourism.³⁷ The military also continues to provide economic advantages to Sinhalese businessmen and fishermen whilst denying Tamil locals the same privileges.³⁸ It has also been one of the main executors of the Sinhalese of the north, erecting monuments and museums to Sinhalese war heroes in Tamil-populated areas, changing Tamil-language road signs to Sinhalese, and encouraging Sinhalese settlers to migrate to Tamil-populated regions.³⁹

Although one of the main obstacles to rebuilding efforts in Northern Province has been a lack of international funding, the Sri Lankan government is also to blame due to its failure to prioritize the rebuilding process over the region's militarization. As the IDMC report indicates, the Sri Lankan government allocates a significant portion of its budget to the Ministry of Defence, and consequently leaves other ministries that address the economic, social, and administrative aspects of the reconstruction efforts underfunded.⁴⁰

³⁵ Seenithamby Monaharan, "Community Livelihoods in Conflict Affected Areas Project (Yali Pibedemu Viyapruthiya) (Maru Eluchchithittum)," World Bank, (URL accessed October 15, 2012) <http://www.worldbank.org/projects/P086747/community-livelihoods-conflict-affected-areas-project-yali-pibedemu-viyapruthiya-maru-eluchchithittum?lang=en>

³⁶ Economist Intelligence Unit, "Sri Lanka at a Glance: 2012-16," *The Economist*, September 15, 2012, (URL accessed October 15, 2012) <http://country.eiu.com/article.aspx?articleid=1559589340&Country=Sri%20Lanka&topic=Summary&subtopic=At+a+glance&oid=619947246&aid=1>

³⁷ Internal Displacement Monitoring Centre, "Sri Lanka: A Hidden Displacement Crisis," *The Norwegian Refugee Council*, October 31, 2012, (URL accessed November 12, 2012) [http://internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/0F7746546306FCB3C1257AA8005845A6/\\$file/srilanka-overview-oct2012.pdf](http://internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/0F7746546306FCB3C1257AA8005845A6/$file/srilanka-overview-oct2012.pdf)

³⁸ International Crisis Group, "Minority Rights."

³⁹ Ibid.

⁴⁰ Internal Displacement Monitoring Centre, "Sri Lanka" p.13.

Research on economic deprivation suggests that inter-group violence is more likely when one group is perceived to have an economic advantage over another and that relative deprivation and the encompassing resentment can then be exploited by elites in order to instigate conflict. This risk seems to be arising from the militarization of the north, especially as it entails the Sinhalsation of the area. There is evidence to suggest that the presence of the military and its discriminatory practices have increased tensions between both groups. If the government continues on this trajectory, it risks inspiring extremist Tamil nationalist groups that will use government discrimination and ethnic grievances to appeal for Tamil support. The encroachment of Sinhalese settlers on Tamil territory and military land grabs could inspire ethnic cleansing as Tamils seek to reclaim their land. The resumption of civil war is highly likely in such a case.

4.2.3 Sudden and Severe Economic Hardship

The Sri Lankan economy remained relatively stable throughout the 26-year civil war. The economically hardest-hit people during this time were the displaced Tamils who lived (and in some cases are still living) in makeshift refugee and internment camps.⁴¹ In the highly militarized northern areas of the country, the military has become an important economic player and competitor with local Tamils, including returning refugees, in areas relating to agriculture, fishing, tourism and trade. The military has become involved in areas that would otherwise be under civilian administration, and have been occupying their land. Returnees sometimes cannot regain their land under the pretext that there are land mines; in reality, the military has taken the land for cultivation or other purposes. According to reports, the army is operating on the basis that “any property captured from the guerrillas now rightfully belongs to it.”⁴² In some instances, the military manages to sell their products at a much lower price than a local farmer would, thereby creating a large economic disparity between the Tamils of the region and the military.⁴³

In addition to agriculture, the military is also involved in many commercial activities in the north such as restaurants, shops, and even tourist-related enterprises, with the navy managing its own ferry services. This undermines local entrepreneurship and limits opportunities for the residents of the area. Furthermore, the army has announced that it will form a private construction company for development contracts in the region.⁴⁴

While the rest of Sri Lanka is improving economically, the same cannot be said of Tamils, who face difficult prospects due to the strong limitations placed on their economic activities. Instances of the government preventing this minority from having a

⁴¹ Ibid.

⁴² International Crisis Group, Sri Lanka’s North II: Rebuilding Under the Military, Asia Report N°220, 16 March 2012, p.22 (URL accessed October 18 2012) <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/220-sri-lankas-north-ii-rebuilding-under-the-military>.

⁴³ Ibid, pp. 22-23.

⁴⁴ Ibid, p. 23

fair chance at subsistence may lead to increased frustrations which can, in turn, lead to escalating hostilities and inter-group violence.

4.2.4 Economic Status of the Regime

According to the World Bank, Sri Lanka ranks as a lower middle-income country.⁴⁵ The lower a country's income, the more attention it receives from the international community as it becomes dependent on more developed countries for support. Therefore, the governments of lower-income countries have less freedom of action to respond to real or perceived threats, even within their own borders. As a lower middle-income country, Sri Lanka is slowly becoming less dependent on the international community, which increases the freedom for its government to deal with internal opponents as it pleases. On the other hand, the risk of mass atrocities subsides with a growing economy.

The data on Sri Lanka indicates that, although the country remains underdeveloped, it has seen considerable economic growth since the end of the civil war in 2009. Even during the civil war, Sri Lanka's economy remained relatively stable with steady growth of about 5 per cent annually, though this number declined slightly in 2009 during the last phase of the war, which also coincided with the global financial crisis. Analysis of its performance since both the end of the war and the global financial crisis shows that Sri Lanka has maintained a steady growth of approximately 8 per cent annually in 2010 and 2011. Major endeavours, such as the creation of multi-million dollar casinos in Colombo to boost the tourism industry, have also been in development.⁴⁶ While it is not yet a prosperous country, the World Bank data suggests that the Sri Lankan economy is on a stable incline⁴⁷ and in 2011 it displayed the highest growth in Southern Asia.⁴⁸

⁴⁵ The World Bank, "Sri Lanka Overview."

⁴⁶ Jayasinghe, Amal, "Sri Lanka Bets on High End Casinos to Boost Economy", Taipei Times, July 21 2013 (URL accessed August 15 2013), <http://www.taipetimes.com/News/biz/archives/2013/07/21/2003567783>

⁴⁷ The World Bank, "Sri Lanka Overview."

⁴⁸ Ibid.

4.3 POLITICAL – INSTITUTIONAL

4.3.1 Low Degree of Democracy

One of the known impediments to the perpetration of mass atrocities is government adherence to democratic norms, including the protection of citizen rights and freedoms as well as ensuring their participation in government.⁴⁹ In this regard, Sri Lanka has made some strides in re-establishing itself as a democratic state following the end of the civil war in 2009. However, the adoption of values conducive to an atrocity-free transition to permanent peace remains a challenge.

According to the 2012 Economist Intelligence Unit (EIU) Democracy Index, which measures the state of democracy in sovereign countries, Sri Lanka ranked 89 out of a list of 167 states. In addition to the ranking, the index categorizes countries as one of four regime types *full democracies*, *flawed democracies*, *hybrid regimes*, and *authoritarian regimes*.⁵⁰ Following this categorization, the 2012 index classified Sri Lanka as a *hybrid regime*.⁵¹ Similarly, country ratings from Freedom House's *Freedom in the World 2013* survey concerning the state of world freedom in 2012 classified Sri Lanka as "partly free."⁵²

One of the characteristics of a "hybrid regime" or a "partly free" state is harassment of journalists. In the case of Sri Lanka, the Rajapaksa government has a long history of media harassment and attacks on journalists who are critical of the government. International human rights organizations, including Human Rights Watch (HRW) and Freedom House, have repeatedly called on the Sri Lankan government to stop harassing media and journalists to no avail.⁵³

Violence remains a real risk for journalists, which is heightened by the impunity that perpetrators enjoy. For example, there have been no significant developments in the 2010 disappearance of Prageeth Ekneligoda, a contributor to *Lanka E-news*, or in the murder of *Sunday Leader* editor Lasantha Wickrematunge, who was gunned down in broad daylight near a police station in 2009.⁵⁴

⁴⁹ Sentinel Project for Genocide Prevention, "Early Warning Manual," p. 34.

⁵⁰ The classification is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation, and political culture. The five categories are interrelated. See The Economist, "Democracy Index 2012: Democracy is at a standstill", (URL accessed September 9, 2013).

https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex12

⁵¹ According to this type of regime, elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically there is harassment of and pressure on journalists, and the judiciary is not independent.

⁵² The Freedom House political freedom measure covers political rights and civil liberties. Freedom House measures the concept of electoral democracy. See Freedom House, "Freedom in the World 2013: Democratic Breakthroughs in the Balance" <http://www.freedomhouse.org/report/freedom-world/freedom-world-2013> (URL accessed September 9, 2013).

⁵³ The Associated Press, "Rights Group Urges Sri Lanka to Stop Harassing Journalists, Media Outlets," *The Associated Press*, July 3, 2012, (URL accessed October 10, 2012)

http://www.genocidewatch.org/images/Sri_lanka_12_07_04_Rights_group_urges_Sri_Lanka_to_stop_harassing_journalists.pdf

⁵⁴ Human Rights Watch, 'Sri Lanka: Proposed Media Code Threatens Free Speech', June 18, 2013, (URL accessed July 30 2013) <http://www.hrw.org/news/2013/06/18/sri-lanka-proposed-media-code-threatens-free-speech>

Moreover, the Sri Lankan government continues to rely on restrictive legislation enacted during the civil war in order to suppress the freedom of expression in peacetime, including the Official Secrets Act as well as the Prevention of Terrorism Act (2006), which allows police to detain suspects for as long as eighteen months.⁵⁵

In addition to not recognizing the freedom of expression, the Sri Lankan government has failed to abide by democratic principles in its lack of accountability. Despite a UN report released in 2011 acknowledging the deaths of thousands of civilians during the last phase of the war, the federal government has vehemently denied these accusations.⁵⁶ The Ministry of Defence later released its own report recognizing its role in the deaths of some civilians, but dismissed the deaths as collateral damage and claimed that they numbered much less than the figures in the UN report.⁵⁷ Since then, the Sri Lankan government has failed to launch an investigation into the crimes that were committed by both sides during the last phase of the war.

The Rajapaksa government continues to undermine any power sharing efforts that have been proposed by Tamil moderates who are seeking a peaceful resolution to their grievances. Although the Tamil National Alliance (TNA) has emerged as the formidable voice of Tamils in Sri Lanka, the federal government consistently refuses to concede any significant power to them, even resorting to violent attacks on TNA supporters perpetrated by police to silence them.⁵⁸ The increasing consolidation of power to the president and his family has further eroded the remaining semblance of democracy by gradually eliminating any persons or systems of accountability.⁵⁹

According to the International Commission of Jurists (ICJ), Sri Lanka has a crisis of impunity because of the difficulties faced by victims of serious human rights violations when seeking justice and accountability. The definition of impunity comprises the failure by public authorities, whether due to legal obstacles or lack of political will, to fulfill international obligations and bring perpetrators of human rights violations to account.⁶⁰ The Sri Lankan government has shown itself to be unwilling to comply with the rule of law in accordance with the expectations set out in international standards.

The Sri Lankan government missed a unique opportunity to improve the country's human rights situation after its victory over the LTTE in 2009. The LTTE

⁵⁵ Freedom House, "Freedom in the World: Sri Lanka 2012," Freedom House, (URI accessed October 12, 2012) <http://www.freedomhouse.org/report/freedom-world/2012/sri-lanka>

⁵⁶ BBC News, "Q&A: Post-War Sri Lanka," *BBC News*, November 13, 2012, accessed December 12, 2012, (<http://www.bbc.co.uk/news/world-south-asia-11393458>).

⁵⁷ Human Rights Watch, "World Report 2013: Sri Lanka," *Human Rights Watch*, (<http://www.hrw.org/world-report/2013/country-chapters/sri-lanka>) accessed September 2, 2013.

⁵⁸ International Crisis Group, "Sri Lanka's North 1: The Denial of Minority Rights," International Crisis Group, March 16, 2012, (<http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/219-sri-lankas-north-i-the-denial-of-minority-rights.aspx>).

⁵⁹ International Crisis Group, "Minority Rights."

⁶⁰ The international standards governing impunity are set forth in the *United Nations Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*, UN Doc. E/CN.4/2005/102/Add.1, (*Updated Set of Principles to Combat Impunity*).

operated an essentially autonomous mini state in the north and east of Sri Lanka with a horrific record of violating human rights as well as international humanitarian law, including violations such as unlawful killings, targeting of civilians, abductions, forced recruitment of child combatants, and forced labour. Needless to say, the LTTE's conduct significantly harmed the rule of law and respect for due process in the areas under their control.

The Sri Lankan government sought to address demands for justice by establishing a Lessons Learned and Reconciliation Commission (LLRC) which was explicitly stated to not be an accountability mechanism and was widely criticized as being faulty in its mandate, its membership, and its conduct. The LLRC emphasized the need for an independent judiciary, a transparent legal process, and strict adherence to the rule of law, stating that these were necessary for establishing and maintaining peace and stability in the country. These recommendations remain unfulfilled to date.

For 40 years, Sri Lanka maintained an almost continuous state of emergency. Emergency rule not only undermined the criminal justice system but also eroded state accountability and undermined human rights. The emergency regime violated the prohibition on arbitrary detention and imposed unreasonable restrictions on the freedom of expression, the freedom of movement, and the right to privacy. The use of emergency laws also facilitated extrajudicial killings, enforced disappearances, and the widespread use of torture and ill treatment. The right to judicially review orders made under the emergency laws was restricted, if not altogether eliminated. Four decades of institutionalized emergency rule led to a serious erosion of the mechanisms of state accountability and the establishment of a dangerous culture of impunity in Sri Lanka.

Another destructive development was the enactment of immunity provisions for the president under the 1978 Constitution and the conferral of immunity on state officials under the emergency laws – in Sri Lanka, the president is given immunity for actions taken during his or her term.⁶¹ State officials are given broad immunities under the Public Security Ordinance No. 25 of 1947 and the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 amendment to the Constitution as well as under the Indemnity Act. The president plays a pivotal role within the emergency regime and was empowered by the 1978 Constitution to declare states of emergency, order the armed forces to maintain law and order under the Public Security Ordinance No.25 of 1947 (PSO), and absorb the role of Minister of Defence and issue detention orders under the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 Constitution (as amended).

⁶¹ For the full text of the Sri Lankan Constitution see <http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm>, accessed July 29, 2013.

4.3.2 State Security Agencies Operating With a Few Constraints

The Sri Lankan military and police operate with minimal restraints, which increases the likelihood of these agencies committing gross violations of human rights and going unpunished.⁶² As mentioned above, the Sri Lankan government has refused to investigate war crimes and other atrocities committed by its military forces during the last phase of the civil war. Additionally, police and military forces, as well as Sinhalese militias, continue to resort to violence, including intimidation, disappearances, arbitrary arrests, torture, and even murder to restrain any opposition to the government.⁶³ While some cases have gained national attention and warranted calls for further investigation by the police, there have been minimal, if any, resolutions to these cases.



Sri Lankan troops during military operations in Northern Sri Lanka.

The Sri Lankan military also operates with minimal constraints in the northern regions of the country that are inhabited by Tamils, and also where a majority of the conflict took place. The military continues to seize private and public land to build new military bases, establishing itself as a permanent fixture in the region. The military has also taken charge of economic and agricultural reconstruction efforts, curtailing local, Tamil-oriented rebuilding programs by small businesses and local farmers. Any public protest by locals has been met with violence, including disappearances and extreme

⁶² Sentinel Project, “Early Warning Manual,” p. 34.

⁶³ Freedom House, “Freedom in the World 2013: Sri Lanka”, (<http://www.freedomhouse.org/report/freedom-world/2013/sri-lanka>) accessed September 10, 2013.

forms of punishment meant to intimidate local Tamils into submission. Because the military is overseeing reconstruction efforts in the north under the Presidential Task Force on Resettlement, Reconstruction and Security in the Northern Province, their actions are justified by a presidential mandate that continues to promote pro-Sinhalese exclusionary ideology.⁶⁴

The failure to prosecute military officials for war crimes during the conflict, combined with the military's unrestricted dominance in the north and its exclusion of Tamils from the rebuilding process, continues to foster deep-seated mistrust and anger towards the Sinhalese government that may increase Tamil protests, which may in turn lead to deeper mistrust and militarization of the north, thus precipitating further violence from both sides.⁶⁵ The fact that these security agencies are willing to resort to such extreme measures to subjugate Tamils, in addition to their lack of accountability, increases the risk of them committing mass atrocities in the future in an effort to reassert Sinhalese domination.⁶⁶

Amnesty International has rated Sri Lanka as a 5 (the highest level) on the Political Terror Scale because its leaders "place no limits on the means or thoroughness with which they pursue personal or ideological goals."⁶⁷ The US State Department gave it a more favourable rating of 4. At level 4 terror affects those who interest themselves in politics or ideas, whereas level 5 means that terror has expanded to the whole population.



⁶⁴ International Crisis Group, "Sri Lanka's North II: Rebuilding Under the Military," March 16, 2012, accessed October 12, 2012, (<http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/220-sri-lankas-north-ii-rebuilding-under-the-military.aspx>).

⁶⁵ Ibid.

⁶⁶ Sentinel Project, "Early Warning Manual," p. 34.

⁶⁷ Political Terror Scale, "Sri Lanka," Political Terror Scale, 2011, accessed October 14, 2012, <http://www.politicalterror scale.org/countries.php?region+Eurasia&country=Sri%20Lanka>.

Perhaps the major indicator of Sri Lanka's culture of impunity remains in the under-enforcement of international human rights law. Sri Lanka ratified the International Covenant on Civil and Political Rights (ICCPR) in 1980, which means that the country agreed to integrate the principles it embodies into the domestic code of basic civil and political rights. The state committed itself to affording its citizens an objective body of standards upon which to establish their rights, meaning that when citizens have difficulty realizing their rights they can refer to the norms laid out in the ICCPR and make demands for the necessary institutional or other changes. In this way, the ICCPR provides a set of benchmarks against which the growth or degeneration of domestic law and practices may be measured. Sri Lanka is also obliged to report periodically to the UN Human Rights Committee on its progress towards compliance with the Covenant.

Sri Lanka also ratified the first Optional Protocol to the ICCPR in 1998, which obliges state parties to put in place measures that will give effect to the rights it guarantees and afford remedies where they are violated. To ensure this, Article 2 stipulates that persons who believe their rights have been violated should be able to lay claims before competent judicial, administrative, and legal authorities, and that where remedies are granted they should be enforced.

By becoming a state party to the first Optional Protocol, Sri Lanka has given its citizens the opportunity to appeal directly to the UN Human Rights Committee (UNHRC) when their rights under the Covenant are violated and when they have taken all possible steps to obtain a remedy through domestic law and institutions. The Committee assesses grievances in accordance with the standards laid out in the Covenant, giving citizens the chance to test whether these are well founded and whether their rights could be better safeguarded.

However, the government's denial of human rights mechanisms debilitates the rule of law in the country. Contrary to the principles of international law, the Supreme Court of Sri Lanka ruled in the Singarasa Case (2006)⁶⁸ that the views of the UNHRC had no force or effect in Sri Lanka. The court also held that Sri Lanka's very accession to the Protocol was unconstitutional. This was based on an assumption that the UNHRC exercises judicial power within Sri Lanka's territorial boundaries, which however, was patently not the case. But the filing of individual applications before the Committee did not cease as a result of the Singarasa decision. The applications had a common thread of impunity afforded to perpetrators.

⁶⁸ See <http://www1.umn.edu/humanrts/undocs/html/1033-2001.html>, accessed July 30, 2013.

In the landmark Pathmini Pieris’s complaint filed on 6 February 2009, the UNHRC concluded in favour of the applicant (26 October 2011). The UNHRC observed that the state was under a strict duty to effectively investigate and prosecute in all cases of violations of life, regardless of who the alleged perpetrators are. Despite several pleas for witness protection, no action had been taken by state authorities.⁶⁹

4.3.3 Isolation from the International Community

The Sri Lankan government continues to isolate itself from the international community, especially as it pertains to international human rights regulations and accountability. Speaking at the twentieth session of the UNHRC, the Sri Lankan representative challenged the universality of UN human rights standards, arguing that lower thresholds should be set for developing countries. Genocide Watch identified this as part of an ongoing attempt by the Sri Lankan government to manoeuvre international humanitarian and human rights codes to ensure that serious violations do not entail international repercussions.⁷⁰

The Sri Lankan government has also isolated itself from the international community through its repeated refusal to try both its army and the LTTE for gross human rights violations committed during the last phase of the war. In April 2011, UN Secretary-General Ban Ki-Moon released a report accusing the Sri Lankan Army and the LTTE of “conducting military operations with flagrant disregard for the protection, rights, welfare, and lives of civilians and failed to respect the norms of international law.”⁷¹ The government responded by creating the Lessons Learned and Reconciliation Commission (LLRC) to address the alleged crimes. However, local and international human rights groups have continued to accuse the commission of being ineffective due to its failure to meet international regulations as well as its failure to investigate the alleged atrocities. Sri Lanka is also not a signatory member of the International Criminal Court, which greatly limits the avenues through which the international community can intervene to bring justice to perpetrators and prevent future atrocities.

On 21 March 2013, the UNHRC adopted a resolution titled “Promoting Reconciliation and Accountability in Sri Lanka.” The resolution expresses the UNHRC concern over continuing reports of violations of human rights in Sri Lanka:

Including enforced disappearances; extrajudicial killings, torture, and violations of the rights to freedom of expression, association, and peaceful assembly, as well as intimidation of - and reprisals against - human rights defenders, members

⁶⁹ <http://www.redress.org/downloads/Fernando%20-%20Views%20of%20Human%20Rights%20Committee%20221211.pdf> accessed September 15, 2013.

⁷⁰ Asian Human Rights Commission, “Sri Lanka: Government Rejects Universality of Human Rights,” Genocide Watch, June 25, 2012, accessed October 10, 2012, (http://www.genocidewatch.org/images/Sri_Lanka_12_06_25_Sri_Lanka-Government_rejects_Universality_of_Human_Rights.pdf).

⁷¹ Human Rights Watch, “UN: Act on Failings in Sri Lanka,” Human Rights Watch, November 14, 2012, accessed November 30, 2012, (<http://hrw.org/news/2012/11/14/un-act-failings-sri-lanka>).

of civil society, and journalists; threats to judicial independence and the rule of law; and discrimination on the basis of religion or belief.⁷²

Moreover, the resolution reiterates its call upon the Sri Lankan government to effectively implement the recommendations made in the report of the LLRC, and to take all necessary additional steps to fulfill its relevant legal obligations and its commitment to initiate credible and independent actions to ensure justice, equity, accountability, and reconciliation for all Sri Lankans.

4.3.4 High Level of Military Expenditure

In local currency, the value for military expenditure in Sri Lanka was 172 billion rupees (USD 1,403 million) as of 2011.⁷³ Over the past 23 years, this indicator reached a maximum value of 175 billion rupees (USD 1,640 million) in 2009 and a minimum value of 4.5 billion rupees (USD 335 million) in 1989.⁷⁴

The indicators presented above show that there has been a steady decrease in military expenditure for Sri Lanka since 2008, according to World Bank records as of 31 October 2012. Since 1985, when military expenditure peaked at 5.86 per cent of the GDP, it has been slowly decreasing to a low of 2.63 per cent in 2011, the lowest since 1989's 1.79 per cent of GDP. The numbers seem to remain the same when the category of armed forces personnel is taken into consideration. At the height of the conflict in 2009, armed personnel comprised 2.6 per cent of the total labour force, with the percentage increasing only by 0.1 per cent in 2010.⁷⁵ The lack of a decrease in armed forces personnel may be an indication of the prevalence of armed personnel in Sri Lankan society, even in peacetime. This data is consistent with the seemingly permanent presence of the Sri Lankan military in the north as the region undergoes "restoration" efforts.

The 26 per cent increase in Sri Lanka's military budget from 2012 to 2013 is a matter of concern.⁷⁶ Although the government has justified increases in the past as necessary to repay army debts incurred during the civil war, including outstanding repayments for arms and allowances for military personnel, it has yet to defend the sharp increase in the 2013 military budget.⁷⁷ This high increment will likely fuel concerns

⁷² UNHRC Resolution (A/HRC/22/L.1/Rev.1) on Promoting Reconciliation and Accountability in Sri Lanka.

⁷³ The military expenditure figures presented here are from the Stockholm International Peace Research Institute (SIPRI). Military expenditures data from SIPRI are derived from the NATO definition, which includes all current and capital expenditures on the armed forces, if these are judged to be trained and equipped for military operations; and military space activities.

⁷⁴ Source: Stockholm International Peace Research Institute (SIPRI), (<http://milexdata.sipri.org/files/?file=SIPRI+milex+data+1988-2011.xls>).

⁷⁵ The World Bank, "Military Expenditure (% of GDP)," The World Bank, accessed October 6, 2012, data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS; The World Bank, "Armed Forces Personnel (% of Total Labor Force)," accessed November 10, 2012, data.worldbank.org/indicator/MS.MIL.TOTL.TF.ZS.

⁷⁶ Defence Marketing Intelligence, "Sri Lanka; 2013 Defense Budget Approved," Defence Marketing Intelligence, November 21, 2012, accessed November 30, 2012, dmilt.com/index.php?option=com_content&view=article&id=4827=sri-lanka-2013-defence-budget-approved&catid=3:asia&Itemid=56.

⁷⁷ Jane's Information Group, "Defence Budget (Sri Lanka) Defence Budget," HIS, May 13, 2012, accessed December 10, 2012, articles.janes.com/janes-sentientl-security-assessment-south-asia/defence-budget-sri-lanka.html.

that have been raised by both ethnic Tamils and international human rights groups about the increasing militarization of the north and does nothing to resolve tensions between Tamils and the Sri Lankan government, especially in its increasing resort to violence in order to quell political dissidence.

4.3.5 Frequent Changes in Political Leadership

Although Sri Lanka has not experienced frequent changes in political leadership that would prompt competing elites to resort to mass violence in order to retain power, the structure of the Sri Lankan government continues to change in a manner that awards unprecedented consolidated powers to President Rajapaksa and the Sinhalese ethnic group. Since the civil war ended, Rajapaksa has transformed Sri Lanka from an electoral democracy into an authoritarian oligarchy.⁷⁸ According to Freedom House International, Rajapaksa, along with his brothers who hold the positions of defence secretary, minister of economic development, and speaker of parliament respectively, not to mention other relatives who hold prominent positions in government, control 70 per cent of the national budget.⁷⁹

This rapid concentration of power in one family diminishes any accountability measures that a democratic government could otherwise impose against presidential abuses of power. Although the literature indicates that frequent changes in political leadership increases the likelihood of mass atrocities due to elite competition and the desire to consolidate power through whatever means necessary, a variation of that argument can be made for the Sri Lankan case.⁸⁰ The tremendous concentration of power in the Rajapaksa family could equally lead them to resort to extreme violence in order to maintain their power if threatened. The repeated use of violence to stifle any opposition is indicative of this.

⁷⁸ Freedom House, "Sri Lanka" (<http://freedomhouse.org/report/countries-crossroads/2012/sri-lanka>)

⁷⁹ Ibid.

⁸⁰ Sentinel Project, "Early Warning Manual," 34.

4.4 POLITICAL – REGIME & IDEOLOGY

4.4.1 Exclusive Group-Based Rule

Sri Lanka has a long history of exclusive group-based rule dating back to British colonization 1796, with the Tamils being favored by British rule and comprising a majority of civil servants even though they were a minority group and the Sinhalese were the majority (see “Prior Persecution of the Outgroup(s)”). When Sri Lanka achieved independence in 1948, the roles were reversed. Ever since then, Tamils have unsuccessfully sought proportionate recognition and adequate representation. The creation of the LTTE in 1976 came in response to this perceived political and cultural subjugation by the Sinhalese majority.⁸¹

The defeat of the LTTE in 2009 has done little to address the concerns and fears of the Tamils as they relate to Sinhalese domination. Instead of forming more inclusive relationships with the minority, the Sinhalese government has used this transitional period to reassert Sinhalese domination. According to several reports by the International Crisis Group (ICG), the Sri Lankan government is undertaking major efforts to “Sinhalize” the north, consequently stripping Tamils of their minority rights. The heavy military presence in the north has resulted in the erection of Sinhalese signs to replace Tamil ones, the renaming of streets to Sinhalese names, the construction of monuments to Sinhalese war heroes, the opening of museums only accessible to Sinhalese citizens, and the encroachment of Sinhalese nationals on Tamil lands and territory. This militarization and subsequent “Sinhalisation” of the north risks renewing tensions between Tamils and the Sinhalese government as it fails to address the old grievances which precipitated the civil war. The main driver of the Tamil separatist movement led by the LTTE was to address the subjugation of Tamil rights under the Sinhalese government. The “Sinhalisation” of Tamil territory and consequent derogation of Tamil cultural claims only serves to reopen the old wounds that led to war in the first place.⁸²

4.4.2 Severe Government Discrimination or Active Repression Against Communal Groups

The end of the 26-year civil war created an opportunity for the Sri Lankan government to recognize the multi-ethnic and multi-religious nature of the country and to reach out across ethnic and political divides to devise a sustainable political solution acceptable to its different ethnic groups. In practical terms, this required a speedy and sensitive response to the plight of the hundreds of thousands of people displaced by the war, beginning with a clear and inclusive resettlement and reconstruction plan for the Tamils who had been battered in the last stages of the war and then kept in closed internment camps, the Muslims who were evicted from the north by the LTTE in 1990,

⁸¹ Minorities at Risk Project, “Assessment for Sri Lankan Tamils in Sri Lanka.”

⁸² ‘Sri Lanka’s North I: The Denial of Minority Rights’, International Crisis Group Asia Report N°219, 16 March 2012.

the Sinhalese who fled the north and east to avoid violence, and Tamil refugees in India and elsewhere. It also required the government to work according to a clear and time-bound road map promoting a political power-sharing arrangement that responded to the insecurity and aspirations of Tamils and Muslims in the north and east. Almost five years since the end of the war, there has been little progress on any of these fronts.

As mentioned above, the Sinhalese government has implemented several projects to “Sinhalize” the north that demonstrate an active effort by the state to discriminate against Tamils and deny them any form of political or economic leverage. Rajapaksa’s government has consistently broken promises made to the TNA regarding the implementation of power-sharing initiatives that were meant to peacefully address the grievances of the Tamil. In 2012, the government pushed for the TNA to join a parliamentary select committee (PSC), which significantly diluted the political leverage that Tamils had, especially compared to the original separatist movement. The government’s unwillingness to negotiate on any matters that involve power sharing undermines the transitional process and risks inciting militant Tamil groups to violence in order to force the government’s hand. The government’s attitude led to the cessation of talks from January 2012 to July 2013. In July 2013, the Rajapaksa restarted talks with the TNA on holding free and fair elections in the country’s north, days after the main Tamil party skipped a key parliamentary panel meeting on devolving power to the provinces.

4.4.3 Ruling Group Deems Outgroup(s) to be Dangerous

The militarization and “Sinhalisation” of the north has increased tensions between Tamils and the Sri Lankan government and active political discrimination coupled with pre-existing economic and cultural discrimination may be the last straw for Tamil extremists.⁸³

Furthermore, the heavy militarization of Tamil-majority areas in the north suggests that the government still perceives the region to be dangerous. All major reconstruction efforts there are currently controlled by the military, which has done nothing to rectify decades of mistrust and animosity between the ethnic groups. The Sri Lankan government continues to promote the rhetoric of “the Tamil terrorist” while subsequently presenting a false appearance of northern revitalization, called the “Northern Spring.”⁸⁴ Journalists for Democracy in Sri Lanka (JDS) argues instead that the Sri Lankan government has continued the same “structural and systematic” state violence that was used to fight Tamil terrorism at the height of the civil war.

⁸³ International Crisis Group, “Sri Lanka: Tamil Politics and the Quest for a Political Solution,” *International Crisis Group*, November 20, 2012, (URL accessed November 23, 2012) <http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/239-sri-lanka-tamil-politics-and-the-quest-for-a-political-solution.aspx>.

⁸⁴ Athithan Jayapalan, “State Terrorism and Resistance: The Genocidal Occupation of the Tamil Homeland,” *Journalists for Democracy in Sri Lanka*, November 21, 2012, (URL accessed November 30, 2012) www.jdslanka.org/index.php/20120-01-31-17/politics-a-economy/218-state-terrorism-and-resistance-the-genocidal-occupation-of-the-tamil-homeland.

The heavy militarization and surveillance of Tamil-inhabited areas has led critics of the regime to fear the resumption of conflict, especially as the government undertakes efforts that are considered “genocidal” by Tamils and some international critics (see “History of Genocide”). Although the World Bank social inclusion/equity cluster does not necessarily reflect ethnic divisions in Sri Lankan society, it is a strong general indicator of how inclusive (or exclusive) that Sri Lankan government policies are. Between 2007 and 2012 inclusive, Sri Lanka ranked highest in 2008 and 2009 with a rating of 3.8 out of 6, only to gradually decrease to 4.7 in 2010, and 3.6 in 2011 and 2012.⁸⁵ Although the decrements are rather small, they are an important area for future monitoring, especially as it pertains to the inclusion of Tamils in Sri Lankan society and the potential redress of exclusionary policies. A continued decline might indicate that the Sri Lankan government still perceives Tamils as a threat and are consequently adopting policies that reflect this. The policies for social inclusion and equity cluster includes gender equality, equity of public resource use, building human resources, social protection and labor, and policies and institutions for environmental sustainability.

4.4.4 Charismatic Leadership that Generates Mass Followership

Charismatic leadership that appeals to social intangibles such as national pride and prestige can facilitate mass atrocities including genocide in volatile situations by encouraging members of the dominant group to either actively participate or passively encourage the oppression of the minority group.⁸⁶ In the Sri Lankan case, the continued appeal to Sinhalese nationalism by President Rajapaksa has done little to improve ethnic relations between the Sinhalese and Tamil ethnic groups. According to Delon Madavan, a lecturer at the Paris-Sorbonne University, Rajapaksa continues to make an active effort to appear as “the embodiment of Sinhalese nationalism,” even using Sinhalese celebrities to campaign on his behalf in parliamentary elections. The extent of Rajapaksa’s “populism” is reflected in Madavan’s note that “President Rajapaksa’s unique brand of parliamentary populism exhibits a keener awareness of the importance of a certain language and register of nationalism than that of his typical forbears, the Bandaranaiques.”⁸⁷

Rajapaksa’s appeals to Sinhalese nationalism have won him some key supporters that pose a threat to any potential Tamil-Sinhalese reconciliation. The most notable group is the National Heritage Party (JHU), comprised of hard-line militant monks who aim to restore Sri Lanka to its Sinhalese, Buddhist roots. The JHU’s beliefs are largely founded in the sixth-century legend of *Mahavamsa* written by monks identifying the Sinhalese as Buddha’s chosen people and giving them a responsibility to preserve the

⁸⁶ Sentinel Project, “Early Warning Manual,” 36.

⁸⁷ Delon Madavan, “‘Politics and Ideology in the Sinhalese Press: A Site for Power and Struggle,’ by Sumith Chaaminda,” *Sri Lanka & Diasporas Observatoire Pluridisciplinaire*, September 1, 2012, (URL accessed December 13, 2012) http://silkdiaspo.hypotheses.org/695?lang=en_GB.

religion in its most “pristine form,” including the vanquishing of Tamil invaders.⁸⁸ The JHU has consequently been one of the biggest opponents of any sort of Tamil-Sinhalese reconciliation. According to some observers, protest activity by the JHU was one of the main reasons why the 2002 Norwegian-led peace settlement was unsuccessful. The group, led by the “war monk” Athurayile Rathana, was vehemently opposed to any concessions that would have precipitated peace and instead argued for prolonged war if necessary to secure a Sinhalese victory; “If they give up their weapons, then we can talk,” Rathana was quoted as saying. “If not, then we will control them by any means necessary. We should fight now and talk later.”⁸⁹

The JHU has closely aligned itself with the Sri Lankan government since the end of the civil war, staging protests and attacks on Tamil and Muslim areas that they believe rightfully belong to the Sinhalese.⁹⁰ Prior to his electoral victory in 2005, Rajapaksa made several political pacts with leaders of the JHU as part of his appeal to Sinhalese nationalism; this was an action that many feared would further toughen his Tamil policies.⁹¹ The JHU’s resort to violence in the past in order to obstruct peace negotiations between the Sinhalese and Tamils demonstrates their continued insistence on Sinhalese nationalism. Rajapaksa’s association with the group sends a message to the Tamil community that the government will never be willing to concede any rights to them and that it condones, albeit unofficially, violent action perpetrated against them by extremist groups like the JHU. This perception may in turn trigger further violence from Tamils who feel threatened by a hard-line government or by Sinhalese nationalist groups like the JHU that assume government endorsement.

4.4.5 Orientation Towards Force and Coercion to Seize and Maintain Power

The Sri Lankan government continues to resort to force and violence in order to silence its critics and consolidate power. Several reports by dissident Sri Lankan media outlets and human rights groups have repeatedly accused the Sri Lankan government of resorting to violence and other illegal means to silence its critics. The recent daylight attack on Judge Manjula Tilakaratne by unidentified men has renewed international attention to the issue. Tilakaratne served as secretary of the Judicial Services Commission in charge of appointing and transferring judges and magistrates. A month before the attack, he had been vocal about the government’s attempts to pressure and intimidate the Commission into conceding on certain issues; the attack is believed by many to be punishment by the government for having spoken out and Tilakaratne is but one of many cases.⁹²

⁸⁸ William McGowan, “Buddhists Behaving Badly: What Zealotry is Doing to Sri Lanka,” *Foreign Affairs*, August 2, 2012, (URL accessed December 13, 2012) <http://www.foreignaffairs.com/articles/137812/william-mcgowan/buddhists-behaving-badly?page=show>

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Colombo Telegraph, “Wikileaks: President Rajapaksa’s American Report Card,” *Colombo Telegraph*, October 6, 2012, (URL accessed December 15, 2012) <http://www.colombotelegraph.com/index.php/wikileaks-president-rajapaksas-american-report-card>.

⁹² Global Times, “Secretary to Sri Lanka’s main judicial body assaulted”, *Global Times*, October 8, 2012, (URL accessed September 15 2013) <http://www.globaltimes.cn/content/736874>.

A recent Human Rights Watch report provides numerous examples of forced disappearances and extrajudicial killings carried out against critics of the Rajapaksa regime, including the death of Lasantha Wickrematunge, an editor of the *Sunday Leader*, a newspaper critical of the government, who was shot and killed in broad daylight near a police station; and the disappearance of political satirist Prageeth Ekneligoda, who disappeared two days before the presidential election and has not been heard from since.⁹³ The president's brother, Gotabhaya Rajapaksa, who serves as defence secretary, has dismissed similar cases of extrajudicial killings and forced disappearances as lies intended to undermine the international and domestic progress of Sri Lanka, arguing instead that many of the people who were recorded missing were "criminals who had escaped abroad."⁹⁴ The failure to address these abuses of power gives the Sri Lankan government a certain measure of impunity and makes it appear acceptable to resort to force in order to settle political disputes. An escalation in violence by government forces or pro-government paramilitary groups to include mass killings or possibly genocide would likely go unpunished since a precedent has already been established for government impunity. See also "State Security Agencies Operating with a Few Constraints," "Low Degree of Democracy," and "History of Genocide."

4.4.6 Installation of a Newly-Created Regime

Following the 2010 national elections, Sri Lanka witnessed the inauguration of a new political regime, best described as a hybrid regime, similar to that prevailing in southeast Asian countries such as Malaysia and Singapore. These regimes, built around a dominant party, consist of a mixture of authoritarian and democratic elements where formal democratic processes such as periodic elections combine with a strong incumbent party to limit the organizational capacity of the political opposition.

A distinctive feature of this new political culture is the organizational cohesiveness of party and state institutions, which provides significant informal advantages to the dominant political party, enabling it to reach deep into both civil society and the political economy. It is now clear that the end of the civil war actually accelerated a fundamental process of state transformation leading to the emergence of a hybrid regime in what amounts to a one-party state, constituting a significant departure from the earlier political ethos with grave implications for Sri Lanka's historical engagement with democratic institutions and practices.

In addition to the formal advantages the government enjoys, there is often a tendency for the government to rely increasingly on the "informalization of power," that is, the advantages of informal power gained through personal alliances and systems of patronage. These informal powers are reinforced by a system that allows the president

⁹³ Human Rights Watch, "Sri Lanka: Address Rights Rollback Review," *Human Rights Watch*, October 20, 2012, (URL accessed November 12, 2012) www.hrw.org/news/2012/10/29/sri-lanka-addresses-rights-rollback-review.

⁹⁴ Charles Haviland, "Gotabhaya Rajapaksa: Sri Lanka North 'Not Just for Tamils,'" *BBC News*, May 28, 2012, (URL accessed December 16, 2012) www.bbc.co.uk/news/world-asia-18207198.

to delegate executive powers to key members of the intelligence services, military, security services, and judiciary without taking the civilian leadership into account. Indeed, one of the key features of the current political situation is the creation of a “deep state” – a parallel government organized by the intelligence and security apparatus, and engaging in illicit violence to protect the status and interests of the current regime against threats from the civil society and opposition.⁹⁵

As presented in the sections “State Security Agencies Operating with Few Constraints” and “Isolation from the International community,” the Sri Lankan military establishment has taken centre stage in the new power elite and sought to exploit civilian interests with whom the military have entered into a coalition. The military has assumed a key role in determining and shaping the implementation of national policy and decision making in many areas including education, foreign relations, and development.

4.4.7 Commitment to a Harmful Ideology

The current Sri Lankan government has demonstrated a commitment to a harmful ideology that draws on Sinhalese nationalism in order to justify the subjugation of the Tamil minority. As discussed previously, the current government continues to deny Tamils official political and cultural recognition on the national stage. At the heart of this denial is a belief that Tamils do not possess an exclusive right or privilege to the northern and eastern regions they occupy despite the fact that the disputed territory was historically part of the Tamil Jaffna Kingdom until Portuguese annexation in 1619.⁹⁶ Tamils have a distinct language, practice Hinduism, and have distinct cultural practices from the Sinhalese, who speak Sinhalese and practice Buddhism.⁹⁷ Although competition over territory and resources between both groups predates colonialism, it was exacerbated by the divide-and-conquer strategy of British colonial rule. The minority Tamils were awarded administrative positions under colonial rule, exacerbating divisions and enmities with the Sinhalese, which have survived ever since.

Sri Lankan independence saw a reversal of roles between both groups as the Sinhalese assumed power and “confronted” the Tamils who had previously held prominent positions in Sri Lankan society. Since independence, the Sinhalese elite have repeatedly relied on this narrative of Tamil-Sinhalese relations as a basis for building Sinhalese political support.⁹⁸ The enactment of laws in the 1950s that emphasized Sinhalese domination, including the “Sinhalese Only” language policy as well as the recognition of Buddhism as the state religion reflects this exclusionary and antagonistic ideology that has been perpetuated by the Sinhalese elite. The emergence of Tamil

⁹⁵ The “deep state” has a specific meaning and origin in Turkey where an Ataturkist (ie secular, nationalist and anti-democratic) element of the Army penetrated the state and conspired to control it, organising coups and in effect running a shadow military dictatorship limiting the freedom of political parties and retaining a stranglehold on Turkish democracy

⁹⁶ Minorities at Risk, “Sri Lankan Tamils.”

⁹⁷ Ibid; A. R. M. Imtiyaz and Ben Stavis, “Ethno-Political Conflict in Sri Lanka,” in *Journal of Third World Studies* 25 (2008): 135 – 152.

⁹⁸ Imtiyaz and Stavis, “Ethno-Political Conflict.”

rebel groups seeking autonomy and independence in the 1970s, including the formation of the LTTE, is attributed to this “ethnicization of politics” by Sinhalese elites following Sri Lanka’s independence.⁹⁹

Another source of antagonistic ideology has been the ancient Buddhist narrative *Mahavamsa* (Great Chronicle) which portrays the Sinhalese people as the chosen people of Buddha and the rightful inhabitants of Sri Lanka, where Buddha envisioned a Buddhist state, even telling the tale of a young Sinhalese prince who leads a group of Buddhist monks against a Tamil invasion.¹⁰⁰ Proponents of this antagonistic ideology have included major figures in the Sri Lankan government, including the president’s brother, as well as more extreme political leaders like Athurayile Rathana (see “Charismatic Leadership that Generates Mass Followership”).

The refusal to recognize Tamil claims to the northern areas despite their historical ties to the land, and consequently equating Tamil grievances with terrorism, as was the case during the civil war, is a manifestation of the antagonistic ideology that asserts the dominance and superiority of the Sinhalese majority while simultaneously devaluing the rights of Tamils.¹⁰¹ This refusal to recognize Tamil claims by the current Sri Lankan government is especially dangerous because the Tamil appeal for autonomy and power sharing have been based on their historical claims to the disputed land. This exclusionary and antagonistic ideology not only undermines these claims but also insults the central component of Tamil identity and culture, their land.¹⁰² Not only does this increase the potential for renewed Tamil violence against assaults on their land and culture, it also risks increasing government repression, which would likely appeal to Sinhalese nationalism and increase the likelihood of resumed civil war.

4.4.8 Low Degree of Freedom of Speech

There have been numerous cases of government repression of the freedom of speech in Sri Lanka. As indicated in the “Low Degree of Democracy” section, the government continues to actively intimidate journalists and public figures who are critical of the current regime. Human Rights Watch regularly reports cases of raids on media offices, public threats from government officials, forced disappearances, and extrajudicial killings. For example, in June 2012, government forces raided the offices of the new websites the *Sri Lanka Mirror* and *Sri Lanka X News*, the latter belonging to the opposition party, the United National Party. Officers of the Criminal Investigation Department arrested nine people and seized computers as well as several documents that they considered to be evidence of “propagating false and unethical news on Sri

⁹⁹ Ibid.

¹⁰⁰ McGowan, “Buddhists Behaving Badly.”

¹⁰¹ Jayapalan, “State Terrorism.”

¹⁰² International Crisis Group, “Political Solution.”

Lanka.”¹⁰³ In March 2012, following the release of the UNHRC resolution on Sri Lanka, cabinet minister Mervyn Silva threatened to “break the limbs” of local human rights advocates who had expressed support for the resolution.¹⁰⁴

The Sri Lankan government’s continued attempts to suppress the freedom of speech has drawn international attention to its violations as well as calls from the international community to address the issue. On 17 June 2013, the Ministry of Mass Media and Information officially proposed a Code of Media Ethics that would apply to print and electronic media including the internet. This comes at a time when the government has taken various measures to clamp down on Sri Lanka’s once vibrant media, including forcing some outlets critical of the government to close down. According to HRW, government-enforced codes of conduct for the media are unnecessary and invariably infringe upon the right to free expression as established under the International Covenant on Civil and Political Rights (ICCPR).¹⁰⁵

¹⁰³ Human Rights Watch, “Rollback Review.”

¹⁰⁴ Ibid.

¹⁰⁵ “Sri Lanka: Proposed Media Code Threatens Free Speech,” Human Rights Watch June 18, 2013, (URL accessed July 5 2013) <http://www.hrw.org/news/2013/06/18/sri-lanka-proposed-media-code-threatens-free-speech>.

4.5 CONFLICT AND UPHEAVAL

4.5.1 History of Conflict

Sri Lanka was under colonial rule for centuries, first by the Portuguese, then the Dutch, and finally the British. Prior to colonization, Sinhalese and Tamils had a long history of living largely in peace. As mentioned above, the British favored the Tamils, resulting in a backlash following independence in 1948 which was codified by the passage of a discriminatory law in 1956 by the Sinhalese government. This law was followed by the first ethnic riots between Tamils and Sinhalese, since independence. Similar laws have contributed to further ethnic tensions and Tamils have grown increasingly restless, with the government ignoring their grievances and frequently suppressing peaceful protests; this led to the creation of increasingly nationalistic groups within the Tamil community in the 1970s. Activists began asking for a separate Tamil state but the complete rejection of their demands pushed them further towards violent militancy. In 1971, a leftist uprising in the south led by the Janatha Vimukthi Peramuna, a marxist-leninist communist political party of Sri Lanka, provoked a military response which left thousands dead.¹⁰⁶

The early 1980s saw clashes between Tamil militant groups and government security forces. For example, in 1983 Tamil militants murdered thirteen policemen, which sparked a pogrom that left an estimated 1,000 Tamils dead. Emerging from these Tamil militant groups were the LTTE, which would then become known for their attacks on security forces and government officials. 1989 and 1990, are recalled as years of terror, with government forces trying to suppress revolts on both the northern and southern fronts, while the LTTE had become a full-fledged terrorist group.¹⁰⁷ This civil war continued until the aforementioned ceasefire agreements that ultimately failed. The LTTE finally lost all of its territory including its administrative capital by May 2009, when the government declared victory.¹⁰⁸



Sri Lanka silent march through the streets of Colombo in defense of freedom of expression in 2009.

¹⁰⁶ Minorities at Risk, "Sri Lanka: The Failure of the Peace Process."

¹⁰⁷ Ibid.

¹⁰⁸ Internal Displacement Monitoring Centre, "Sri Lanka."

4.5.2 History of Genocide

The type of violence witnessed thus far in Sri Lanka does not fit the legal definition of genocide recognized by the international community but some observers have still applied this term. For example, a recent article published by Journalists for Democracy in Sri Lanka, an organization of expatriate Sri Lankan human rights defenders, argues that the Sri Lankan government has perpetrated - and continues to perpetrate – what they have identified as genocide. The article argues that the Rajapaksa regime continues to conduct a “protracted genocide” by portraying the Tamil cause as a “terrorist one,” and using the term to justify state violence and government policies that are “bent on marginalizing and conditioning the Tamil capacity to live their lives with dignity and to ... reproduce their national consciousness [and] identities.”¹⁰⁹ The article cites the heavy militarization, surveillance, and land grabs in the north as evidence of ongoing genocide. Several high-profile human rights advocates, including Allan Keenan, the ICG Sri Lanka Project Director, have called for an independent investigation into genocide claims, especially with regard to the last few months of the civil war.¹¹⁰



Tamils in the United States protesting the Sri Lanka genocide in 2009.

Some international groups have also acknowledged the perpetration of genocide against Tamils by the Sri Lankan government. The Dublin Tribunal, an independent judiciary founded by the Irish Forum for Peace in Sri Lanka (IFPSL), the Initiative for Peace in Sri Lanka, and the International Human Rights Association Bremen called for an

¹⁰⁹ Jayapalan, “State Terrorism.”

¹¹⁰ Tamilnet, “Genocide Needs Investigation but Separation Contextually Unwise: Allan Keenan,” *Tamil News Network.com*, October 12, 2012, (URL accessed November 10, 2012) <http://www.tamilnewsnetwork.com/2012/10/10/genocide-needs-investigation-but-separation-contextually-unwise-alan-keenan>

investigation into accusations of genocide perpetrated by the Sri Lankan government.¹¹¹ Other NGOs, particularly those that focus on genocide prevention, such as World Without Genocide, have exposed past genocidal practices of the Sri Lankan government including the internment of Tamils in refugee camps without adequate access to food, education, and healthcare.¹¹² Genocide Watch has placed Sri Lanka at stage 5 of its 8-stage model, meaning that the situation is characterized by polarization – the division of groups, spreading of hate propaganda, and increased efforts to intimidate moderates.¹¹³ This is consistent with the news releases and reports cited throughout this assessment regarding the Sri Lankan government’s attempts to oppress the Tamil ethnic group, especially since the Tamil grievances that incited the civil war have yet to be adequately addressed.

As has been presented in the section “History of Conflict,” there were many instances of violence leading up to the civil war in the 1980s, such as the 1983 pogrom that left 1,000 Tamils dead. Many other instances of mass violence were reported, such as in Mannar district on 4 December 1984 when the army killed 107 civilians after Tamils attacked a jeep and killed a soldier. Tamils were also involved in violence such as in 1985, when Tamil militants dressed in army uniforms captured a bus and killed all 146 civilians on board including Buddhist pilgrims.¹¹⁴ One of the most significant LTTE-led massacres took place on 11 June 1990, when members of the LTTE killed 600 unarmed policemen.¹¹⁵

Both the government and the LTTE have committed mass atrocities during the civil war but the government’s greater share of killings has brought it under UN investigation for the massacres. The UN released a report entitled “The Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka” which has found “credible allegations which, if proven, indicate that a wide range of serious violations of international humanitarian rights law was committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity.”¹¹⁶ The report states that the panel found credible allegations of mass violence against civilians between September 2008 and May 2009 as the military carried out its campaign with widespread shelling. The government was found to have used artillery on a large scale in no-fire zones where civilian populations believed they would be safe. Shelling systematically targeted hospitals on the front lines, UN-managed food

¹¹¹ People’s Tribunal on Sri Lanka, “Dublin Tribunal Finds Against Sri Lanka on Charges of War Crimes,” Irish Forum for Peace in Sri Lanka, January 18, 2009, (URL accessed December 16, 2012)

http://www.ifpsl.org/index.php?option=com_content&task=view&id=24&Itemid=1

¹¹² World Without Genocide, “Sri Lanka,” *World Without Genocide at William Mitchell College of Law*, (URL accessed December 14, 2012) <http://worldwithoutgenocide.org/genocides-and-conflicts/sri-lanka>

¹¹³ Genocide Watch, “Sri Lanka,” ; Gregory H. Stanton, “8 Stages of Genocide,” *Genocide Watch*, 1998, (URL accessed October 3, 2012) <http://www.genocidewatch.org/genocide/8stagesofgenocide.html>

¹¹⁴ Human Rights Watch, “Playing the “Communal Card”: Communal Violence and Human Rights”, Human Rights Watch, 1995, (URL accessed October 3 2012) <http://www.hrw.org/reports/1995/communal>.

¹¹⁵ Rajasingham, K. T. “Sri Lanka: The Untold Story. Chapter 45: War continues with Brutality”, Asia Times Online, June 22 2012 (URL accessed July 15 2013), <http://www.atimes.com/ind-pak/DF22Df04.html>

¹¹⁶ “The Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka”, United Nations, 31 March 2011, (URL accessed July 30 2013) http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

distribution lines, and areas near Red Cross ships. Between these bombardments and the deprivation of humanitarian aid, tens of thousands of lives were lost. As stated in the report, “Most civilian casualties in the final phases of the war were caused by Government shelling.”¹¹⁷ The report does not dismiss the mass violence perpetrated by the LTTE, which forced civilians to remain in combat zones under threat of death, used people as human shields, and fired artillery at large numbers of IDPs.¹¹⁸



Results of the Sri Lanka Civil War

(source: <http://kickess.wordpress.com/2011/09/23/causes-and-consequences-of-inter-ethnic-conflict-in-sri-lanka/>)



Military-run interment camp for Tamils after the war.

¹¹⁷ Ibid.

¹¹⁸ Ibid.



Sri Lankan civilians suffered great hardships and many were displaced during the conflict.
(source: <http://www.uktamilnews.com>)

4.5.3 Political Upheaval

The displacement of large amounts of people, including elites and institutions, poses a genocide risk since it presents an opportunity for both the established regime and its challengers to either fortify or transform the existing order by eliminating threats and consolidating power.¹¹⁹ The challenge that the Sri Lankan government currently faces in terms of resettling the 470,000 people who were displaced during the civil war could present an opportunity for mass atrocities to be perpetrated. A recent report published in October 2012 by the IDMC presents a dire outlook on the current rebuilding efforts. As of September 2012, 150,000 IDPs remain “at-large,” many still living in camps, host communities, and transit sites, while others have been forcefully relocated. Even those who have successfully returned home lack access to basic necessities like food, shelter, clothing, and proper sanitation; they are consequently unable to rebuild their lives.¹²⁰

Military interference in the reconstruction process, as outlined in the section “Socioeconomic Deprivation Combined with Group-based Inequality,” has made transition to normal life much more difficult for IDPs. The military has assumed

¹¹⁹ Sentinel Project “Early Warning Manual,” 39.

¹²⁰ Internal Displacement Monitoring Centre, “Sri Lanka,” 10.

responsibility not only for overseeing development projects in the region but also for approving what projects are pursued, who implements them, and who benefits from them. Local Tamils have thus been allowed a negligible role in the development of their own land. The military is also in charge of settling disputes and overseeing meetings between local authorities.¹²¹ Fear of being accused of terrorism or supporting the LTTE has prevented locals from challenging military decisions.¹²² Land grabs conducted by the military to build military bases and house military families have exacerbated relations between Tamils and the Sinhalese government. These military camps are so concentrated in Vanni, once a stronghold of the LTTE, that they constitute an “unprecedented physical entrenchment of the military in the daily life of the northern population, with negative effects on the hoped-for return to normalcy.”¹²³ The heavy militarization of the area also serves as a surveillance method to prevent the resumption of conflict between the ethnic groups.

According to the ICG, the actions on behalf of the government to “Sinhalese” the northern region are part of a strategy to undermine Tamil claims to self-determination based on their occupation of the land. An increased presence of Sinhalese people in the region changes “the facts on the ground” so that should the Tamils continue to seek autonomy, the federal government can simply deny them that right based on the presence of a formidable Sinhalese community in the disputed territory.¹²⁴

Consistent with the literature on political upheaval as a risk factor for mass atrocities, the displacement of hundreds of thousands of Tamils during the civil war and subsequent reconstruction efforts have awarded the Sri Lankan government an opportunity to transform the social and political structure of the north through its heavy militarization and Sinhalese. These efforts have increased resentment by local Tamils against the Sri Lankan government and military, which could manifest itself in increased anti-government protest that will undoubtedly lead to violent clashes between the two ethnic groups and extreme measures to subdue further challenges to government authority.

4.5.4 Ongoing Insurgency of Civil War

There have been no insurgencies or instances of civil war since the government victory over the LTTE in May 2009, mostly because many Tamils have fled and are only now slowly returning to a very militarized north. Their small number would not be able to sustain an insurgency or civil war at present.

¹²¹ International Crisis Group, “Rebuilding Under The Military.”

¹²² *Ibid.*, 16.

¹²³ *Ibid.*, 17.

¹²⁴ *Ibid.*

4.5.5 Large-Scale Non-Violent, Anti-Government Protest

There have been numerous non-violent protests against the Sri Lankan government's military takeover of the Tamil north as well as against its violent crackdown against political dissidents. Some of the most noteworthy protests have been organized by university students, such as those held on 28 November 2012 by Tamil students from the University of Jaffna who boycotted classes to protest against military harassment on campus. The students were attacked by both the military and the police, resulting in a violent clash and the arrests of four of the protesters.¹²⁵ Since the violent crackdown against students, several groups have held nonviolent protests of their own to show support for the cause including university teachers and Tamil political parties. The Sri Lankan government has since responded to the student protests with physical intimidation and other scare tactics. Its Terrorist Investigation Department has since accused several students from Jaffna of receiving "instructions" and "money" from the Western Tamil diaspora and is currently conducting investigations and intimidation tactics against students identified on a "wanted list."¹²⁶ Student groups in the Tamil diaspora have also held protests to show solidarity, sometimes engaging non-student members of the broader diaspora. For example, in Toronto in 2009, about 45,000 Tamils protested against what they considered the genocide of their people in Sri Lanka. Many held pictures of children killed in the violence, others denounced the deaths of civilians in general.¹²⁷

There have also been non-violent protests against the Sri Lankan government by non-student groups. The stabbing of Manjula Tilakaratne, a High Court judge and secretary of the Judicial Services Commission, shortly after he accused the Sri Lankan government of interfering with the independent judiciary, triggered a high-profile protest from Sri Lankan judges. On 7 October 2012, all courts in Sri Lanka were closed in support of Tilakaratne.¹²⁸ The 26 June 2012 protest by several Tamil political groups, including the Tamil National Alliance (TNA) and the Democratic People's Front (DPF), against land grabs being committed by the Sri Lankan army was considered the first large-scale protest since the end of the civil war.¹²⁹ While all these cases seem isolated, they are part of a growing willingness by Sri Lankans to protest against government repression of Tamils. The Sri Lankan government's continued response to political criticism with violence will continue to trigger protests against it.

¹²⁵ INFORM, "Rights Activists on the Attack of the Jaffna University Students," *The Sri Lankan Guardian*, December 8, 2012, (URL accessed December 13, 2012) <http://www.srilankaguardian.org/2012/12/rights-activists-on-attack-of-jaffna.html>; Tamilnet, "Peaceful Student Protest Attacked by Military in Jaffna," *Tamil News Network*, November 28, 2012, (URL accessed December 12, 2012) <http://www.tamilnewsnetwork.com/2012/11/28/peaceful-student-protest-attacked-by-sl-military-in-jaffna>

¹²⁶ Tamilnet, "TID Interrogators Fabricate Accusation Against 14 Students in Jaffna," *Tamil News Network*, December 9, 2012, (URL accessed December 15, 2012) <http://www.tamilnewsnetwork.com/2012/12/09/tid-interrogators-fabricate-accusation-against-14-students-in-jaffna>

¹²⁷ Ciarula Taylor, Lesley. "Tamils protest 'genocide'," *The Star*, 30 January 2009, (URL accessed October 11 2013) http://www.thestar.com/news/gta/2009/01/30/tamils_protest_genocide.html

¹²⁸ Tamilnet, "Sri Lankan Judges on Strike over Stabbing," *Tamil News Network*, October 9, 2012, (URL accessed October 12, 2012) <http://www.tamilnewsnetwork.com/2012/10/09/sri-lankan-judges-on-strike-over-stabbing>.

¹²⁹ Jayapalan, "State Terrorism."

4.5.6 Conflict Over Status, Power and Rights

The grievances of Sri Lankan Tamils have always been rooted in the desire for recognition and self-determination since they had historically occupied the northern and eastern parts of present-day Sri Lanka as an autonomous state until the Tamil Kingdom of Jaffna was annexed by Portugal in 1619. As explained above, when the British came to Sri Lanka, they favored the Tamils and gave them most of the prominent positions within the civil service.¹³⁰ The subsequent “Sinhalisation” of the post-independence state, has been the greatest source of tension between the groups.

Since independence, the Sri Lankan government has adopted policies that assert Sinhalese superiority over Tamils. Shortly after independence, the government made Sinhalese the official state language and Buddhism, which is practiced by Sinhalese, the official religion.¹³¹ Sinhalese people quickly assumed positions of influence, being awarded the most prominent positions in the state. This exclusion was threatening to Tamils and triggered requests for more autonomy in the Tamil-populated northern and eastern regions. Conflict arose as Tamils sought but were denied greater rights and autonomy, culminating in the assassination of Prime Minister Solomon Bandaranaike, who had been attempting reconciliation, in 1959.¹³² Sinhalese-Tamil riots in 1956, 1981, and 1983 further exacerbated tensions between both groups and gave rise to several Tamil rebel groups, the most prominent and militant of which was the LTTE in 1976.¹³³

Language and religion have been major sources of Tamil grievances since independence and the “Sinhalization” of Sri Lanka through various discriminatory policies, including the 1956 Sinhalese Only Act that made Sinhalese the official state language, has been a great point of contention for Tamils. As a recent ICG report notes, the language barrier had a “devastating effect” on Tamil civil servants who did not speak Sinhalese and were consequently unable to gain significant government positions. As the report also notes, the act effectively institutionalized Tamils as second-class citizens. Although it was amended in 1987 to include Tamil as an official language, the report notes that language has continued to pose a barrier for Tamils who experience discrimination as a result of not speaking Sinhalese.¹³⁴

Religious discrimination remains an obstacle to Tamil-Sinhalese reconciliation. Most Tamils practice Hinduism and most Sinhalese practice Buddhism. As mentioned above, Buddhism was adopted as the official state religion shortly after independence and has continued as such.¹³⁵ As the ICG report also notes, the official narrative perpetuated by the Sri Lankan government through various media is that Sri Lanka is a

¹³⁰ Minorities at Risk, “Sri Lankan Tamils.”

¹³¹ Ibid.

¹³² “In Depth: The History of Sri Lanka,” *Canadian Broadcasting Company*, February 4, 2009, (URL accessed December 13, 2012) <http://www.cbc.ca/news/world/story/2009/02/04/f-sri-lanka.html>

¹³³ Minorities at Risk, “Sri Lankan Tamils.”

¹³⁴ International Crisis Group, “Political Solution.”

¹³⁵ Minorities at Risk, “Sri Lankan Tamils.”

Sinhalese Buddhist state.¹³⁶ The erection of Sinhalese war monuments and Buddhist statues in the north as part of its “Sinhalisation” program continues to reaffirm the idea that Sri Lanka is a Sinhalese state in which Tamils do not belong.¹³⁷

The Sri Lankan Tamil community has also repeatedly been denied minority recognition and rights as a national group. The consolidation of power at the federal level has left Tamils with virtually no control over policies that affect them, even in the northern and eastern parts of the country where they constitute a majority.¹³⁸ Their lack of power and recognition has made Tamils particularly susceptible to physical violence and economic discrimination since they have no legal basis upon which to seek redress.¹³⁹ The hard-line Tamil nationalist position thus emerged as a consequence of Sinhalese institutional discrimination and was endorsed by the Tamil community as it seems to be a way out of their situation and a means to regain autonomy. This quest for nationalism was expressed in the Thimpu Principles of 1985, which demanded that the Sri Lankan government recognize four claims: that Tamils are a distinct national group; that Tamils have a distinct territorial homeland whose integrity must be recognized as such; that Tamils have an “inalienable” right to self-determination; and that Tamils have the right to full Sri Lankan citizenship and other democratic rights.¹⁴⁰ The Sri Lankan government has repeatedly refused to address these Tamil demands, especially as they relate to minority rights and the right to self-determination. As mentioned above, the Sri Lankan government has repeatedly equated any Tamil activism with terrorism, especially as it relates to the time of the civil war.

¹³⁶ International Crisis Group, “Political Solution.”

¹³⁷ International Crisis Group, “Minority Rights.”

¹³⁸ International Crisis Group, “Political Solution,” p.2.

¹³⁹ *Ibid.*, p.3.

¹⁴⁰ *Ibid.*, p.3.

5.0 OVERALL ASSESSMENT

The overall risk of genocide in Sri Lanka is medium to high. With the exception of economic factors, all other conditions point to a likely renewal of conflict in Sri Lanka that could escalate to mass atrocities including genocide under the right circumstances.

The expectation that all the grievances of both sides would be addressed in a short time while the ramifications of the war are still prominent features of Sri Lankan society is unrealistic. The victory of the Sri Lankan army over the LTTE has been largely celebrated as a victory of Sinhalese over Tamils. The government has marked its triumph by clamping down on democratic rights, and especially those that would allow political dissidents, particularly those critical of the treatment of Tamils, to voice their disapproval. Violence by the police and military has been the primary means to address outstanding political claims and criticism, which has done nothing to mitigate the possible resumption of war due to lingering grievances.

The Sri Lankan government's lack of accountability, especially as power continues to be consolidated in the Rajapaksa family, in addition to its distancing itself from the UN and other critical members of the international community, precludes it from having to seriously answer for its actions and implies an air of invincibility and impunity that could be used to justify severe repression of Tamils, including genocide. The government's refusal to conduct investigations into possible acts of genocide and war crimes perpetrated by both the national army and the LTTE in the last phase of the war, combined with its lack of accountability for the increasingly common extrajudicial killings and forced disappearances of its critics indicates that the government enjoys significant impunity.

The persistent social and political divisions within Sri Lankan society also make it susceptible to mass atrocities. Both Sinhalese and Tamils have developed identities and ideologies that are largely based on the exclusion and denigration of the other. Sinhalese nationalism, for example, has been established on the belief that Tamils are not the rightful inhabitants of Sri Lanka, or that they do not deserve recognition as a distinct group. The Sinhalese refusal to recognize Tamil nationalism has in turn fueled a more aggressive Tamil stance that not only demands political recognition and distinction, but also threatens further violence and possible secession should the government deny them their rights. That is to say, the grievances that catapulted the Sri Lanka into civil war 26 years ago still remain unaddressed and very much alive today. Additionally, as has been presented, there are increasing reports of Buddhist extremists targeting Muslims. Although this does not directly relate to the treatment of Tamils, the onset of such violent behavior towards Muslims indicates a general disdain for minorities and could escalate to mass atrocities under the right conditions. If Buddhist extremists can become militant in their actions against Muslims, similar attacks against

Tamil Hindus or Christians are not unthinkable, and would in turn be likely to renew violent conflict between the groups.

Sri Lanka's only positive factor seems to lie in its economy. International institutions such as the World Bank and the World Trade Organization continue to predict a positive trajectory for the state's economy, which greatly diminishes the economic factors that may lead to mass killings, including long-term difficult life conditions as well as sudden and severe economic hardship. Even so, the federal government's tendency to discriminate economically against Tamils, favoring Sinhalese businesses and economic endeavors, might be a hotbed for renewed conflict in the future. Already, the development process is being conducted on a preferential basis which favours Sinhalese businessmen and settlers over local Tamil communities. The militarization and Sinhalisation of Northern Province is particularly problematic and will likely fuel violent clashes between both groups as it has only served to escalate tensions between the two. The region has already seen recent protests by university students and political groups which are becoming bolder and resisting intimidation; the police and army has responded to nonviolent protests with violence in the past and will likely continue to do so, creating a perpetual cycle of violence that could escalate to mass atrocities, including genocide.