

# Transitional Justice Fact Sheet: Sri Lanka

The Sri Lankan civil war that lasted for more than three decades ended in 2009 with the military defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE) militants by government forces. The historical causes of the conflict include discriminatory practices relating to: distribution of land, admission to universities, and access to public jobs and other state resources. These are some major examples of the systematic marginalization of, and organized violence against, Sri Lankan Tamils, Tamils of Indian origin, Muslims, and other ethno-religious minorities before and especially after independence in 1948. The three decades of war saw the most brutal violence by various armed groups, particularly the LTTE and the Sri Lankan state forces. During the course of the conflict, there were at least five attempts at peace negotiations that included the Thimpu talks in 1985, the peace accord negotiated by the Indian government in 1987, and the peace process mediated by the Norwegian government in 2002.

Through the last decade of the war, there were attempts to address human rights violations and establish truth-seeking mechanisms. However limited they may be, they served as the context for post-war measures since 2009 that are seeking to address transitional justice.

Even though there have been some positive developments in the actions of the state, the general feeling among victims and civil society actors today is that there is little political commitment to seriously implement the promised transitional justice mechanisms in Sri Lanka.

During his official mission to Sri Lanka in October 2017, Pablo de Greiff, Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, commented:

*Challenges remain and the slow progress, even on pre-conditions for transitional justice, seriously erodes trust in the Government's capacity to decisively move forward with reforms...Sri Lanka is at a critical juncture and has a unique opportunity to prevent further cycles of violence by determined action...This is the Government's duty and the right of Sri Lanka's society.*

# Transitional Justice Initiatives

	SRI LANKA GOVERNMENT	INTERNATIONAL
TRUTH	<p><b>2006:</b> A Presidential Commission of Inquiry headed by Judge Nissanka Udalagama is appointed on 3 November 2006, to look into 15 cases of serious violations of human rights from 2005-2006. These included the assassination of former Foreign Minister Lakshman Kadirgamar, the killing of 17 aid workers of the French INGO Action Contre Le Faim in Mutur, the killing of five youths in Trincomalee, the disappearance of Rev. Nihal Jim Brown of Philip Neri’s Church at Allaipidi on 28 August 2006, and a number of other high profile cases. This report was tabled in Parliament in October 2015.</p> <p><b>2010:</b> The government appoints a Lessons Learnt and Reconciliation Commission (LLRC) to look into concerns around the war since 2002. Hundreds of people testify and over 5000 submissions are made. The <b>final report is tabled in Parliament in 2011</b> with significant recommendations.</p> <p><b>2013:</b> President Mahinda Rajapaksa appoints the Paranagama Commission (Presidential Commission of Inquiry into Complaints of Abductions and Disappearances) to investigate complaints regarding missing persons in the Northern and Eastern Provinces from 10 June 1990 until the war ended on 19 May 2009.</p>	<p><b>2010:</b> UN Secretary General sets up a Panel of Experts to understand the accountability obligations for violations of international human rights and humanitarian law during the final stages of the conflict.</p> <p><b>2011:</b> The Panel delivers its report which is rejected by the Sri Lankan government.</p> <p><b>2014:</b> UNHRC mandates the OHCHR to undertake a special investigation into crimes that occurred during the same period covered by the LLRC.</p> <p><b>2015:</b> Sri Lanka co-sponsors UNHRC resolution 30/1, along with the USA, that promotes accountability and commits to initiating a four-mechanisms based transitional justice programme, in addition to other state reforms towards ensuring non-recurrence. The four proposed mechanisms were: i. Office of Missing Persons; ii. A Truth, Justice, Reconciliation and Non-Recurrence Commission; iii. An Office for Reparations; iv. Judicial Mechanism with Special Counsel.</p>

By June 2015 the Commission had received more than 21,000 complaints. **The report was handed over** to President Maithripala Sirisena by its Chairman, Retired High Court Judge Maxwell Paranagama, in October 2015.

**2015:** A Cabinet decision of 11 **September 2015**, based on a Memorandum by the Ministry of Home Affairs, makes provision for issuance of a “Certificate of Absence” to the families of persons reported missing.

**2015:** The Cabinet of Ministers forms the Secretariat for Coordinating Reconciliation Mechanisms, coming under the Prime Minister’s Office, along with a Consultation Task Force of Reconciliation Mechanisms, on 18 December 2015 to consult the public on the design of transitional justice mechanisms. **The Task Force report** that includes 7,306 submissions by citizens **is submitted to the government in 2017.**

**2015:** The Office of National Unity and Reconciliation is established under the President’s Office.

**2018:** The Office of National Unity and Reconciliation launches a National Policy on Reconciliation and Coexistence.

**2018:** The Office of Missing Persons (OMP) commences operations following the appointment of commissioners after considerable delays in implementing the Act to establish the OMP.

<p><b>REPARATION</b></p>	<p><b>June 2018:</b> The Cabinet of Ministers endorses a Bill to be enacted by Parliament for the establishment of an Office for Reparations.</p>	
<p><b>JUSTICE</b></p>		
<p><b>NON-RECURRENT</b></p>	<p><b>2015:</b> Parliament passes Act No. 4 on Assistance to and Protection of Victims of Crime and Witnesses.</p> <p><b>2016:</b> Parliament passes The Right to Information Act No 12 that sets up an independent Right to Information Commission.</p> <p><b>2016:</b> The Prime Minister establishes a Committee on Public Representations on Constitutional Reforms (PRC) to seek views on a new constitution. Parliament also sat as a Constitutional Assembly to draft and bring forth a new constitution. The PRC report is submitted to the President and Prime Minister in 2016, while the work of the Constitutional Assembly continues.</p> <p>7 March <b>2018:</b> Parliament passes the International Convention for the Protection of All Persons from Enforced Disappearance Bill passed in Parliament, giving legal validity to the ICPPED in Sri Lanka.</p>	