

SPECIAL REPORT

Preventing Atrocities in a State Unwilling to Address Its Past

The Role of Civilians and Civil Society in Sri Lanka

*The Cases of the Ceasefire Breakdown (2005–2008)
and Anti-Muslim Violence (2015–2019)*

ANUSHANI ALAGARAJAH, DHARSHA JEGATHEESWARAN,
AND LAXANA PASKARAN

JULY 2020

UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM

SIMON-SKJODT CENTER
FOR THE PREVENTION OF GENOCIDE



அடையாளம்
கொள்கை ஆய்வுக்கான நிலையம்

Adayaalam Centre
for Policy Research

CONTENTS

Executive Summary	1
Introduction	3
Methodology	5
Defining Civilians and Civil Society	6
Background	8
Case Study I: Ceasefire Breakdown in Jaffna	9
Case Study II: Addressing Anti-Muslim Violence in the Eastern Province	25
Conclusion and Recommendations	36
Bibliography	39
Appendix: Map of LTTE-Controlled Territories in the Northern Province as of January 2006	43

Executive Summary

This paper studies the role of civilians and civil society in preventing and mitigating atrocities in Sri Lanka. The first case study is set during Sri Lanka's civil war, specifically during the breakdown of the ceasefire between 2005 and 2008, when there were significant constraints on civil society and civilians and a very high risk of atrocities. The second case study is set in the post-2015 period, a time when there was a new coalition government that pledged to work toward reconciliation, and when, as a result, constraints on civilians and civil society were much lower and the risk of atrocities was also reduced. Both case studies consider the risk of atrocities centered on interethnic conflict, though the first case study looks at the long-standing armed conflict between the Sri Lankan state and the Liberation Tigers of Tamil Eelam (LTTE), while the second looks at intercommunal violence directed at the Muslim minority community in the post-war context.

In the first case study, most initiatives, which sought to directly engage with Sri Lankan security forces or the government, were unsuccessful at preventing atrocities because of (1) the primarily Sinhalese military's prejudice against Tamil communities; (2) a post-2005 strategic shift toward winning the war at any cost; and (3) a lack of resources for civil society. Underground initiatives were found to be more effective at preventing atrocities on an ad hoc basis. In the second case study, most initiatives taken by civil society failed to prevent anti-Muslim atrocities from occurring because the initiatives were unable to address root causes of intercommunal violence in the Eastern Province. (A few initiatives taken directly in the aftermath of the horrific Easter Sunday attacks were the exception.)

Taken together, the two case studies highlight that although there has been space for civil society and civilians to try to act to prevent or mitigate atrocities perpetrated during Sri Lanka's cycles of ethnic violence, the effectiveness of those actions has been rather limited. When using the metric of saving individual lives, as in the first case study, the study finds that underground initiatives tended to be more effective than initiatives that directly confronted the State during a period of armed conflict. However, when the broader metric of lasting intercommunal harmony in the post-war context is considered, it is clear that civil society has been unable to address root causes and, thus, that initiatives have been largely ineffective at maintaining intercommunal harmony and preventing intercommunal violence, except possibly in the aftermath of a major triggering event.

This study raises important implications for the scope of what civil society can do in a context in which the State is unwilling to address its past. The study concludes that until the State is willing to address and undo its Sinhala-Buddhist nationalist character, it will be very difficult for civil society to pursue initiatives that directly engage or challenge the State. In the interim, underground initiatives will be hindered by a lack of coordination among civil society and a lack of resources.

On the basis of this analysis, and as Sri Lanka once again becomes a country at high risk of interethnic violence driven by Sinhala-Buddhist nationalism, the study recommends that the international community and civil society find ways to support coordination and resources of underground initiatives aimed directly at preventing abductions and killings of suspected targets of the government. It also recommends that institutional and foreign donors incorporate victim-survivor community voices directly into their strategic planning. Finally, it recommends that civil society organizations attempt to stress the need to address root causes either in their work (if they can) or in government- or international-led initiatives.

Introduction

This paper studies the role of civilians and civil society in preventing and mitigating atrocities in Sri Lanka. The paper considers two case studies that juxtapose armed conflict and post-armed conflict scenarios. The first case study is set during Sri Lanka’s civil war, specifically during the breakdown of the ceasefire between the Sri Lankan state and the Liberation Tigers of Tamil Eelam (LTTE) between 2005 and 2008. That was a time when there were significant constraints on civil society and civilians, with a very high risk of atrocities. The second case study is set in the post-2015 period. At that time, there was a new coalition government that pledged to work toward reconciliation and, as a result, constraints on civilians and civil society were much lower and the risk of atrocities was also reduced. Both case studies consider the risk of atrocities centered on interethnic conflict, although the first case study looks at the long-standing armed conflict between the Sri Lankan state and the LTTE while the second looks at intercommunal violence directed at the Muslim minority community in the post-war context.

Although the case studies on their face may appear dissimilar, both reflect the difficulties of working in a context in which the State is unwilling to grapple with root causes of interethnic violence, the result of which is the persistence of an ethnocentric majoritarian state that makes it very difficult for civil society and civilians to sustainably and effectively protect nonmajority communities from atrocities. The studies also reflect the differences in the types of challenges civilians and civil society face in trying to prevent or mitigate atrocities in these two very different contexts, during a war and post-war.

The first case study examines civilian and civil society initiatives taken to prevent and mitigate the increasing abductions and killings by the Sri Lankan security forces and paramilitary forces during the ceasefire breakdown between 2005 and 2008 in the Northern Province district of Jaffna. The ceasefire breakdown came three years after the government of Sri Lanka and the LTTE signed a ceasefire agreement in 2002. During the three years between 2005 and 2008, the numbers of primarily Tamil individuals abducted and/or killed by state and paramilitary forces increased exponentially, and thus the risk of these particular atrocities was very high. This was also a period when civil society and civilians faced significant constraints in undertaking initiatives because of the ramping up of conflict and the increasingly repressive measures of the State and LTTE in areas under their control.

For the purposes of this paper, we are looking only at initiatives that aimed to prevent atrocities perpetrated by the Sri Lankan security forces and paramilitary forces—specifically, abductions and killings of civilians in Jaffna and the North. During this period, the LTTE was also engaged in certain atrocity crimes, but aimed at different targets such as political actors and civilians in the South. The LTTE’s crimes in the North related to forcible recruitment of children and adults began to increase toward the end of 2008.¹ However, we specifically chose to focus only on atrocities committed by the State and state-aligned actors, because we felt that studying the LTTE was an entirely different research exercise and to some extent has already been done by others.² In addition, whereas the LTTE was completely defeated at the end of the war, Sri Lanka continues

¹ Human Rights Watch, “Trapped and Mistreated: LTTE Abuses against Civilians in the Vanni,” December 15, 2018, <https://www.hrw.org/report/2008/12/15/trapped-and-mistreated/ltte-abuses-against-civilians-vanni>.

² Nimmi Gowrinathan and Zachariah Mampilly, “Resistance and Repression under the Rule of Rebels: Women, Clergy, and Civilian Agency in LTTE Governed Sri Lanka,” *Comparative Politics* 52, no. 1 (October 2019), <https://www.ingentaconnect.com/content/cuny/cp/2019/00000052/00000001/art00002>.

to be trapped in cycles of violence either perpetrated or enabled by the State, and thus a study looking at addressing state-perpetrated atrocities was more pertinent. Our study focuses on the Jaffna peninsula, which remained under government control throughout the ceasefire but bordered the northern edge of LTTE-controlled territory and was populated primarily by Tamils at the time. It is thus an interesting study of the types of spaces and initiatives that took place on the periphery of a direct armed conflict.

In the first case study, we found that most initiatives, which sought to directly engage with Sri Lankan security forces or the government, were unsuccessful at preventing atrocities perpetrated by the same and that, instead, it was primarily underground initiatives that managed to prevent atrocities on an ad hoc basis. We argue that the main factors that contributed to this lack of success with direct engagement were (1) the primarily Sinhalese military's prejudice against Tamil communities, (2) a post-2005 strategic shift toward winning the war at any cost, and (3) a lack of resources for civil society. In measuring effectiveness with this case study, we used the metric of individual lives being saved, but, as will be discussed, all initiatives during this period failed to protect the overall community from ensuing hostilities. The result was that civil society was largely driven underground and prevented from conducting coordinated and public-facing initiatives.

The second case study is set in the post-war context and looks at initiatives taken by civilians and civil society to prevent violence against Muslims in the Eastern province post-2015. At that time a coalition government came to power supposedly on the back of a "good governance" platform, which in part said it would engage in transitional justice. We chose to look at the Eastern Province because it is inhabited by the three main ethnic communities in Sri Lanka and holds a significant Muslim population. The metric for effectiveness that we used in this case study was different from the one in the first case study because the risk of atrocities was lower. Unlike the previous case study, the risk of atrocities in this one was not from state actors; we considered the greatest risk of anti-Muslim atrocities to emanate from state-condoned or even state-aligned Sinhala nationalist groups such as the Bodu Bala Sena (BBS), an extremist Sinhala Buddhist nationalist group. The metric we used was whether initiatives resulted in long-term interethnic harmony in the province and prevented anti-Muslim violence in all its forms.

In the second case study, we found that even in the post-2015 period, most initiatives taken by civil society failed to prevent anti-Muslim atrocities from occurring, with the exception of a few initiatives taken directly in the aftermath of the horrific Easter Sunday attacks. Following the attacks, civil society initiatives may have contributed in part to the quelling of a massive eruption of anti-Muslim violence, though it is difficult to be certain because of measures the State took at this time as well. However, for the most part, we argue that long-term civil society initiatives were only partially effective because they were unable to address the root causes of intercommunal violence in the Eastern Province and instead were largely modeled on superficial constructions of "reconciliation." In our view, the more interesting question for analysis is why that was. We make three possible arguments for why there has generally been a trend toward civil society being unable to address root causes: (1) reconciliation was the only safe form of state challenge; (2) donors incentivized reconciliation-based activities; and (3) civil society actors were themselves not impervious to Islamophobia.

Taken together, the two case studies highlight that although there has been space for civil society and civilians to act to try to prevent or mitigate atrocities perpetrated during Sri Lanka's cycles of ethnic violence, the effectiveness of these efforts has been rather limited. When using the metric of saving individual lives, as in the first case study, we find that underground initiatives tended to be more effective

than initiatives that directly confronted the State during a period of armed conflict. However, when we consider the broader metric of lasting intercommunal harmony in the post-war context, it is clear that civil society has been unable to address root causes, and thus initiatives have been largely ineffective at maintaining intercommunal harmony and preventing intercommunal violence, except possibly in the aftermath of a major triggering event.

This study raises important implications for the scope of what is possible for civil society to achieve in a context where the State is unwilling to address its past. We conclude that until the State is willing to address and undo its Sinhala-Buddhist nationalist character, it will be very difficult for civil society to pursue initiatives that directly engage or challenge the State. In the interim, initiatives that are underground may be hindered by a lack of coordination among civil society and a lack of resources.

On the basis of our analysis and as Sri Lanka once again becomes a country at high risk of interethnic violence driven by Sinhala-Buddhist nationalism, we recommend that the international community and civil society find ways to support coordination and resources of underground initiatives aimed directly at preventing abductions and killings of suspected targets of the government. We also recommend that institutional and foreign donors incorporate victim-survivor community voices directly into their strategic planning. Finally, we recommend that civil society organizations attempt to stress the need to address root causes, either in their work if they can or in government- or international-led initiatives.

Methodology

We chose a qualitative research methodology for the purposes of this study. We used three main data sources: (1) qualitative interviews with key actors; (2) field observation by our researchers who have lived through the periods and areas we studied; and (3) archival and secondary source research.

For the first source, qualitative interviews, we interviewed the following: 15 key actors who were active as civil society or civilians in the North during the ceasefire breakdown, 25 civil society members from the East who have been working on addressing interethnic violence, and 10 beneficiaries of the various efforts undertaken by civil society in the East to prevent or mitigate atrocities. Altogether, researchers from the Adayaalam Centre for Policy Research (ACPR) conducted 50 interviews in the districts of Jaffna, Ampara, Batticaloa, and Colombo. We also undertook qualitative interviews with two civil society actors and two academics who had been active during the ceasefire breakdown who are now living outside of Sri Lanka.

We encountered particular challenges finding interviewees who were willing to speak about initiatives undertaken during the ceasefire breakdown period for the first case study, because many who were involved at the time have fled the country or died or were disappeared at the end of the conflict. Those who do remain are understandably still very scared to speak about these issues, particularly because there is little belief that the political space that has opened up post-2015 is lasting. In addition, we faced significant obstacles

because of the politically tumultuous year Sri Lanka had from 2018 to 2019, with an attempted constitutional coup by former president Mahinda Rajapaksa in November 2018, followed by the horrific Easter bombing attacks in April, and finally the election of former secretary of defence Gotabaya Rajapaksa as president in November 2019. Following each of these major events, we had to manage further reluctance from individuals to participate in this research project because of increased fears about a return to the Rajapaksa-style regime of repression and attacks on those critical of the state.

In terms of field observation, two of ACPR's researchers had been involved in civil society initiatives in the post-war period aimed at preventing or mitigating atrocities, and they drew from their contextual observations in writing this report. One of the researchers had also lived through the ceasefire breakdown period as a civilian and drew from lived experiences for research for this paper.

Finally, we primarily used archival and secondary source research to corroborate claims made by interviewees and to establish context for this research.

For protection concerns, we anonymized all our references to the qualitative interviews in the study.

Defining Civilians and Civil Society

Civilians

The definition of the term *civilian* when viewed through the complexities of marginalized identities is multifaceted. Civil society members and human rights defenders interviewed by ACPR distinguished civilians from noncivilians through the key characteristic of not carrying arms.³ The armed groups listed by civil society members included state and nonstate actors, including the following: LTTE, People's Liberation Organization of Tamil Eelam (PLOTE), Eelam People's Democratic Party (EPDP), Eelam People's Revolutionary Liberation Front (EPRLF), Tamil Eelam Liberation Organization (TELO), Tamil Thesiya Ranavam, Bharathy, the Sri Lankan military, and the Sri Lankan police.

A few interviewees pointed out the common belief that civilians are often perceived as people lacking agency, particularly in the context of war and conflict.⁴ However, most believed that this idea needs to be challenged and that there needs to be more acknowledgement of civilians' agency and role during the

³ In the East, some activists also referenced a criterion pertaining to enjoyment of rights issued by the State, but this was due to a translation issue with the Tamil word for *civilian* sometimes being associated with citizenship.

⁴ ACPR interviews with a Catholic priest, a newspaper editor, an NGO worker, and a lawyer, Jaffna, June–December 2019. (All references to the qualitative interviews in the study have been anonymized for the interviewees' safety.)

conflict with respect to decisions to move and to participate in protests and initiatives when and where they wanted,⁵ to their ability to persuade civil society and government actors to do better, and to their power to hold the perpetrators accountable.⁶

Given that the time period we are examining in the second case study concerns the post-war period, many of the aforementioned Tamil militant groups were no longer in existence. Thus, after 2009, thousands of individuals were moved into the “grey zone” of “excombatants.” The Sri Lankan government and many in the North and East continue to view these individuals with suspicion, and though by international law they are civilians the moment they put down their weapons, in the minds of the State and their communities it is unclear whether even ten years later they are viewed as civilians.

Civil Society

According to the civil society representatives we interviewed, civil society is a broad category that encompasses civic-minded individuals and organizations with different interests coming together for a common purpose.

The common purpose during the time of the ceasefire was ensuring that human rights were not being violated and protecting civilians.⁷ Most well-known civil society members during the time of the ceasefire were not necessarily nongovernmental organization (NGO) workers but rather included professors, union leaders, student leaders, doctors, bankers, businessmen, and others. This notion of civil society being individuals who were well educated or wealthy was criticized by some we interviewed, who argued that these impressions were based on western ideals. They pointed out that the functions of what we consider as civil society now was historically carried out by village leaders and community-based organizations.⁸ Even during the ceasefire, the role of *Marumalarchik kazhakam*—a network of village activists who did not perceive themselves as civil society but still worked toward the common good—was instrumental and very similar to what the center/city-based civil society was doing.⁹

In contrast, civil society in the East in the post-war context was viewed as being made up of village associations, youth clubs, religious groups and leaders, women’s groups (for example, Women’s Action Network, SURIYA, Affected Women’s Forum), community-based organizations (for example, Social Welfare Organization of Ampara District), and groups working toward reconciliation.¹⁰ Additionally, educational, cultural, and religious institutions were also identified as important spaces for civil society actions and activities.¹¹ In the East there was a closer association between civil society and NGOs, and the East saw an increase in NGOs after the tsunami in 2004. Members of an NGO in Ampara recall the

⁵ ACPR interview with a Catholic priest, Jaffna, July 2019.

⁶ ACPR interview with a lawyer, Jaffna, December 2019.

⁷ ACPR interview with a political analyst, Jaffna, June 2019.

⁸ ACPR interview with a newspaper editor, Jaffna, October 2019.

⁹ ACPR interview with a lawyer, Jaffna, December 2019.

¹⁰ ACPR interviews in July 2019 with a professor at Eastern University, an activist in Batticaloa, two human rights defenders in Batticaloa (HRD Batticaloa and HRD1 Batticaloa), and an NGO worker in Ampara.

¹¹ ACPR interview with an NGO worker in Ampara, July 2019.

changes in perception of who was considered to be part of civil society after the tsunami, particularly as international nongovernmental organizations came to the East and lumped local NGOs in with community-based organizations even if they were not considered as such before then.¹²

One interviewee noted that civil society is rooted in the culture and that when there is a need to address chaos in the society, it took different forms and structures to safeguard the civilians.¹³ Civil society was a resource for civilians who could not find solutions to their grievances on their own. Many interviewed felt that during the ceasefire breakdown, the relationship between civilians and civil society was very strong because civil society was working closely with the community and was challenging the government. Even though some Tamil civil society groups were criticized for not being independent of the LTTE and its control, this seemed to be an understood constraint of working in conflict-affected and conflict-adjacent areas in the North and East, and most felt that during that period, civil society worked for civilians.¹⁴

However, interestingly, many felt that ten years after the end of the war, the relationship between civil society and civilians has greatly diminished, at least in part because some in civil society started to work with the government post-2015.¹⁵ Further, while civil society was not equated with NGOs a decade ago, the most common criticism of civil society at present is that it has adopted an NGO culture influenced by foreign donors and various agendas of the Sri Lankan government and the international community. Thus, the perceptions of civil society during the breakdown of the ceasefire were very much rooted in ideas of community members who acted as mediators and defenders, working for the protection of the community. Civil society was seen as an extension of the community, and the perception is that ten years later, civil society has become professionalized and is no longer a part of the community it seeks to represent.

Background

Since the turn of the 20th century, Sri Lanka has faced recurring cycles of ethnic violence largely driven by majoritarian Sinhala-Buddhist nationalism. The most prominent and devastating example was the 30-year civil war between the government of Sri Lanka and LTTE, a Tamil rebel separatist group. The war began in 1983 after young Tamils turned militant in the 1970s when political processes repeatedly failed to resolve decades of post-independence oppression of Tamils on the island.¹⁶ In 2002, it appeared as though the war would finally end when the LTTE and the government signed a ceasefire agreement and

¹² ACPR interview with an NGO worker in Ampara, July 2019.

¹³ ACPR interview with a professor, Jaffna University, September 2019.

¹⁴ ACPR interview with a Catholic priest, Jaffna, July 2019.

¹⁵ ACPR interview with an NGO worker, Jaffna, August 2019.

¹⁶ Ambalavaner Sivanandan, "Sri Lanka, Racism and the Politics of Underdevelopment," *Race and Class* 26, no. 1 (1984). See also, S.J. Tambiah, "Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy", *Race & Class* 26, no. 1 (July 1984): 1–37, <https://journals.sagepub.com/doi/10.1177/030639688402600102>.

began negotiations for a political solution. However, by 2005 the ceasefire had begun to break down, and in 2008, Sri Lanka formally pulled out of the agreement. The war's end in 2009 was characterized by horrific atrocity crimes and resulted in the deaths of tens of thousands of Tamil civilians.¹⁷ Sadly, atrocities in Sri Lanka did not end there. After the war, state and paramilitary actors continued to perpetuate atrocities, primarily against Tamils in the North and East, with high rates of enforced disappearances, torture, arbitrary detention, and killings.¹⁸ In addition, Sinhala-Buddhist nationalism began to expand to anti-Muslim violence. As will be described further, multiple incidents of riots took place against Muslim communities led by Sinhala-Buddhist nationalist mobs, injuring and killing Muslim individuals.¹⁹ In parallel, economic campaigns were launched against Muslim businesses, and Islamophobic rhetoric spread virally.²⁰

The fact that Sinhala-Buddhist nationalism serves as a key underlying cause for the multiple cycles of violence in Sri Lanka's history is well accepted among scholars,²¹ though less so among the majority Sinhala community on the island. A little-studied area is how civilians and civil society have navigated this space to try to prevent or mitigate atrocities. In this study, we examine the initiatives undertaken by civilians and civil society in two different cycles of Sri Lanka's violence.

Case Study I: Ceasefire Breakdown in Jaffna

Context

Ceasefire Declared

In 2002, after almost two decades of armed conflict between the Sri Lankan government and the LTTE, both parties signed a ceasefire agreement. The agreement barred both parties from engaging in firing weapons; conducting armed raids, abductions, and assassinations; destroying military or civilian property; carrying out suicide missions; and engaging in aerial bombardment, while allowing the Sri Lankan armed

¹⁷ *Report of the OHCHR Investigation on Sri Lanka (OISL)*, UN Office of the High Commissioner for Human Rights, September 16, 2015, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>.

¹⁸ *Report of the OHCHR Investigation on Sri Lanka*.

¹⁹ Alan Keenan, "Sri Lanka's Easter Bombings: Peaceful Coexistence Under Attack," International Crisis Group, April 2019, <https://d2071andvip0wj.cloudfront.net/23%20Apr%2019%20Sri%20Lanka.pdf>.

²⁰ Keenan, "Sri Lanka's Easter Bombings."

²¹ See, for example, Ambalavaner Sivanandan, "Sri Lanka, Racism and the Politics of Underdevelopment," *Race and Class* 26, no. 1 (1984); S. J. Tambiah, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy* (London: I. B. Tauris and Co., 1986), chap.6, pp. 87–102; Madurika Rasaratnam, *Tamils and the Nation: India and Sri Lanka Compared* (London: Hurst and Co., 2016).

forces to “continue their duty of safeguarding the sovereign territory of Sri Lanka.”²² It also allowed for the reopening of the A-9 highway, the main artery connecting the south of the country to the north. Importantly, this also permitted movement between the Jaffna peninsula and LTTE-controlled territory, reconnecting parts of the Tamil community and enabling civilians to move between both.²³

The ceasefire agreement negotiations were overseen by the Norwegian Embassy, and as a part of the agreement, the international Sri Lankan Monitoring Mission (SLMM)²⁴ was formed. The SLMM consisted of monitors from countries including Norway, Finland, Sweden, Denmark, and Iceland. Even though the SLMM addressed many of the violations of the ceasefire and other human rights violations during its mandate, it also received heavy criticism for a lack of transparency about its mandate and for not being free of political influence from both parties.²⁵ The SLMM was also criticized for the way in which it asymmetrically recorded violations of the ceasefire agreement; Sri Lankan military violations were often marked down singularly despite the number of victims/casualties, while LTTE violations were often disaggregated.²⁶ The SLMM also failed to account for violations of state-driven paramilitary groups, which accounted for a large number of violations during this period.²⁷ These criticisms have meant that activists and scholars cannot reliably look to SLMM’s documentation to understand the way in which the ceasefire broke down.

From 2002 until 2004, there were reports of both parties occasionally violating the ceasefire agreement, but generally the ceasefire permitted a large increase in movement of the Tamil population in the northern part of the island and a return from the Tamil diaspora to LTTE-controlled territory and the Jaffna peninsula. At the same time, it is now known that in the first year of the ceasefire, the Sri Lankan air force doubled in size, the army expanded by a third, and a number of foreign states, including the United States, channelled increased military assistance to the country.²⁸

²² “Agreement on a Ceasefire between the Government of the Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam,” document retrieved from United States Institute of Peace, Sri Lanka Peace Agreements Digital Collection on July 5, 2019,

https://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/pa_sri_lanka_02222002.pdf.

²³ “Sri Lanka Reopens ‘Highway of Death,’” *CNN*, April 8, 2002,

<http://edition.cnn.com/2002/WORLD/asiapcf/south/04/08/srilanka.road/index.html>.

²⁴ “Agreement on a Ceasefire between Sri Lanka and the Liberation Tigers of Tamil Eelam,” statement by Jan Petersen, Foreign Minister of Norway, February 22, 2002, <https://reliefweb.int/report/sri-lanka/agreement-ceasefire-between-sri-lanka-and-liberation-tigers-tamil-eelam>.

²⁵ “How and Why the Oslo Sponsored Sri Lanka Monitoring Mission Failed in Sri Lanka,” Sri Lanka Brief, November 15, 2011, <https://srilankabrief.org/2011/11/how-and-why-the-oslo-sponsored-sri-lanka-monitoring-mission-failed-in-sri-lanka/>.

²⁶ Suthaharan Nadarajah, “Sri Lanka’s Vernacular Press and the Peace Process 2000–2005,” Sri Lanka Strategic Conflict Assessment report, Asia Foundation, Colombo, 2005, <https://eprints.soas.ac.uk/18476/1/SLMediaSurvey.pdf>.

²⁷ Nadarajah, “Sri Lanka’s Vernacular Press.”

²⁸ Suthaharan Nadarajah, “The Tamil Proscriptions: Identities, Legitimacies, and Situated Practices,” *Terrorism and Political Violence* 30, no. 2, 278–97 (March 2, 2018), <https://www.tandfonline.com/doi/full/10.1080/09546553.2018.1432214>.

Ceasefire Informally Breaks Down

In July 2004, Vinayagamoorthy Muralitharan (Karuna), Eastern commander of the LTTE at that time, broke away from the LTTE in an agreement with the Sri Lankan state and formed his own faction in the East, which began to operate as a paramilitary group. At this time, violations began to increase in the Eastern province because of violence between Karuna's group and the LTTE. For almost a year, the SLMM reported its focus being on the Eastern province because of this increase in violence.²⁹ For many, the split of the Karuna group was considered a significant turning point in the ceasefire; enormous amounts of intelligence about the LTTE, including its cadres and networks, became available to the Sri Lankan government.³⁰

Atrocities and Effects of Ceasefire Breakdown

As mentioned in the introduction, for the purposes of this case study we are considering only the Jaffna peninsula, which fell outside of LTTE control but was a predominantly Tamil area. (See Appendix A for a map of the areas controlled by the LTTE at this time.) Also, we are only examining initiatives aimed at preventing or mitigating atrocities perpetrated by the State and state-aligned forces.³¹ This section focuses primarily on understanding atrocities committed by the State and paramilitary forces as the ceasefire broke down and, more narrowly, on abductions and killings.

Violence escalated toward the end of 2005 after Mahinda Rajapaksa won an election (which the LTTE boycotted) and assumed power as president. Even though the ceasefire was still officially in place, human rights violations by both sides began occurring at an alarming rate. The state security forces were “implicated in extrajudicial killings, enforced disappearances, forcibly returning internally displaced persons (IDPs) to unsafe areas, restricting media freedoms, apparent complicity with the abusive Karuna group, and widespread impunity for serious human rights violations.”³² The LTTE, on the other hand, in areas outside its control or in contested areas, was alleged to be continuing “to conduct targeted killings of perceived political opponents.”³³ Inside areas of LTTE control, in terms of atrocities, it was primarily charged with the continued forcible conscription of children.³⁴ Although the SLMM attributes a higher number of incidents in Jaffna to the LTTE during this period, as previously mentioned the methodology of the SLMM in obtaining those numbers has been critiqued.³⁵

Once the ceasefire began to unofficially break down, the government shut down the A-9 road and placed an embargo on several Tamil areas in the Northern Province, preventing access to necessities such as

²⁹ “The SLMM Report 2002–2008,” Norwegian Ministry of Foreign Affairs, 2010, http://www.ptsrilanka.org/wp-content/uploads/2017/04/slmm_final_report.pdf.

³⁰ ACPR interview with an NGO worker, Jaffna, August 2019.

³¹ To understand the complex dynamics involved in civilian and civil society initiatives aimed at preventing or mitigating atrocities by the LTTE, we recommend Nimmi Gowrinathan and Zachariah Mampilly, “Resistance and Repression under the Rule of Rebels: Women, Clergy and Civilian Agency in LTTE Governed Sri Lanka” *Comparative Politics* 52, no. 1 (2019): 1–20.

³² Human Rights Watch, “World Report 2008,” Sri Lanka chapter online, 2008, <https://www.hrw.org/world-report/2008/country-chapters/sri-lanka>.

³³ Human Rights Watch, “World Report 2008.”

³⁴ Human Rights Watch, “World Report 2008.”

³⁵ Nadarajah, *Sri Lanka's Vernacular Press*.

food, fuel, and medicine and resulting in a sudden rise in the prices of all commodities and in limited access to electricity and the Internet.³⁶ Freedom of movement in areas in the North not controlled by LTTE was highly restricted, as emergency regulations were put in place and the military was given extensive powers of control.³⁷ Curfews were imposed frequently, allowing people to freely move for only 12 to 16 hours a day. Military convoys became another very common sight, and people got stuck wherever they were on the streets while the army moved its units from place to place.³⁸ As the convoy moved, the roads would be blocked for hours. This blockage created extreme frustration among the public as workers, students, and even patients could not get to their destinations on time.³⁹ Beyond the inconvenience, the presence of the military could no longer be ignored.

Moving out of Jaffna was also highly restricted. The fluidity of movement of civilians between LTTE- and non-LTTE-controlled areas, which had been restored with the ceasefire, was completely shut down.⁴⁰ For example, anyone who wanted to leave Jaffna had to get a clearance pass from the police or the military in his or her area. The clearance pass would be given only after a background check, which made escape difficult for people who may have been targets of the military. Even if an individual managed to get a pass, he or she still had to pass through several checkpoints—a process that took several hours to clear.⁴¹

Between 2005 and 2007, Jaffna was described as an open prison, where more than 500,000 people were being kept without access to basic commodities and movement while daily atrocities of enforced disappearances and killings continued to increase with impunity.⁴²

Breaking Down the Atrocities

For this case study, we chose to focus on abductions and killings in particular because those were the main types of atrocities perpetrated by the State during this period against civilians in Jaffna and the non-LTTE-controlled territories in the Northern Province. Other types of atrocities perpetrated by State actors during this period but not covered in this study included gender-based attacks, sexual violence, and aerial attacks.

Enforced Disappearances

Between 2005 and 2007, abductions by the military and paramilitary groups were taking place almost every day.⁴³ Almost all of the abductions were politically motivated and targeted civil society activists, students, journalists, LTTE sympathizers, government sympathizers, and those who were suspected to have connections with the LTTE.⁴⁴ Under emergency regulations, the military had the authority to arbitrarily arrest and detain large groups of people and carry out search operations in public and private

³⁶ ACPR interview with a newspaper editor, Jaffna, October 2019; ACPR field observation; ACPR interview with a civil society actor, Jaffna, October 2019.

³⁷ ACPR interview with a newspaper editor; ACPR field observation; ACPR interview with a civil society actor.

³⁸ ACPR interview with a newspaper editor; ACPR field observation; ACPR interview with a civil society actor.

³⁹ ACPR interview with a newspaper editor; ACPR field observation; ACPR interview with a civil society actor.

⁴⁰ ACPR interview with a newspaper editor; ACPR field observation; ACPR interview with a civil society actor.

⁴¹ ACPR interview with a newspaper editor; ACPR field observation; ACPR interview with a civil society actor.

⁴² ACPR interview with a newspaper editor; ACPR field observation; ACPR interview with a civil society actor.

⁴³ Human Rights Watch, “World Report 2008,” Sri Lanka chapter.

⁴⁴ ACPR interview with an NGO worker, Jaffna, August 2019.

spaces. Some individuals were taken by the military on the streets or at the military checkpoints, and some were taken from their own homes and workspaces. Some people who were taken in for inquiry by the military were later found dead in rivers or abandoned areas, or on roadsides. Some of those bodies showed clear indications of torture, and some were mutilated.⁴⁵ Most of the people who were abducted or taken for inquiry were never found.

According to the report submitted by the North East Secretariat on Human Rights (NESOHR) to the United Nations High Commissioner for Human Rights in October 2007, between 2002 and 2007, 911 people were reported missing in the eight districts of the North and East. Table 1 shows the breakdown of the disappeared from each district attributable to the military or paramilitary forces.⁴⁶ Astoundingly, whereas between 2002 and 2005 there were only 12 reported abductions in Jaffna, in a period of just over 19 months between 2005 and 2007, 450 people were reported abducted.

**Table 1. NESOHR Report to UN High Commissioner for Human Rights, October 2007:
Number of disappeared attributable to military and paramilitary forces**

Districts	2/22/02 to 11/19/05	11/20/05 to 8/31/07	Total
Jaffna	12	450	462
Kilinochchi	00	00	00
Mullaitivu	00	03	03
Vavuniya	00	26	26
Mannar	01	62	63
Trincomalee	02	40	42
Batticaloa	01	104	105
Amparai	00	12	12
Others	00	198	198
Total	16	895	911

This period of the ceasefire breakdown is when the notorious phenomenon of “white van” abductions became well known. In these cases, individuals were abducted in a white van without license plates. At times this was the most common means of abduction, extending beyond Jaffna to Colombo and other parts of Sri Lanka.⁴⁷

⁴⁵ ACPR interview with a Catholic priest, Jaffna, July 2019.

⁴⁶ “Submissions on Human Rights Violations by the Government of Sri Lanka,” North East Secretariat on Human Rights, 2007, https://tamilnation.org/tamileelam/nesohr/071012Human_Rights_Violations_by_the_Government_of_Sri_Lanka,_S_ubmitted_to_Ms._Louise_Arbour,_UN_High_Commissioner_for_Human_Rights.pdf.

⁴⁷ ACPR interviews with an NGO worker, Jaffna, August 2019, and a lawyer, Jaffna, December 2019.

Killings

During this period, the number of killings of civilians in Jaffna attributable to the Sri Lankan government also increased significantly. The number of killings recorded by NESOHR in Table 2 demonstrates the huge increase in killings between 2005 and 2007, including a more than tenfold increase in Jaffna.⁴⁸ As was the case in the enforced disappearances, no perpetrators were held accountable.

**Table 2. NESOHR Report to UN High Commissioner for Human Rights, October 2007:
Number of killings attributable to military and paramilitary**

Districts	2/22/02 to 11/19/05	11/20/05 to 8/31/07	Total
Jaffna	64	655	719
Kilinochchi	03	06	09
Mullaitivu	01	84	85
Vavuniya	23	237	260
Mannar	11	136	147
Trincomalee	26	584	610
Batticaloa	179	494	673
Amparai	33	98	131
Others	14	102	116
Total	354	2396	2750

Attacks on Civil Society and Aid Workers

As the ceasefire broke down, space for civil society and humanitarian organizations also further shrank as the abductions, killings, and intimidation intensified. In January 2006, seven aid workers for the Tamil Rehabilitation Organization (TRO) were abducted in a white van in full view of an army checkpoint while on their way back to Kilinochchi from Batticaloa and were reportedly raped and killed.⁴⁹ In the Eastern Province in August 2006, the Sri Lankan security forces massacred 17 Tamil aid workers with the French NGO Action Contre Faim.⁵⁰ Those were the most horrific examples of atrocities against civil society and aid workers during this period, but there were many more abductions and killings of NGO workers and civil society that quickly had a chilling effect on human rights work in the Northern Province. Particularly infuriating for those interviewed, international NGOs and foreign governments failed to recognize how dire the situation was becoming by the day for Tamil actors on the ground in the North and East.⁵¹

Interestingly, the aforementioned two attacks were attacks on humanitarian organizations, but they speak to the conflation of humanitarian organizations with human rights organizations during this phase of the armed conflict, particularly where aid workers were Tamil. Because access to the North was so limited

⁴⁸ “Submissions on Human Rights Violations by the Government of Sri Lanka.”

⁴⁹ *Report of the OHCHR Investigation.*

⁵⁰ *Report of the OHCHR Investigation*, p. 52.

⁵¹ ACPR interview with a civil society actor, London, July 2018.

during this period, humanitarian workers were one of the main conduits to the outside world for information about what was happening, and that may have made them targets for the government. The government also worked to portray these organizations as affiliated with the LTTE, and it often succeeded. For example, there was very little domestic or international outcry by human rights actors to the attack on the TRO because the government effectively established the narrative that the aid workers were actually working for the LTTE and were not civilians. To date there has not even been a preliminary case brought in Sri Lanka for those killings.

In addition to the abductions and extrajudicial killings, the military started to attack civilian spaces and no-fire zones, breaking the condition of the ceasefire agreement that barred both parties from aerial bombardment. At the same time, the LTTE continued to target political figures in the South and carry out suicide attacks. Ultimately, the Sri Lankan government officially withdrew from the ceasefire agreement, on January 2, 2008,⁵² but by that point violations had become rampant.

Civilian- and Civil Society–Led Initiatives during the Ceasefire Breakdown

For the purposes of this case study, we are examining initiatives taken by civilians and civil society (as previously defined) in Jaffna aimed at preventing or mitigating atrocities during the period of the ceasefire breakdown between 2005 and 2007. In particular, we are considering initiatives that were designed to prevent or mitigate abductions and killings by the Sri Lankan military and paramilitary groups during this period. Our research finds that civilians and civil society undertook mostly small-scale initiatives but that these efforts were widespread. The nature and format of the initiatives also varied with time, available resources, and levels of risk. In this section we outline those initiatives, which we place in three broad categories: (1) dialogues and negotiations, (2) informal working groups and protests, and (3) underground initiatives aimed at protecting individuals deemed at risk.

Dialogues and Negotiations

One of the most common strategies used by Tamil civilians in the North to prevent atrocities was targeted negotiations with suspected perpetrators when someone was arrested or abducted, to prevent that person from being disappeared or killed. This strategy of seeking to negotiate for the release of persons by a victim's family or friends was mentioned by almost every interviewee in the North. Those negotiations or dialogues were initiated primarily with the military and police and sometimes the LTTE. The negotiations were led primarily by the women in the family—namely, mothers or wives of the persons abducted or arrested. A common example would be mothers going to military camps they suspected their children had been taken to and pleading with the military to release them. To protect themselves and to build systems of support, women would rarely go to the military camps or police stations alone; instead, they would try to take other women, children, and someone who could speak Sinhalese (in some cases).⁵³ When the

⁵² Ranga Sirilal, "Sri Lanka Ends Ceasefire with Tamil Tigers," Reuters, January 2, 2008, <https://www.reuters.com/article/idINIndia-31216020080102>.

⁵³ ACPR interview with a newspaper editor, Jaffna, October 2019.

initial direct negotiations with the perpetrators failed, as they often did, the concerned families then would often go to the Sri Lanka Human Rights Commission or civil society actors.⁵⁴

During this time and in the decade since the war ended, it has been primarily Tamil women who have been on the front line of civilian-led initiatives in the North. They have challenged traditional gender roles while also using those same gender roles to their advantage. For example, mothers of the disappeared would often emphasize their position as mothers seeking to be given the respect and elicit sympathy often associated with this position in society, while at the same time taking on authority and challenging patriarchal systems of power that were often seen as outside the domain of a mother or wife.⁵⁵ These groups of women, though unstructured, became coordinated and cohesive networks that functioned to support one another through these horrific atrocities.

As the ceasefire broke down, a large number of Jaffna University students started getting arrested and abducted by the military because of their involvement in activism on campus around “Pongu Tamil,”⁵⁶ an annual march for Tamil rights, or perceived links to the LTTE. At this time, some members of the Jaffna University administration stepped up to go to the alleged military camps where the students were being kept and try to negotiate with the military to release the students.⁵⁷ In some cases, the military asked the university representatives to prove that the students they were looking for did not have any connections to LTTE, to support their claim that they arrested not students but rather LTTE cadres. But in most cases the military denied holding the students in their camps.⁵⁸

Civil society actively participated in negotiations as well, including NGOs, women’s groups, activists, and influential people who had ties with the military such as bankers, businesspeople, and politicians. Institutions such as NESOHR and the Consortium of Humanitarian Agencies acted as focal points for dialogues and negotiations with the government, LTTE, and international actors.⁵⁹

When negotiations failed, civilians and the civil society often turned to the international community, foreign embassies, and UN bodies for help. From civil society, this happened in the form of numerous reports, memoranda, and statements and documents of abductions, killings, and intimidations that they forwarded to international actors, pleading for them to reinforce the ceasefire or call for a halt to violence. Many of these documents can now be found at the archived NESOHR website.⁶⁰ Flowing from the aforementioned informal networks of mothers of the disappeared, an organization called the Mothers of Missing Persons was formed. The members reported the details of their disappeared loved ones to several

⁵⁴ ACPR interview with families of the disappeared, March 2018.

⁵⁵ ACPR field observations with protesting families of the disappeared from February 2017 to May 2018.

⁵⁶ Pongu Tamil was an annual march that began in 2003, the year after the ceasefire agreement was signed. The stated aim of the Pongu Tamil march was to urge steps toward permanent peace, with a particular focus on calls for demilitarization and respect for Tamil rights. See, for example, “Record Crowds Throng Jaffna Pongu Tamil Rally,” TamilNet, June 27, 2003, <https://www.tamilnet.com/art.html?catid=13&artid=9306>. In later years, many interviewees told us that the march became co-opted by the LTTE. The last march occurred in 2008.

⁵⁷ ACPR interview with a Catholic priest, Jaffna, July 2019.

⁵⁸ ACPR interview with a professor, Jaffna University, September 2019.

⁵⁹ ACPR interview with an activist, Jaffna, August 2019.

⁶⁰ “The Struggle for Tamil Eelam,” North East Secretariat on Human Rights, <https://tamilnation.org/tamileelam/nesohr/index.htm>.

humanitarian organizations and even sent memoranda and pleadings to President Rajapaksa, but nothing came from this.⁶¹

Effectiveness of Dialogues and Negotiations

In general, attempts to secure the release of individuals from the military and paramilitary were unsuccessful. The only cases in which negotiations were successful were when individuals had connections or were able to involve people with significant power and influence. For example, in one incident a person in Jaffna was able to obtain the release of his brother after he had been abducted because the petitioner was a former student union leader turned politician and had a wide network. When he learned of the abduction of his brother, he called the embassies he was in contact with and asked them to intervene. Since the incident happened in Colombo, he also got help from other politicians and was able to ensure the safe return of his brother.⁶² Unfortunately, however, cases like this were few and far between, and in some instances even those in power were unable to prevent the abduction of loved ones. Most negotiations did not succeed at all. Several mothers of the disappeared shared that they had tried to speak with military officers whom they had witnessed take their children, in their locality, but were treated with indifference.⁶³

Informal Working Groups and Protests

As the ceasefire broke down, the space to organize public opposition to the escalation in atrocities became very narrow. From the beginning of 2005, attacks targeting junior and lesser-known civil society members, journalists, and students ramped up. Many who were doing remarkable work in addressing the humanitarian crisis that was unfolding in the North began to stay silent, leave the scene but remain in the country, or leave the country altogether. These actions were themselves types of self-protection strategies that will be discussed further in the next section. Despite the crackdown, some organizations and individual actors built informal coalitions and maintained the working groups and coalitions they had built before the ceasefire breakdown. The informal coalitions and working groups played a very important role in trying to prevent and mitigate atrocities as the ceasefire broke down.

For example, the Consortium of Humanitarian Agencies was one such formal coalition that played a significant role. It worked on documenting human rights violations, led peace marches, and held dialogues with international actors. Its credibility and profile locally and internationally helped it to function during high-risk times.⁶⁴

Another example was the organizing done by the Tamil Christian clergy. For example, following the disappearance of the Catholic priest Father Jim Brown and his assistant⁶⁵ and continuing intimidation of the clergy who were instrumental in addressing the atrocities committed by the military, the Christian

⁶¹ ACPR interview with a political analyst, Jaffna, June 2019.

⁶² Interview with a politician in Jaffna, January 2018.

⁶³ Field observation of families protesting the disappeared in the North, February 2017 to May 2018.

⁶⁴ ACPR interviews with a Catholic priest, Jaffna (July 2019) and a lawyer, Jaffna (December 2019).

⁶⁵ “Amnesty Update on Disappearance of Fr. Jim Brown,” Association of Tamils of Sri Lanka in the USA, 2006 https://sangam.org/taraki/articles/2006/09-13_Amnesty_Fr_Jim_Brown.php?uid=1934.

community organized itself within church premises to avoid military intervention. They held sit-in protests, peace marches, and prayer campaigns across the North, demanding justice for the disappearance of Father Brown and his assistant.⁶⁶ It is important to note that Christian clergy during the ceasefire time played an instrumental role in safeguarding civilians in their churches and residences, accompanying persons facing threat to their destinations, mediating negotiations, meeting missions and the international community for advocacy, and leading documentation efforts.⁶⁷ Many of the priests who were involved left the country after receiving threats; some remain in Sri Lanka but keep a very low profile.

Even as the space to hold public political gatherings or protests was shrinking, civilians with the help of civil society found ways to express their dissatisfaction with the increasing atrocities and called for justice through peaceful protests. There were several instances of mothers of the disappeared protesting in Jaffna and in Colombo from 2001 to 2007, demanding answers and justice for their disappeared family members.⁶⁸

Effectiveness of Informal Working Groups and Protests

The aims of informal working groups and protests were more preventive in the long term than negotiations, which often took place once a crime was already underway. In that sense, the informal working groups and protests could be considered to have been somewhat successful, since their aim was to gain attention locally and internationally. Most of the protests were widely covered in local and international Tamil media. However, penetration of English and Sinhala media in-country was far more difficult, in part because the Sri Lankan government tightly controlled the coverage of the conflict in the media presented to the Sinhala-majority population. But informal coalitions and individuals from these networks were able to meet monitoring missions, diplomats, and international organizations for advocacy purposes. The protests kept Tamil civilians connected to human rights actors and to the demand for justice for victims, whereas the work that informal working groups did, such as documentation and reports on human rights violations, connected the civilians and their plight to the outside world. Although ultimately the international community did not intervene, and the plight of Tamil civilians during that period only really came to the fore after the war ended, these advocacy efforts were critical in expressing civilian views on the situation and in drawing the Tamil diaspora's attention to the issues. Some of these networks continue to operate today with protests by families of the disappeared and documentation efforts.

Nonetheless, these groups and protests failed to prevent or reduce the rate of abductions and killings occurring during the period, and overall the international community was very late to acknowledge the atrocities occurring.

Underground Initiatives Aimed at Protecting Individuals Deemed at Risk

In addition to the initiatives discussed, throughout the conflict and as the ceasefire broke down civilians and civil society continuously improvised ways to protect themselves from harm. These initiatives were

⁶⁶ ACPR interviews with a Catholic priest, Jaffna (July 2019) and a lawyer, Jaffna (December 2019).

⁶⁷ ACPR interview with a lawyer, Colombo, May 2019.

⁶⁸ Most of these news article can be accessed at the TamilNet news service, <https://www.tamilnet.com>.

often unplanned, immediate, and secretive. There was no clear way of measuring the level of risk to an individual. Indicators that someone might have been at particular risk included the following: people from the same organization being targeted; people in the same area being targeted; Criminal Investigation Department (CID)/Terrorism Investigation Department (TID)/military visits; surveillance; someone close to the person being killed or abducted; receiving a warning directly or indirectly; and clearance pass process taking a longer time than usual.⁶⁹ Risk assessments not only looked at risk of physical harm but also considered the mental harm to an individual.

On the basis of our research, the following are some of the most common underground initiatives that civilians and civil society described taking in the North to protect individuals who were deemed at risk:

1. **Surrendering to the Human Rights Commission:** From around 2005, individuals who felt at risk of being attacked began surrendering themselves to the Sri Lankan Human Rights Commission (HRC)⁷⁰ in Jaffna, after filing a complaint. The HRC would then send them to the court to seek refuge. The court would send them to prison, and they would stay in prison until they felt safe to leave. One person who was intimately involved with the process said, “The HRC received an overwhelming number of cases so they sent those who surrendered to them to the court, because their mandate didn’t allow them to keep them at the office and protect them.”⁷¹ A lawyer who was also involved in helping the surrendeers described the situation: “The prison was expanding. We couldn’t keep all of them in the prison so we rented out houses to keep them. Different groups of people volunteered to provide food and necessities to the prisoners. Without the support of the community and, surprisingly, the police, we couldn’t have protected them.”⁷² According to the report to the UN High Commissioner by NESOHR, by September 2007, 152 people (including two women and children) had surrendered to the HRC.⁷³
2. **Scholarships/fellowships:** Scholarships and fellowships were made available by institutions that protect journalists, with the help of international funders, to send people at risk to Colombo or out of the country. For example, as media freedom came under increasing attack, with assassinations of several journalists and attacks on local media houses,⁷⁴ an institution in Colombo that worked on media rights provided funds and scholarships for journalists at risk to leave the country.⁷⁵ Scholarships and fellowships were seen as a more favorable method of leaving than simply fleeing the country because individuals could potentially be able to return without difficulty. That is because the programs allowed individuals to cite a legitimate reason for leaving, rather than having to acknowledge that they were fleeing. Those who fled and attempted to claim asylum faced the harsh

⁶⁹ ACPR interview with a lawyer, Jaffna, December 2019.

⁷⁰ This is the national human rights institution in Sri Lanka. Although it suffered from a lack of independence from the State during the war, it did engage in some initiatives that tried to help civilians, such as the one described here. However, as evident here, this work had to be done very carefully and under the radar so as not to alert the State.

⁷¹ Anonymous interview, Jaffna, July 2019.

⁷² ACPR interview with a lawyer, Colombo, May 2019.

⁷³ “Submissions on Human Rights Violations by the Government of Sri Lanka.”

⁷⁴ “Threats to Tamil Media Personnel,” letter from North East Secretariat on Human Rights to the UN High Commissioner for Human Rights, October 9, 2007, https://tamilnation.org/tamilelam/nesohr/071009NESOHR_Media.pdf.

⁷⁵ ACPR interview with a newspaper editor, Colombo, August 2019.

reality that they would not be able to return to Sri Lanka until there was a significant governmental change. In spite of this, some journalists and academics were faced with no options and had to leave immediately on their own when they decided that they were at imminent risk.⁷⁶

3. **Safe houses:** During the conflict and particularly as the ceasefire broke down, a safe house system was established in the North and other parts of the country. Individuals with influence, civil society actors, and allies from Colombo (local and international) took people at risk into their custody and safeguarded them at secret safe houses until the risk decreased or they found other ways to ensure the safety of the threatened individuals.⁷⁷ The safe houses were houses of civilians or people of influence, religious places, and sometimes houses of individuals with an international profile. We have chosen to leave out the nuances and process of this initiative because the system still remains in place, and individuals interviewed noted that the system may need to be used again with the prospect of increasing human rights violations under newly elected President Gotabaya Rajapaksa.⁷⁸
4. **Accompanied travel:** As mentioned earlier, access to transportation became very limited as the ceasefire broke down. Owing to the high number of checkpoints, people who were targets of the military were at greater risk of being identified when traveling, even within a town.⁷⁹ Civil society thus coordinated safe travel plans, and people at risk were often accompanied by foreigners, clergy, nuns, and women.
5. **Warning-and-response networks:** Throughout the conflict but especially during this period, the military entered villages and conducted roundups of young men, who they would take into their custody and who were often disappeared or killed. To avoid this, people shared information about the military's movements and would tip off young men when the military moved toward their villages. Upon receiving the information, the young men would leave their villages and go to different villages, stay for a night or two, and return when the military had moved on.⁸⁰ This tactic was particularly important for those from lower socioeconomic classes who were at risk but lacked connections to civil society or politicians.

Effectiveness of Underground Initiatives Aimed at Protecting Individuals Deemed at Risk

In terms of measuring the success of these initiatives, since they were primarily focused on safeguarding particular individuals, the question is quite narrowly attached to whether that person was protected. Of course, this does not consider the broader question of preventing and mitigating similar atrocities that were happening to the Tamil community as a whole, and the factors influencing the ability of these initiatives and the others previously described to influence the broader picture will be discussed in the next section.

⁷⁶ Interview with a Tamil journalist in exile, October 2019.

⁷⁷ ACPR interview with a Catholic priest, Jaffna, July 2019.

⁷⁸ ACPR interview with an NGO worker, Jaffna, August 2019.

⁷⁹ ACPR interview with a lawyer, Colombo, May 2019.

⁸⁰ ACPR interview with ACPR staff, Jaffna, April 2019.

Even with respect to the narrow measure of safeguarding certain individuals, it is difficult to assess the aforementioned ad hoc–styled initiatives because there were rarely follow-up procedures. However, in our research, we found they were perceived to have higher rates of efficacy than the previous two categories. There were successes that people rejoiced at, such as when people who were instrumental to civil society and the community were able to make it out to other countries safely and when the surrendees to the HRC were able to stay in the prison safely however long they pleased. However, most of those who were able to get out were blacklisted by the Sri Lankan government and arrested upon their return to Sri Lanka, and the rest of them fear returning to the island. The exception to this is some individuals who went out on scholarships/fellowships, because they had a legitimate reason for leaving and were not always perceived as fleeing. With respect to the HRC initiative, there were no proper follow-up procedures with the people who surrendered to the HRC to determine whether all of those who returned from the prison were safe and free of risk. However, the people who were involved in this plan are still living in fear that they will be targeted soon for being involved and protecting people at risk.

Factors Contributing to the Effectiveness of Initiatives

On the basis of our research, it appears that during the period of the ceasefire breakdown, the most successful ways of protecting individuals were via underground strategies as opposed to negotiations directly engaging military actors. As mentioned, the metric we have used considers an individual’s survival. Even though informal working groups and coalitions were helpful at preserving documentation and raising awareness in some ways, as the ceasefire broke down it became harder for civil society to keep that space open, and ultimately those groups did not result in a slowdown or stopping of atrocities.

As previously mentioned, on the basis of our analysis, we find that the underground initiatives were more effective at saving individuals because those initiatives attempted to work around the system and aimed to hide from the State, rather than negotiate or appeal to the State’s humanitarian tendencies.

In this section, we offer our analysis of why we think initiatives that directly tried to appeal to the Sri Lankan government or military during this period were largely unsuccessful. In particular, we think the following factors played a significant role: (1) military prejudice against Tamil communities, (2) a strategic shift toward winning the war at any cost post-2005, and (3) civil society’s lack of resources.

Military Prejudice against Tamil Communities

The military in Sri Lanka during this period was almost entirely Sinhalese, while the communities in the North were almost entirely Tamil.⁸¹ The cases we are studying here involved primarily Tamil victims who were initiating negotiations with the military and the government. Given what we know now about how the military was conditioned and the deep-rooted prejudice held by soldiers against the Tamil

⁸¹ John Ruwitch, “Sri Lanka’s Worsening War Fans Ethnic Tamils’ Fears,” Reuters, May 30, 2007, <https://www.reuters.com/article/us-srilanka-tamils/sri-lankas-worsening-war-fans-ethnic-tamils-fears-idUSCOL23708520070530>. Note that the Northern province is also home to a significant Muslim population who were expelled by the LTTE and only began to return in large numbers after the war ended.

community,⁸² we believe this ethnic dichotomy was a relevant factor in the failure of direct negotiations to be effective. International nongovernmental organizations, such as the International Truth and Justice Project,⁸³ and documentaries from Channel 4⁸⁴ point to the dehumanization and securitization of Tamils throughout the conflict by the State that may have contributed to the horrific atrocities committed by soldiers at the end of the war, atrocities which many from the Tamil community deem a genocide. Mothers of the disappeared were trying to negotiate with soldiers who may have viewed the entire Tamil community as second class, dangerous, and loyal to the LTTE, and thus would have been unlikely to sympathize with their plight, which would have been the first step to an effective negotiation.

Strategic Shift toward Winning a War at Any Cost

In 2005, Mahinda Rajapaksa won the presidential election in Sri Lanka on the basis of a campaign centred on taking a stronger position in negotiations with the LTTE and bringing the conflict to a close.⁸⁵ The LTTE called for a boycott of those elections, and Rajapaksa easily won the majority of Sinhalese.⁸⁶ Shortly after winning, he made clear that instead of negotiating, he wanted to end the LTTE movement. He made his brother Gotabaya Rajapaksa secretary of defense to oversee the war, and his other brother, Basil Rajapaksa, served as an envoy to bring international actors on board with the strategy.⁸⁷ Although the government only formally pulled out of the ceasefire in 2008, it was clear to all from 2005 that there had been an attitudinal shift away from negotiations and back to war. The Rajapaksas demonstrated no concern for respecting human rights, and they benefited from a post-9/11 landscape in which many states were willing to look the other way or even support them as they took on a perceived “terrorist” group without respect for international norms.⁸⁸

We argue that this strategic shift toward what we now know was a decision to defeat the LTTE at any cost would have rendered negotiations that appealed to humanitarian principles in government or the military virtually pointless. This shift did not necessarily change the relation of the State toward Tamils, but it did embolden the military to completely disregard human rights. As many individuals interviewed shared with us, the only way to avoid atrocities at this juncture involved hiding.

The other result of this strategic shift was that the North became increasingly militarized and transformed into an occupied area under emergency regulations. The government as part of its strategy attacked

⁸² See, for example, International Truth and Justice Project, “Sri Lanka’s Special Task Force” (April 2018), <https://itjpsl.com/assets/STF-report-online.pdf>.

⁸³ See for example, International Truth and Justice Project, “Sri Lanka’s Special Task Force.”

⁸⁴ Channel 4, *No Fire Zone: The Killing Fields of Sri Lanka*, documentary film, September 2013, <https://www.channel4.com/programmes/sri-lankas-killing-fields/videos/all/no-fire-zone-trail/3401915143001>.

⁸⁵ David Fickling, “Hardliner Wins Sri Lankan Presidency,” *Guardian*, November 18, 2005, <https://www.theguardian.com/world/2005/nov/18/davidfickling>.

⁸⁶ Fickling, “Hardliner Wins Sri Lankan Presidency.”

⁸⁷ Somini Sengupta, “War’s End in Sri Lanka: Bloody Family Triumph,” *New York Times*, May 19, 2009, <https://www.nytimes.com/2009/05/20/world/asia/20lanka.html>.

⁸⁸ Suthaharan Nadarajah, “The Tamil Proscriptions: Identities, Legitimacies and Situated Practices,” *Journal of Terrorism and Political Violence* 30, no. 2, (March 2, 2018): 278–97, <https://www.tandfonline.com/doi/full/10.1080/09546553.2018.1432214>.

human rights defenders and civil society and portrayed them all as working for the LTTE.⁸⁹ Security analysts who have studied Sri Lanka's counterinsurgency strategy after the fact discovered that during the ceasefire breakdown, Sri Lanka used intelligence gathered from Karuna's defection to target not only those associated with the LTTE, but also key community leaders the government identified as "social nodes," who could pose resistance to the Sri Lankan state even without the LTTE.⁹⁰ The military also made use of surveillance it had continued to collect throughout the ceasefire on those who became active during this period in civil society, in media, and on university campuses.⁹¹ The failure of community networks and initiatives was also in part a result of the successful cleansing of community leadership by the military. These actions have had a lasting impact on Tamil communities in the Northern Province.⁹²

During this time, the judicial system was also susceptible to the military/paramilitary occupation, which made it harder for Tamils to trust and work with any branch of the government. Prof. Philip Alston, then the UN special rapporteur on extrajudicial, summary, and arbitrary executions, said when speaking to the United Nations General Assembly on October 20, 2006, "It is an enduring scandal that there have been virtually no convictions of government officials for killing Tamils, and many Tamils doubt that the rule of law will protect their lives."⁹³ Following her visit to Sri Lanka in October 2007, then-UN High Commissioner for Human Rights Louise Arbour also remarked that the weakness of the rule of law and the prevalence of impunity were alarming.⁹⁴

The other aspect of the shift toward winning a war was that the abductions and killings began ramping up so quickly, people did not fully grasp what was happening right away, particularly because the perception was that the ceasefire agreement still stood.⁹⁵ There was no protection plan in place because the ceasefire time was called "Peace Time" locally,⁹⁶ and the situation was relatively peaceful. But after the breakdown of the ceasefire, the situation changed rapidly, which made it even harder for civil society and civilians to make any protection plans.⁹⁷ Therefore, there were no proactive plans, and most strategies were devised ad hoc. Most of our interviewees pointed out that communication lines were cut and the military presence became excessive, surveillance was stepped up, and emergency regulations were put in place, so there was no easy way for anyone to have plans at all, whether reactive or proactive. Some may ask why civil society wasn't more prepared for a ceasefire breakdown. That may have been because of a number of reasons, including the fact that many thought the ceasefire would result in a permanent peace and there

⁸⁹ Amnesty International, "Sri Lanka's Assault on Dissent" (2013), <https://www.amnestyusa.org/files/asa370032013en.pdf>; interview with a civil society actor, Jaffna, May 2018.

⁹⁰ Roger Mac Ginty, "Social Network Analysis and Counterinsurgency: A Counterproductive Strategy?," *Critical Studies on Terrorism* 3, no. 2 (August 2010): 209–26, <https://www.tandfonline.com/doi/full/10.1080/17539153.2010.491319>.

⁹¹ Interview with a Jaffna university professor, July 2018.

⁹² ACPR field observation.

⁹³ "Sri Lanka in 'Interminable and Intractable Crisis,'" TamilNet, October 23, 2006, <https://www.tamilnet.com/art.html?catid=13&artid=20006>

⁹⁴ "High Commissioner Louise Arbour Briefs Third Committee on Efforts to Better Assist States to Respond to Human Rights Challenges," United Nations, news release, October 25, 2005, <https://www.un.org/press/en/2005/gashc3829.doc.htm>.

⁹⁵ ACPR interview with a Catholic priest, Jaffna, July 2019.

⁹⁶ ACPR interview with a former student union member, Jaffna University, June 2019.

⁹⁷ ACPR interview with a newspaper editor, Jaffna, October 2019.

was not a robust and vibrant human rights–focused civil society at the time, owing to the repressive environment.

Lack of Resources

Finally, lack of access to resources was an important factor to consider in relation to the inability of civil society to engage in broader measures to address the prevention of atrocities. When the government again closed down the A-9 road, Jaffna stopped receiving enough supplies of food, medicine, fuel, electricity, and other necessities. In many ways, the lack of resources contributed to the crisis, and it was arguably a calculated move by the government to keep it that way.⁹⁸ With very limited access to phone and Internet facilities, civil society struggled to maintain everyday communication with the world outside. However, knowing the importance of keeping in touch, many organizations began to send statements, memoranda, and weekly summaries to embassies and other actors in a desperate attempt to send the truth to the world.⁹⁹ One conduit through which information continued to be transmitted at this time was the Tamil diaspora, who continued to receive and publish news on websites such as TamilNet.¹⁰⁰

Lack of funding was another reason that initiatives to protect civilians from atrocities were small scale and unsuccessful. Civil society’s work could have been more effective with enough financial support for documentation efforts and for setting up safe offices, hiring vehicles to move around quickly and safely, and transporting victims and people at risk.¹⁰¹ Even those institutions with offices struggled with continual power outages and very limited Internet facilities. A lawyer who worked at an NGO that did documentation work stated that with proper Internet access and alternate methods to produce electricity, the group could have sent a lot of information and early warnings out of the country in a time manner.¹⁰² With adequate support to procure vehicles and with funding to buy boat or flight tickets that were very expensive during the ceasefire, many feel that more people at risk could have been saved. Although there is no guarantee that access to safe transport would have saved more people, there were reports of men being abducted or killed on their way to safe houses and meetings with civil society who did not have access to safer transport methods.

Despite the odds, when civil society realized that there was no way to stop the crisis from happening, they began to focus on documenting the crimes committed to use later for justice and accountability. Even when there was no electricity or Internet, and under surveillance and intimidation, organizations such as NESOHR, Home for Human Rights (HHR), and the Center for Peace and Reconciliation (CPR) worked tirelessly to document everything that was unfolding in the North during the ceasefire.¹⁰³ A huge number of complaints on disappearances were filed with the International Committee of the Red Cross (ICRC). The fact that we still have access to most information about what happened during the ceasefire when the North was largely cut off from the rest of the world is proof that those documentation efforts were

⁹⁸ ACPR interview with a newspaper editor, Colombo, August 2019.

⁹⁹ ACPR interview with a Catholic priest, Jaffna, July 2019.

¹⁰⁰ ACPR interview with an exiled journalist, June 2019.

¹⁰¹ ACPR interview with an NGO worker, Jaffna, August 2019.

¹⁰² ACPR interview with a lawyer, Colombo, May 2019.

¹⁰³ ACPR interview with a Catholic priest, Jaffna, July 2019.

partially successful. Interviewees described their experiences of collecting information for documentation:

[I]t was very risky. We could not identify ourselves as lawyers or activists. We would train local people to collect information and they would go to the targeted areas pretending to be midwives, devotees of religious places in those areas, and government staff doing census.... We knew the risks, but it needed to be done.”¹⁰⁴

Another activist shared that they had to put on complex disguises when doing human rights documentation: “I went to collect information from someone who was raped [dressed] as a woman selling fruits and another time I went as a pregnant woman.”¹⁰⁵

Case Study II: Addressing Anti-Muslim Violence in the Eastern Province

Context

Ten years after the end of the war in Sri Lanka, the island was shocked by a series of coordinated attacks on churches and hotels on the morning of April 21, 2019—Easter Sunday. Information soon emerged that the perpetrators of these attacks belonged to the National Thawheed Jammath (NTJ), a small Islamist group in Sri Lanka that claimed to pledge allegiance to ISIS.¹⁰⁶ The group was known to Sri Lankan security forces, and in fact, intelligence about the attacks had also been known to Sri Lankan security forces, but nothing was done, for reasons that have since been dissected by human rights and security actors alike.¹⁰⁷

In the wake of these attacks, and unsurprising to most human rights activists on the island, immediate and fierce reprisal attacks against the Muslim community began.¹⁰⁸ Muslims make up Sri Lanka’s third-largest ethnic group, comprising about 9.7 percent of the population. The designation of “Muslim” in Sri Lanka as an ethnic category rather than a religious one speaks to how intertwined politics and ethnicity are in Sri Lanka. Although most Muslims are Tamil speakers, there have been attempts to assert a distinct

¹⁰⁴ ACPR interview with a lawyer, Colombo, May 2019.

¹⁰⁵ ACPR interview with an activist, Killinochi, August 2019.

¹⁰⁶ Keenan, “Sri Lanka’s Easter Bombings.”

¹⁰⁷ Michael Safi, “Sri Lanka Bombings: Spy Chief Lambasted in Damning Report,” *Guardian*, October 24, 2019, <https://www.theguardian.com/world/2019/oct/24/sri-lanka-spy-chief-blamed-for-failures-over-easter-bombings>.

¹⁰⁸ International Crisis Group, “Sri Lanka’s Muslims: Caught in the Crossfire,” Asia Report No. 134, May 29, 2007, <https://d2071andvip0wj.cloudfront.net/134-sri-lanka-s-muslims-caught-in-the-crossfire.pdf>.

political identity, even during the period of British colonization.¹⁰⁹ This distinction has increased since the late 1980s for a number of reasons, including (1) a concerted effort by the State to split the Tamil-speaking community and (2) the LTTE's actions to exclude Muslim Tamils from their vision of a Tamil nation. Accordingly, the Tamil-speaking Muslim community has asserted its own political identity, distinct from the Tamil identity.¹¹⁰

Although anti-Muslim sentiment has always existed on the island, it became more visible and grew after the end of the war in 2009. In 2012, this came to the fore with the formation of the BBS, a group of Sinhala-nationalist Buddhist monks that preached a virulent form of anti-Muslim hate speech.¹¹¹ The group often targeted Tamil and Christian communities as well, but its main focus was on the Muslim community.¹¹² The BBS was closely linked to then-Secretary of Defence Gotabaya Rajapaksa, and its members enjoyed virtual impunity for their crimes.¹¹³ These included physical violence, intimidation, threats or coercion, and hate campaigns and propaganda.¹¹⁴ Using social media to amplify their message, the BBS and their supporters were quickly able to mobilize widespread Islamophobic sentiment among both Sinhalese and Tamil communities, though violence and destruction was committed against Muslims primarily by Sinhalese perpetrators.¹¹⁵

In 2014, a number of Muslim stores were burned down in acts of racist violence, and 78 individuals were injured, some fatally.¹¹⁶ Sinhala nationalist groups celebrated online. In 2013 alone, the Muslim Council of Sri Lanka reported 241 anti-Muslim attacks, while the Secretariat for Muslims recorded 284 incidents of threats, attacks, harassment, and incitements in the same year.¹¹⁷

Change of Government

As previously noted, when the Rajapaksas were voted out of office in 2015 and the National Unity Government (a coalition of parties led by President Maithripala Sirisena and Prime Minister Ranil Wickremasinghe) came to power, the international community and some liberal circles in Sri Lanka welcomed the change.¹¹⁸ As will be described in detail in this case study, a number of initiatives in the name of reconciliation sprang up, designed to address intercommunal tension and violence. However,

¹⁰⁹ International Crisis Group, "Sri Lanka's Muslims: Caught in the Crossfire," 2.

¹¹⁰ Interviews with Muslim civil society, Batticaloa, October 2017; interview with academic, London, July 2018.

¹¹¹ Tim Hume, "'Fascists' in Saffron Robes? The Rise of Sri Lanka's Buddhist Ultra-Nationalists" *CNN*, July 17, 2014, <https://www.cnn.com/2014/07/17/world/asia/sri-lanka-bodu-bala-sena-profile/index.html>.

¹¹² "The Hardline Buddhists Targeting Sri Lanka's Muslims," *BBC*, March 25, 2013, <https://www.bbc.com/news/world-asia-21840600>.

¹¹³ "The Hardline Buddhists."

¹¹⁴ Roshini Wickremesinha, *Confronting Intolerance: Continued Violations against Religious Minorities in Sri Lanka*, (Minority Rights Group International, 2016), https://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf.

¹¹⁵ Keenan, "Sri Lanka's Easter Bombings."

¹¹⁶ "Sri Lanka Muslims Killed in Aluthgama in Clash with Buddhists," *BBC*, June 16, 2014, <https://www.bbc.co.uk/news/world-asia-27864716>.

¹¹⁷ "Infographic: Religious Violence in Post-War Sri Lanka," *Groundviews*, September 16, 2014, <https://groundviews.org/2014/09/16/infographic-religious-violence-in-post-war-sri-lanka/>.

¹¹⁸ ACPR field observation.

anti-Muslim rhetoric and violence continued. In 2018, anti-Muslim riots were ignited after a video shared online claimed that food at a Muslim-owned restaurant in town of Ampara contained traces of “sterilization pills.”¹¹⁹ Anti-Muslim hate speech spread online and was bolstered by Buddhist monks such as the BBS, who continued to call for violent reprisals.¹²⁰ Muslim-owned shops in the East were set on fire by mobs. The violence spread to Kandy and later to Digana, a village a few miles away.¹²¹ The State blocked all social media in the Kandy area as a way to stop the spread of hate speech online.¹²² But in Digana, victim-survivors recounted the direct involvement of the Special Task Force in the physical violence against Muslims during the riots.¹²³

Throughout the post-war period, the use of social media exacerbated anti-Muslim sentiments, resulting in viral, mostly visual, disinformation content reaching a broader audience.¹²⁴ There was a clear correlation between hate speech on social media and the incitement of violence against Muslims on the island.¹²⁵ However, as noted, it would be incorrect to portray anti-Muslim violence as the product of social media; social media was simply a tool to fan the flames.

Thus, after a decade of the Sri Lankan state’s permitting and at times inflaming anti-Muslim rhetoric, it came as no surprise that after the Easter Sunday attacks, quick reprisal violence against the Muslim community occurred.

In this case study, we examine the civilian-led and civil society-led initiatives that were designed to prevent and mitigate anti-Muslim violence, in the post-2015 and post-Easter Sunday attack period in the Eastern Province. We ultimately argue that while some of these initiatives can be credited with helping to quell the spread of mass anti-Muslim violence in the wake of the 2019 Easter Sunday attacks, when they are measured against the metric of sustainable peace, these initiatives were largely unsuccessful. We argue that the initiatives failed to grapple with the root causes of interethnic violence on the island and occurred amid a complete failure of the State to do the same.

We chose to focus on the Eastern Province because it has a sizable Muslim population; it is inhabited by the three largest ethnic groups in Sri Lanka in almost equal proportion—Tamils, Muslims, and

¹¹⁹ Zaheena Rasheed, “In Sri Lanka, Hate Speech and Impunity Fuel Anti-Muslim Violence,” *Al Jazeera*, March 13, 2018, <https://www.aljazeera.com/news/2018/03/sri-lanka-hate-speech-impunity-fuel-anti-muslim-violence-180310020253272.html>.

¹²⁰ Rasheed, “Hate Speech and Impunity Fuel Anti-Muslim Violence.”

¹²¹ Rasheed, “Hate Speech and Impunity Fuel Anti-Muslim Violence.”

¹²² Rasheed, “Hate Speech and Impunity Fuel Anti-Muslim Violence.”

¹²³ Ruki Fernando, “STF brutality against Muslims in Digana,” *Groundviews*, March 13, 2018, <https://groundviews.org/2018/03/13/stf-brutality-against-muslims-in-digana-march-5/>.

¹²⁴ Rasheed, “Hate Speech and Impunity Fuel Anti-Muslim violence.”

¹²⁵ Zaheena Rasheed and Amantha Perera, “Did Sri Lanka’s Facebook Ban Quell Anti-Muslim Violence?,” *Al Jazeera*, March 14, 2018, <https://www.aljazeera.com/news/2018/03/sri-lanka-facebook-ban-quell-anti-muslim-violence-180314010521978.html>.

Sinhalese;¹²⁶ and it was the site of a large amount of the anti-Muslim hate and violence that grew after the war.¹²⁷

This case study is important because Sri Lanka is quickly spiraling downward to a more repressive and authoritarian state under the Gotabaya Rajapaksa presidency, and there are fears that intercommunal violence against Muslims and Tamils will reemerge with impunity. In fact, three days after the 2019 presidential elections, the BBS announced that it was disbanding because its work was done, referring to Gotabaya's win.¹²⁸ As civil society and communities continue to grapple with increasing risks of violence, it is critical that we learn from our past to ensure more effective strategies.

Civilian-Led and Civil Society–Led Initiatives to Address Anti-Muslim Violence Post-2015

In this research study, we examine civilian-led and civil society–led initiatives that attempted to prevent and mitigate intercommunal violence in the Eastern Province, with a particular focus on initiatives aimed at addressing growing anti-Muslim sentiment and violence. We categorize the initiatives temporally as follows: (1) post-2015 reconciliation projects, (2) immediate responses to the Easter attacks, and (3) post–Easter Sunday attack initiatives.

Post-2015 Reconciliation Projects

As mentioned earlier, under Mahinda Rajapaksa's presidency (2005–2015), many activists, journalists, and civil society members were violently targeted and murdered.¹²⁹ This particular political climate continued after the end of the war in 2009, and many were forced to avoid openly criticizing the State.¹³⁰ Space for reconciliation efforts and even humanitarian work was almost nonexistent.¹³¹

In 2015, following the election of the National Unity Government, a small window of opportunity opened as Sri Lanka became a less repressive environment for civil society actors. In this window, a number of civil society organizations chose to work on issues of interethnic discord via models of reconciliation.

In the Eastern Province, which is the focus of this case, some large NGOs received, and continue to receive, thousands of dollars (US\$) to conduct projects whose stated aims included capacity building, training and development, lasting peace, reconciliation, and justice. The form of these projects often

¹²⁶ This is a contested issue, as many have argued that the Sinhalese have encroached on the Eastern Province through State-sponsored colonization. For example, see reports on the website for People for Equality and Relief in Sri Lanka, <https://pearlaction.org>.

¹²⁷ Danilea Pollmann, "Anti-Muslim Violence in Sri Lanka," ACLED, 2018, <https://acleddata.com/2018/03/16/anti-muslim-violence-in-sri-lanka/>.

¹²⁸ "Mission Accomplished for Bodu Bala Sena," *Tamil Guardian*, November 20, 2019, <https://www.tamilguardian.com/content/mission-accomplished-bodu-bala-sena>.

¹²⁹ *Report of the OHCHR Investigation*.

¹³⁰ *Report of the OHCHR Investigation*.

¹³¹ During the Mahinda Rajapaksa era, a number of humanitarian aid workers were banned from entering the country despite engaging solely in humanitarian work, not human rights work.

consisted of workshops that brought together members of different ethnic communities, with a focus on religious leaders. These projects targeted the three main ethnic communities in Sri Lanka—Sinhala, Tamil, and Muslim. Workshops promoted interfaith and interethnic dialogue, where the sharing of different lived experiences was used as a way to learn from one another. Not all projects focused on reconciliation explicitly. Initiatives also prioritized grassroots-level educational and awareness campaigns to address long-standing grievances within the different communities as well as to discuss constitutional reform and the goals of transitional justice on the island. However, training programs by some of the larger NGOs operating in the East focused mainly on marginalized groups and on community members and leaders. The programs largely fell short of holding the State responsible for its actions. The theory of change behind these initiatives will be discussed later.

It is noteworthy that civil society initiatives in this period directly reflected donor priorities. As we will discuss, funding is an important factor in understanding the scope of civil society initiatives in the East.

Following the role of social media in spreading the flames of violence, civil society also began to engage in initiatives to address the proliferation of hate speech online. For example, civil society lobbied Facebook to make meaningful changes to how it addresses hate speech on its platform. On April 10, 2018, 13 civil society organizations penned an open letter to Mark Zuckerberg, the CEO and founder of Facebook, outlining the elements of ethnonationalism and its relationship to the online incitement of violence.¹³² After several reports, submissions, and concerns raised at a summit in 2017, Facebook expressed its commitment to combat hate speech on its platform and pointed to several new transparency initiatives, including a new misinformation policy for Sri Lanka.¹³³ Facebook hired staff in Sri Lanka to monitor and report content that could incite violence. However, Facebook’s attempts to mitigate the incitement of violence on its platform failed to address the key participants of this online vitriol: Sinhala Buddhist Nationalists.¹³⁴

The need for initiatives to prevent intercommunal violence—but also the inefficiency of initiatives to that point—was demonstrated when anti-Muslim riots broke out in Digana in 2018, killing one person and injuring several others, as previously mentioned. The riots were a stark reminder of the risk of atrocities against the Muslim community that remained despite the government change in 2015.

Responses to the Easter Bombings

Immediately after the April 2019 Sunday Easter bombing, members of civil society in the Eastern province and across the country released statements condemning the attacks, and some organizations also condemned growing post-attack reactionary violence and maltreatment of the Muslim community.¹³⁵ These statements were aimed at mitigating potential atrocities against the Muslim community by Sinhala

¹³² “Open Letter to Facebook: Implement Your Own Community Standards,” *Groundviews*, April 10, 2018, <https://groundviews.org/2018/04/10/open-letter-to-facebook-implement-your-own-community-standards/>.

¹³³ “On Facebook’s new misinformation policy for Sri Lanka,” *Groundviews*, July 20, 2018, <https://groundviews.org/2018/07/20/on-facebooks-new-misinformation-policy-for-sri-lanka/>.

¹³⁴ Interview with civil society actor familiar with Facebook’s process, Washington, DC, July 2019.

¹³⁵ “Tamil Civil Society Forum Condemns Easter Bombing, Calls for Cautious Security Sector Response,” *Tamil Guardian*, April 23, 2019, <https://www.tamilguardian.com/content/tamil-civil-society-forum-condemns-easter-bombings-calls-cautious-security-sector-response>.

and Tamil communities in response to the Easter Sunday attacks, although some attacks had already occurred. The statements were primarily in English initially, with only a few released in Tamil and Sinhalese; some statements were later translated into Tamil and Sinhalese. Some civil society groups struggled internally to produce joint statements, with certain civil society actors themselves reluctant to condemn anti-Muslim violence.¹³⁶ The process of negotiation about the text of statements was thus fraught with its own tensions, and ultimately the statements that did condemn the anti-Muslim violence did not attract as many signatories as such joint civil society statements had previously.¹³⁷ In at least one instance, local curfews—which prevented activists from meeting—posed a serious difficulty for the drafting of a statement.¹³⁸ Statements were primarily disseminated via Facebook and NGO websites; however, those statements’ media coverage was limited. Even when statements were covered, it was often only in English-language online newspapers, which have limited reach to most people inside Sri Lanka. For example, the Women’s Action Network, a network of nine women’s organizations across the North and East, published a statement online through the *Sunday Observer* on June 30, 2019.¹³⁹ The statement was in English, and it outlined eight action items for the Sri Lankan government, including a call for officials to “promptly investigate and prosecute those responsible for anti-Muslim incitement, including those responsible for rioting and violence and counter continued hate speech and incitement by Buddhist extremist groups.”¹⁴⁰ The statement was later made available in Tamil and Sinhalese, but it was not widely reported.¹⁴¹

There was also an immediate response by civic and political leaders and organizations within the Muslim community to condemn the attacks and to distance themselves from the perpetrators. For example, the Muslim Council of Sri Lanka released a statement immediately following the Easter Sunday bombings, condemning the actions of the perpetrators and calling on the Muslim community to provide any support it could to the victims and survivors.¹⁴² One Muslim civil society member in Kattankudy put up notices that outlined the actions taken by Muslims against the perpetrators of the Easter bombings.¹⁴³ These actions were jointly aimed at demonstrating solidarity and sympathy with victims and also trying to prevent the reactionary attacks that the Muslim community justifiably feared.

There were a few initiatives that aimed to bring different ethnic groups together. For example, two weeks after the Easter Sunday attacks, Tamil and Muslim civil society members came together at the Church of American Ceylon Mission in Batticaloa and had emotional conversations about the attacks and the ensuing violence.¹⁴⁴ The conversations were essential in addressing immediate emotional reactions to the bombings, and they created space for people to share their grievances while also thinking about necessary

¹³⁶ ACPR participant observation, April–May 2019.

¹³⁷ ACPR participant observation.

¹³⁸ ACPR interview with human rights defender, Batticaloa, July 2019.

¹³⁹ Women’s Action Network, “Standing in Protest and Solidarity after the Easter Attacks,” *Sunday Observer*, June 30, 2019, <http://www.sundayobserver.lk/2019/06/30/women’s-action-network-standing-protest-and-solidarity-after-easter-attacks>.

¹⁴⁰ Women’s Action Network, “Standing in Protest and Solidarity.”

¹⁴¹ ACPR participant observation, April–May 2019.

¹⁴² Muslim Council of Sri Lanka, “Muslim Council of Sri Lanka Condemns Deadly Bombings,” April 21, 2019, <https://www.aa.com.tr/en/asia-pacific/muslim-council-of-sri-lanka-condemns-deadly-bombings-/1459143>.

¹⁴³ ACPR interview with HRD1, Batticaloa, July 2019.

¹⁴⁴ ACPR interview with a professor at Eastern University, July 2019.

action items to move forward.¹⁴⁵ Muslims and Tamils in Batticaloa also embarked on a silent walk as a show of solidarity and unity.¹⁴⁶ These initiatives were ultimately aimed at preventing atrocities, because by attempting to address interethnic tensions, civil society hoped to prevent anti-Muslim violence.

Post-Easter Sunday Attack Initiatives

In the weeks and months following the Easter Sunday attacks, despite the initiatives, anti-Muslim sentiment and violence continued to grow. In particular, discrimination through boycotts of Muslim businesses increased.¹⁴⁷ The anti-Muslim violence was amplified by the spread of misinformation through social media (namely Facebook, which is the primary social medium in Sri Lanka).¹⁴⁸ In the wake of this increase, a renewed push for initiatives to mitigate and prevent anti-Muslim violence began. For example, the Human Rights Commission (HRC) in Ampara identified the need for trust-building activities between the different ethnic groups in the East and worked with more than 1,000 religious leaders regarding the basis of social harmony, reconciliation, and preventing communal violence.¹⁴⁹ HRC-Ampara also implemented tools to set up early-warning systems, which included how to warn people during an incident of intercommunal violence.¹⁵⁰

However, civil society was also part of the problem, which raises questions about the distinction between civilians and civil society mentioned earlier. Some religious leaders, who in Sri Lanka move fluidly in and out of civil society spaces, were among those most actively perpetuating Islamophobia.¹⁵¹ Even among those religious leaders who did not actively perpetuate Islamophobia, few made efforts perceived as genuine to address intercommunal tensions. Instead, gatherings and protests hosted by leaders of religious institutions against intercommunal violence were described as surface level and tokenistic.¹⁵²

Effectiveness of Initiatives

To summarize, the initiatives discussed can be categorized as follows: (1) interethnic workshops bringing together community and religious leaders, (2) statements by civil society groups, and (3) initiatives aimed at targeting online hate speech. As was described, these initiatives were largely unsuccessful at preventing recurrences of intercommunal violence and violations directed at the Muslim community over the past five years. However, initiatives that took place immediately after the Easter Sunday attacks may have contributed to preventing an eruption of further violence, though it is unclear whether the emergency

¹⁴⁵ ACPR interview with a professor at Eastern University.

¹⁴⁶ ACPR interview with HRD1, Batticaloa, July 2019.

¹⁴⁷ ACPR interview with HRD1.

¹⁴⁸ ACPR interview with HRD1.

¹⁴⁹ ACPR interview with HRC-Ampara, October 2019.

¹⁵⁰ ACPR interview with HRC-Ampara.

¹⁵¹ ACPR interviews with a Buddhist monk and a priest, Ampara, July 2019.

¹⁵² ACPR interviews in July 2019 with a professor at Eastern University, an activist in Batticaloa, HRD in Batticaloa, HRD1 Batticaloa, and an NGO worker in Ampara.

regulations and curfews also played a part. Either way, the initiatives were unable to address long-term interethnic tensions.

The ineffectiveness of these initiatives to create sustainable and long-term peace is evident, for example, in continued economic reprisals against the Muslim community in the East over the past five years. These reprisals included the boycott of Muslim businesses after widespread rumors spread over social media about contaminated food from Muslim shops.¹⁵³ This boycott heightened after the Easter bombings and spread to all Muslim businesses, including shops that sell textiles.¹⁵⁴ Following the Easter Sunday attacks, bans on *abayas* (long cloaks worn by some Muslim women) immediately came into effect; the bans were a gendered attack on the Muslim community, which notably affected teachers. Transfers of Muslim teachers to other schools from Tamil and Sinhala schools in the East occurred, with authorities citing Muslim teachers as not abiding by mandatory school uniforms rules following the ban.¹⁵⁵ Ultimately, while this increase in anti-Muslim discrimination does not itself amount to atrocities, it could be a precursor to atrocities and puts up serious red flags.

In this section, we examine the possible reasons for the inability of the civilian-led and civil society-led initiatives to sustainably prevent or mitigate anti-Muslim rhetoric and violence in the Eastern Province of Sri Lanka. The overarching factor we find most relevant to the ineffectiveness of the initiatives is the failure to grapple with the root causes.

Failure to Grapple with Root Causes

After 2015, in the small space that opened up, many civil society organizations chose to undertake “reconciliation” initiatives that were ultimately based on a superficial understanding of reconciliation and thus did not deal with the root causes of conflict. These initiatives came to be nicknamed “kumbaya programs” by local victim communities and civil society, who quickly grew skeptical of their purpose and impact.¹⁵⁶ We argue that the failure to undertake meaningful transitional justice work is a large reason that interethnic tensions continued to grow after the war and that violence against Muslims was not prevented. However, this might not have been the case if the State had decided to meaningfully engage in addressing the past and had established truth and justice mechanisms that would have been better suited to revealing the underlying causes of the interethnic conflict.

The government did set up a National Consultation Task Force that held consultations across the island and put out a report that addressed the underlying causes of the conflict, but that report received no support from the government by the time it was published. Instead, the government’s views on reconciliation are epitomized by the National Policy on Reconciliation and Coexistence, published in 2017 by the newly created government entity, the Office for National Unity and Reconciliation (ONUR). Not once does in its policy document does ONUR describe the underlying reasons that reconciliation

¹⁵³ ACPR interview with HRC-Ampara, Oct. 2019.

¹⁵⁴ ACPR interview with HRD1, Batticaloa, July 2019.

¹⁵⁵ ACPR interview with HRD1.

¹⁵⁶ ACPR field observation, Northern and Eastern provinces, 2016–2019.

became necessary. It does not outline the dynamics of the ethnic conflict and its root causes, and instead it refers to them in general terms in the preamble as follows:

Concerned by the suffering, damage and detriment caused to the lives, dignity and security of all citizens of Sri Lanka due to the prolonged period of social and political tension, including the protracted armed conflict that spanned three decades;

Acknowledging that since the conflict ended there remains a breakdown of trust, intolerance and prejudice between and within communities;

Mindful of the fact that at the heart of the problem is the lack of an acceptable arrangement of shared political authority satisfactory to all communities in the country and that this has manifested itself in discontent and violence at different periods in the history of the country...¹⁵⁷

The fallacy of reconciliation was evident in ONUR's own structure. Until shortly after Gotabaya's election, ONUR was led by former president Chandrika Bandaranaike, who herself is accused of committing atrocity crimes while in power.¹⁵⁸ In an interview with a teacher who participated in an ONUR program bringing students together from Tamil, Sinhala, and Muslim communities, the teacher expressed incredulity at the fact that the program did not address the war at all, but was just a series of team-building and group activities.¹⁵⁹ ONUR epitomizes the superficial model of reconciliation favored in Sri Lanka.

All of our interview respondents in the East agreed that reconciliation initiatives failed to prevent anti-Muslim violence and rhetoric because they remained surface level and did not delve into root causes. The more interesting question for analysis is why civil society chose to adopt this model. In some cases, the choice was based on a lack of understanding or an unwillingness to move beyond the superficial. However, there are often deeper issues at play. We make three possible arguments for why there has generally been a trend toward failing to address root causes: (1) reconciliation was the only safe form of state challenge; (2) donors incentivized reconciliation-based activities; and (3) civil society itself was not impervious to Islamophobia.

Reconciliation Was the Only Safe Form of State Challenge

After 2015, although the State's repression did decrease and a small space opened up for civil society to operate in, this did not mean that the State was suddenly open and free. Many civil society organizations and human rights defenders reported that intensive surveillance continued and that they continued to fear the security state.¹⁶⁰ Some individuals and groups in civil society that we interviewed described the post-2015 period as reminiscent of the ceasefire.¹⁶¹ At that time, as is described in the first case study, many

¹⁵⁷ National Policy on Reconciliation and Coexistence Sri Lanka, 2017, p. 1, <http://nirmin.gov.lk/web/images/pdf/national-policy-english.pdf>.

¹⁵⁸ Channel 4 News, "The Courage to Condemn Sri Lanka 'War Crimes,'" July 27, 2011, <https://www.channel4.com/news/the-courage-to-condemn-sri-lanka-war-crimes>.

¹⁵⁹ ACPR interview with a teacher in Jaffna, July 2017.

¹⁶⁰ ACPR briefing note, 2018.

¹⁶¹ Interviews with multiple civil society actors, 2017 and 2018.

individuals were active on human rights issues presuming that the ceasefire would result in a political settlement. But when the ceasefire began to break down, the surveillance that the security forces had collected during peacetime was used to target and attack anyone who had been active. With the memories of that period still fresh, civil society actors were reluctant post-2015 to fully confront the State, and thus reconciliation became a safe space in which to do activities that were presumably based on human rights but did not actually threaten the State. Activities that confronted root causes of interethnic violence—such as Sinhala-Buddhist nationalism, the structure of the state, and militarization—were deemed risky, and very few organizations engaged in that kind of work. In a way, the restriction to working on reconciliation was itself a form of strategy that civil society applied to prevent future atrocities. It was based on a deep understanding of the unstable nature of the State and its politics.

However, while tangential to the main research questions of this paper, it is important to note that many civil society organizations were able to use the umbrella of reconciliation to work on other important human rights issues, though not necessarily directly addressing root causes. For example, a number of women's rights organizations successfully maneuvered around the language of reconciliation to work on issues relating to gender-based violence and justice for such crimes. One positive side effect of operating under the broader umbrella of reconciliation was that broad networks were able to be formed, beyond the tight circle of those most able to be openly critical of the state. The widening of these networks may prove very important in the future in trying to prevent and mitigate atrocity crimes.

Donors Incentivized Reconciliation-Based Activities

As in many developing countries whose government is responsible for mass human rights violations, most Sri Lankan civil society has been forced over the past few decades to rely on institutional donors and foreign government funding for their work. We argue that civil society's priorities and the way that those priorities shape their activities have been accordingly influenced by donor agendas. For example, in the late 1990s and early 2000s, most donors were listing federalism in their grant calls, and accordingly around that period there was a plethora of civil society work on federalism in Sri Lanka.¹⁶² After 2015, as the international community and most donors pivoted away from international justice toward reconciliation and home-grown institution building, many in civil society did the same.¹⁶³ The exception has mainly been smaller civil society organizations with privilege in the form of highly educated staff and stature among diplomats that have been able to drive their own agendas forward.¹⁶⁴

These donors have explicitly and implicitly been responsible in part for the depoliticization of civil society work in Sri Lanka. Some donors have micromanaged and prevented civil society from engaging in work that may jeopardize their own diplomatic relations with Sri Lanka. One civil society organization shared that a foreign government donor told the group that screening the publicly available and UN-vetted Channel 4 documentary *No Fire Zone: The Killing Fields of Sri Lanka* during a media worker training

¹⁶² ACPR field observation; interview with a civil society actor, London, July 2018; interview with an academic, London, July 2018.

¹⁶³ ACPR field observation, 2015–2019.

¹⁶⁴ ACPR field observation.

session was “too political” and that subsequently, the donor would like to vet all the trainers coming through the program.¹⁶⁵

A broader critique of the donor culture is that it has corporatized what used to be social movements and community-based organizations. Grants are often structured in a way that requires organizations to spend a large amount of money in a finite period, which has driven more event-based programming. The idea that complex issues of reconciliation could be dealt with in the East through one-off or sporadic events with no follow-up should be seen as absurd and yet has become the norm. Predictably, workshops held in luxury hotels in the capital are rarely reaching people who were directly affected by intercommunal and state violence.¹⁶⁶ Further, as civil society jobs have begun to be seen increasingly as lucrative employment opportunities, they have also become inaccessible to those from lower socioeconomic backgrounds because those individuals are competing with more highly educated and networked individuals. This competition results in excluding marginalized people, who are often best placed to understand community needs.¹⁶⁷

However, some civil society actors have been able to successfully navigate the language of grants to operate within the parameters set by donors, but in a way that satisfies their own aims and agenda within their communities. As mentioned, one key example is women’s rights organizations in the East, which have managed to enhance an already well-established network of women’s organizations and use the influx of transitional justice grants to build their own capacity and better address gender-based violence, among other issues. A possible factor for their success has been their grounding in local communities in the East.

Civil Society Members Themselves Were Not Impervious to Islamophobia

Often, because of the morality associated with work done by civil society, there is a sense that those individuals and groups are somehow distinct from the communities they purport to serve. However, as one Tamil civil society member from the East pointed out, it took the Easter Sunday attacks for many in civil society to realize how much they themselves believed the Islamophobic perceptions about the Muslim community.¹⁶⁸ As has been described, this is also because civil society is seen as quite a broad umbrella term in the East, including everyone from NGOs to religious leaders.

These issues are heightened in respect to religious officials who are seen as civil society and are involved in reconciliation work. For example, through the course of an interview with ACPR, one Buddhist monk living in the East who is lauded for his reconciliation work quickly moved from “kumbaya”-style rhetoric to othering and hate toward Muslims in the East, citing his dislike of the power they held in the district.¹⁶⁹ The problematic role of religious officials is unsurprising when one considers that one of the biggest purveyors of Islamophobia in Sri Lanka in the post-war context has been the BBS, the extremist group of Buddhist monks. The role of Buddhist religious leaders in furthering violence in Sri Lanka is not new and

¹⁶⁵ ACPR participant observation, January–May 2018.

¹⁶⁶ ACPR interview with HRD, Batticaloa, July 2019.

¹⁶⁷ ACPR interview with HRD1, Batticaloa, July 2019.

¹⁶⁸ ACPR interview with an activist, Batticaloa, July 2019.

¹⁶⁹ ACPR interview with a Buddhist monk, Ampara, July 2019.

carries through the conflict. Commenting on the Buddhist leadership of anti-Muslim violence in 2018, one scholar wrote:

The Buddhist Protestantism of the 19th century, the monks who invoked Buddhist texts to justify the Sri Lankan civil war, and the extremist movements surging today all have one thing in common: a belief that Sri Lanka is a Buddhist nation that must be protected from foreign elements, violently if necessary.¹⁷⁰

However, there are also issues of Islamophobia present in nonreligious civil society spaces such as NGOs. We argue that because of the perception that civil society possesses a moral high ground, those individuals and groups are often less self-aware of their own anti-Muslim sentiments and thus fail to see how those views might be influencing the work they are doing to address intercommunal tensions. For example, several Tamil civil society members have shared with us the rumor that Muslim men in the East are sexual assaulting and forcibly converting Tamil women to Islam.¹⁷¹ These individuals are then the same people who are tasked with running reconciliation-based programming among communities in the East. It is easy to see how attempts to address interethnic violence could fail, when those leading those efforts themselves harbor prejudices they are unaware of.

Anti-Muslim sentiment in civil society is not a new issue in Sri Lanka, and many feel that civil society attempts to address Tamil grievances over the past few decades have suffered from the same problem with respect to Sinhala and Muslim civil society.

Ultimately, for civil society to be able to lead effective initiatives, there has to be a recognition of the role of identity politics within civil society, as well as ways to address internal prejudice and be more transparent.

Conclusion and Recommendations

In conclusion, civilian- and civil society–led initiatives during different periods of Sri Lanka’s cycles of ethnic violence are an important force, but as seen in the two cases we have studied, they suffer from one overarching impediment—the lack of State support. Specifically, in the first case study, the State was unwilling to consider human rights in its military strategy, which made underground initiatives that sought to hide from the State’s view the only effective form of atrocity prevention strategy. In the second case study, the State was unwilling to directly address the root causes of interethnic conflict and, in particular, Sinhala-Buddhist nationalism, or to support or create a conducive environment for civil society

¹⁷⁰ Andreas Johansson, “Violent Buddhist Extremists Are Targeting Muslims in Sri Lanka,” *The Conversation*, April 26, 2018, <http://theconversation.com/violent-buddhist-extremists-are-targeting-muslims-in-sri-lanka-92951>.

¹⁷¹ ACPR participant observations, Eastern Province and Northern Province, 2017–2019.

to do the same. Thus, the most effective initiatives during the second case study were also those that aimed to prevent anti-Muslim violence in the short term after the Easter Sunday attacks.

Although this paper does not seek to deny the agency of civil society and civilians to prevent and protect from atrocities, it does ultimately find that much of the effectiveness of such initiatives hinges on the positioning of the State and on the State's willingness to confront underlying issues contributing to atrocities, whether they are State-led or State-condoned.

With respect to lessons learned from these case studies, we make the following recommendations:

To the International Community and Donors

- Build grant priorities in direct collaboration with victim-survivor communities, and allow those communities to set the agenda.
- Avoid attempts at depoliticizing civil society work, and work with civil society to establish theories of change (that is, root causes) in grant calls.
- Create flexible grant models that accommodate long-term grassroots community programming, and deprioritize event-based programming unless assessed to be strategic.
- Provide resource support to underground initiatives that are designed to prevent or mitigate atrocities but that may not be formalized, and even in periods of relative stability.
- Particularly to diplomats, support local civilians' attempts to engage in negotiations/dialogues with Sri Lankan security forces, understanding it is only rarely, when significant political pressure is exerted, that these initiatives work.
- Provide support for translation work so that initiatives are accessible to all communities.

To Civil Society Organizations in Sri Lanka

- Move away from superficial constructs of reconciliation toward meaningful dialogue and interethnic solidarity building (see work done in the immediate aftermath of the Easter Sunday attacks as examples).
- For those civil society organizations in positions of relative privilege, consider programming that more directly addresses root causes (for example, Sinhala-Buddhist nationalism).
- Before engaging in externally facing work with communities, undertake internal exercises to educate and build awareness of identity-based prejudices among staff members.
- Consider audiences and goals in all work—avoid doing work aimed at one audience but inaccessible to that audience (for example, releasing statements only in English aimed at local communities).

- As the human rights situation deteriorates, seek to build strong networks so that even if initiatives are only conducted underground, they can be better resourced and coordinated.
- Where attempting to directly engage with security forces in negotiations and dialogue, act in concert with diplomatic actors and high-level political figures, but remain skeptical about possible outcomes.

Bibliography

- “Agreement on a Ceasefire between Sri Lanka and the Liberation Tigers of Tamil Eelam.” Statement by Jan Petersen, Foreign Minister of Norway, February 22, 2002. <https://reliefweb.int/report/sri-lanka/agreement-ceasefire-between-sri-lanka-and-liberation-tigers-tamil-eelam>.
- “Agreement on a Ceasefire between the Government of the Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam.” Document retrieved from United States Institute of Peace, Sri Lanka Peace Agreements Digital Collection on July 5, 2019. https://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/pa_sri_lanka_02222002.pdf.
- Amnesty International. “Sri Lanka’s Assault on Dissent.” 2013. <https://www.amnestyusa.org/files/asa370032013en.pdf>.
- Channel 4. *No Fire Zone: The Killing Fields of Sri Lanka*. Documentary film, September 2013. <https://www.channel4.com/programmes/sri-lankas-killing-fields/videos/all/no-fire-zone-trail/3401915143001>.
- Fernando, Ruki. “STF brutality against Muslims in Digana.” *Groundviews*, March 13, 2018. <https://groundviews.org/2018/03/13/stf-brutality-against-muslims-in-digana-march-5/>.
- Fickling, David. “Hardliner Wins Sri Lankan Presidency.” *Guardian*, November 18, 2005. <https://www.theguardian.com/world/2005/nov/18/davidfickling>.
- Gowrinathan, Nimmi and Zachariah Mampilly. “Resistance and Repression under the Rule of Rebels: Women, Clergy, and Civilian Agency in LTTE Governed Sri Lanka.” *Comparative Politics* 52, no. 1 (October 2019). <https://www.ingentaconnect.com/content/cuny/cp/2019/00000052/00000001/art00002>.
- “High Commissioner Louise Arbour Briefs Third Committee on Efforts to Better Assist States to Respond to Human Rights Challenges.” United Nations, news release, October 25, 2005. <https://www.un.org/press/en/2005/gashc3829.doc.htm>.
- “How and Why the Oslo Sponsored Sri Lanka Monitoring Mission Failed in Sri Lanka.” Sri Lanka Brief, November 15, 2011. <https://srilankabrief.org/2011/11/how-and-why-the-oslo-sponsored-sri-lanka-monitoring-mission-failed-in-sri-lanka/>.
- Human Rights Watch. “World Report 2008.” Sri Lanka chapter online, 2008. <https://www.hrw.org/world-report/2008/country-chapters/sri-lanka>.
- Hume, Tim. “‘Fascists’ in Saffron Robes? The Rise of Sri Lanka’s Buddhist Ultra-Nationalists.” *CNN*, July 17, 2014. <https://www.cnn.com/2014/07/17/world/asia/sri-lanka-bodu-bala-sena-profile/index.html>.
- “Infographic: Religious Violence in Post-War Sri Lanka.” *Groundviews*, September 16, 2014. <https://groundviews.org/2014/09/16/infographic-religious-violence-in-post-war-sri-lanka/>.
- International Crisis Group. “Sri Lanka’s Muslims: Caught in the Crossfire.” Asia Report No. 134, May 29, 2007, <https://d2071andvip0wj.cloudfront.net/134-sri-lanka-s-muslims-caught-in-the-crossfire.pdf>.
- International Truth and Justice Project. “Sri Lanka’s Special Task Force.” April 2018. <https://itjpsl.com/assets/STF-report-online.pdf>.

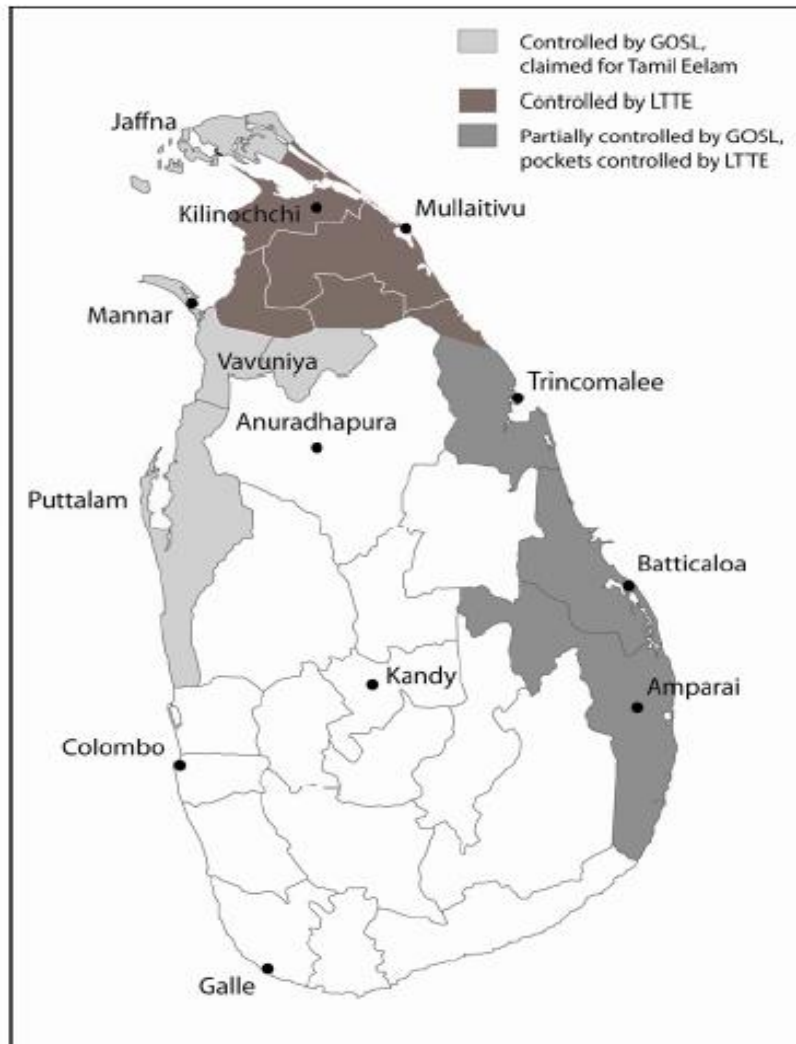
- Johansson, Andreas. "Violent Buddhist Extremists Are Targeting Muslims in Sri Lanka." *The Conversation*, April 26, 2018. <http://theconversation.com/violent-buddhist-extremists-are-targeting-muslims-in-sri-lanka-92951>.
- Keenan, Alan. "Sri Lanka's Easter Bombings: Peaceful Coexistence Under Attack." International Crisis Group, April 2019. <https://d2071andvip0wj.cloudfront.net/23%20Apr%2019%20Sri%20Lanka.pdf>.
- Mac Ginty, Roger. "Social Network Analysis and Counterinsurgency: A Counterproductive Strategy?," *Critical Studies on Terrorism* 3, no. 2 (August 2010). <https://www.tandfonline.com/doi/full/10.1080/17539153.2010.491319>.
- "Mission Accomplished for Bodu Bala Sena." *Tamil Guardian*, November 20, 2019. <https://www.tamilguardian.com/content/mission-accomplished-bodu-bala-sena>.
- Muslim Council of Sri Lanka. "Muslim Council of Sri Lanka Condemns Deadly Bombings." April 21, 2019. <https://www.aa.com.tr/en/asia-pacific/muslim-council-of-sri-lanka-condemns-deadly-bombings-/1459143>.
- Nadarajah, Suthaharan. "Sri Lanka's Vernacular Press and the Peace Process 2000–2005." Sri Lanka Strategic Conflict Assessment report, Asia Foundation, Colombo, 2005. <https://eprints.soas.ac.uk/18476/1/SLMediaSurvey.pdf>.
- Nadarajah, Suthaharan. "The Tamil Proscriptions: Identities, Legitimacies and Situated Practices." *Journal of Terrorism and Political Violence* 30, no. 2, (March 2, 2018). <https://www.tandfonline.com/doi/full/10.1080/09546553.2018.1432214>.
- National Policy on Reconciliation and Coexistence Sri Lanka, 2017. <http://nirmin.gov.lk/web/images/pdf/national-policy-english.pdf>.
- "On Facebook's new misinformation policy for Sri Lanka." *Groundviews*, July 20, 2018. <https://groundviews.org/2018/07/20/on-facebooks-new-misinformation-policy-for-sri-lanka/>.
- "Open Letter to Facebook: Implement Your Own Community Standards." *Groundviews*, April 10, 2018. <https://groundviews.org/2018/04/10/open-letter-to-facebook-implement-your-own-community-standards/>.
- Pollmann, Danilea. "Anti-Muslim Violence in Sri Lanka." ACLED, 2018. <https://acleddata.com/2018/03/16/anti-muslim-violence-in-sri-lanka/>.
- Rasheed, Zaheena, and Amantha Perera. "Did Sri Lanka's Facebook Ban Quell Anti-Muslim Violence?" *Al Jazeera*, March 14, 2018. <https://www.aljazeera.com/news/2018/03/sri-lanka-facebook-ban-quell-anti-muslim-violence-180314010521978.html>.
- Rasheed, Zaheena. "In Sri Lanka, Hate Speech and Impunity Fuel Anti-Muslim Violence." *Al Jazeera*, March 13, 2018. <https://www.aljazeera.com/news/2018/03/sri-lanka-hate-speech-impunity-fuel-anti-muslim-violence-180310020253272.html>.
- Rasaratnam, Madurika. *Tamils and the Nation: India and Sri Lanka Compared*. London: Hurst and Co., 2016.
- "Record Crowds Throng Jaffna Pongu Tamil Rally." *TamilNet*, June 27, 2003. <https://www.tamilnet.com/art.html?catid=13&artid=9306>. In later years, many interviewees told us that the march became co-opted by the LTTE. The last march occurred in 2008.
- Report of the OHCHR Investigation on Sri Lanka (OISL)*. UN Office of the High Commissioner for Human Rights, September 16, 2015. <https://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>.

- Ruwitch, John. "Sri Lanka's Worsening War Fans Ethnic Tamils' Fears." *Reuters*, May 30, 2007. <https://www.reuters.com/article/us-srilanka-tamils/sri-lankas-worsening-war-fans-ethnic-tamils-fears-idUSCOL23708520070530>. Note that the Northern province is also home to a significant Muslim population who were expelled by the LTTE and only began to return in large numbers after the war ended.
- Safi, Michael. "Sri Lanka Bombings: Spy Chief Lambasted in Damning Report." *Guardian*, October 24, 2019. <https://www.theguardian.com/world/2019/oct/24/sri-lanka-spy-chief-blamed-for-failures-over-easter-bombings>.
- Sengupta, Somini. "War's End in Sri Lanka: Bloody Family Triumph." *New York Times*, May 19, 2009. <https://www.nytimes.com/2009/05/20/world/asia/20lanka.html>.
- Sirilal, Ranga. "Sri Lanka Ends Ceasefire with Tamil Tigers." *Reuters*, January 2, 2008. <https://www.reuters.com/article/idINIndia-31216020080102>.
- Sivanandan, Ambalavaner. "Sri Lanka, Racism and the Politics of Underdevelopment." *Race and Class* 26, no. 1 (1984).
- "Sri Lanka in 'Interminable and Intractable Crisis.'" *TamilNet*, October 23, 2006. <https://www.tamilnet.com/art.html?catid=13&artid=20006>
- "Sri Lanka Muslims Killed in Aluthgama in Clash with Buddhists." *BBC*, June 16, 2014. <https://www.bbc.co.uk/news/world-asia-27864716>.
- "Sri Lanka Reopens 'Highway of Death.'" *CNN*, April 8, 2002. <http://edition.cnn.com/2002/WORLD/asiapcf/south/04/08/srilanka.road/index.html>.
- "Submissions on Human Rights Violations by the Government of Sri Lanka." North East Secretariat on Human Rights, 2007. https://tamilnation.org/tamileelam/nesohr/071012Human_Rights_Violations_by_the_Government_of_Sri_Lanka_Submitted_to_Ms._Louise_Arbour,_UN_High_Commissioner_for_Human_Rights.pdf.
- Tambiah, S.J. *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy*. London: I. B. Tauris and Co., 1986.
- Tambiah, S.J. "Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy." *Race & Class* 26, no. 1 (July 1984). <https://journals.sagepub.com/doi/10.1177/030639688402600102>.
- "Tamil Civil Society Forum Condemns Easter Bombing, Calls for Cautious Security Sector Response." *Tamil Guardian*, April 23, 2019. <https://www.tamilguardian.com/content/tamil-civil-society-forum-condemns-easter-bombings-calls-cautious-security-sector-response>.
- "The Courage to Condemn Sri Lanka 'War Crimes.'" *Channel 4 News*, July 27, 2011. <https://www.channel4.com/news/the-courage-to-condemn-sri-lanka-war-crimes>.
- "The SLMM Report 2002–2008." Norwegian Ministry of Foreign Affairs, 2010. http://www.ptsrilanka.org/wp-content/uploads/2017/04/slmm_final_report.pdf.
- "The Struggle for Tamil Eelam." North East Secretariat on Human Rights, <https://tamilnation.org/tamileelam/nesohr/index.htm>.

- “Threats to Tamil Media Personnel.” Letter from North East Secretariat on Human Rights to the UN High Commissioner for Human Rights, October 9, 2007.
https://tamilnation.org/tamileelam/nesohr/071009NESOHR_Media.pdf.
- “Trapped and Mistreated: LTTE Abuses against Civilians in the Vanni.” Human Rights Watch, December 15, 2018. <https://www.hrw.org/report/2008/12/15/trapped-and-mistreated/ltte-abuses-against-civilians-vanni>.
- “The Hardline Buddhists Targeting Sri Lanka’s Muslims.” *BBC*, March 25, 2013.
<https://www.bbc.com/news/world-asia-21840600>.
- Wickremesinhe, Roshini. *Confronting Intolerance: Continued Violations against Religious Minorities in Sri Lanka*. Minority Rights Group International, 2016. https://minorityrights.org/wp-content/uploads/2016/12/MRG_Rep_SriLan_Dec16.pdf.
- Women’s Action Network. “Standing in Protest and Solidarity after the Easter Attacks.” *Sunday Observer*, June 30, 2019. <http://www.sundayobserver.lk/2019/06/30/women’s-action-network-standing-protest-and-solidarity-after-easter-attacks>.

Appendix: Map of LTTE-Controlled Territories in the Northern Province as of January 2006

Figure 1. Approximate extent of LTTE's territorial control in Sri Lanka as of January



Source: Reproduced from Kristian Stokke, "Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-Controlled Areas in Sri Lanka," *Third World Quarterly* 27, no. 6 (2006): 1021–40.

About the Authors

Anushani Alagarajah is Co-director of the Adayaalam Centre for Policy Research (ACPR). She is an activist based in Jaffna, Sri Lanka, working with war-affected Tamil-speaking communities in the fields of gender rights, development, and post-war issues. She has previously worked for the Point Pedro Institute of Development and Women's Action Network. Alagarajah holds a BA in Asian Studies and Gender Studies from the Asian University for Women in Bangladesh.

Dharsha Jegatheeswaran is Co-director of the Adayaalam Centre for Policy Research (ACPR). She co-founded ACPR while being based in Jaffna between 2016 and 2018. Her research interests include the impacts of militarization, universal jurisdiction, and victim-centered accountability processes. Jegatheeswaran holds a BS with honors from McMaster University, a JD from the University of Toronto, and a Masters in Law from the London School of Economics. She is a member of the Ontario, Canada bar. Based in London, she also works as the South Asia Project Lead at Reprieve, a UK-based NGO.

Laxana Paskaran is a Toronto-based community organizer and a Master of Education candidate in Social Justice Education at the Ontario Institute for Studies in Education (OISE) at the University of Toronto. Her research interests include critical pedagogy, critical race theory, and intersectional feminism. Paskaran holds a BS with honors from the University of Toronto. She was based in Jaffna in 2019 while interning at ACPR.

THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

teaches that the Holocaust was preventable and that by heeding warning signs and taking early action, individuals and governments can save lives. With this knowledge, **the Simon-Skjodt Center for the Prevention of Genocide** works to do for the victims of genocide today what the world failed to do for the Jews of Europe in the 1930s and 1940s. The mandate of the Simon-Skjodt Center is to alert the United States' national conscience, influence policy makers, and stimulate worldwide action to prevent and work to halt acts of genocide or related crimes against humanity, and advance justice and accountability. Learn more at ushmm.org/genocide-prevention.

The **ADAYAALAM CENTRE FOR POLICY RESEARCH (ACPR)** is a human rights think tank established in Jaffna in 2016 that works on public policy issues in Sri Lanka with a special focus on issues affecting the Tamil polity in the island. ACPR's mission is to be an active contributor of informed and research-based activism within the Tamil polity, to report on public policy issues that are of special relevance to the North-East of Sri Lanka, and to contribute critically toward justice, accountability, and sustainable peace in Sri Lanka.

The assertions, opinions, and conclusions in this report are those of the authors. They do not necessarily reflect those of the United States Holocaust Memorial Museum.



ushmm.org/connect

UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM

**SIMON-SKJODT CENTER
FOR THE PREVENTION OF GENOCIDE**

100 Raoul Wallenberg Place, SW Washington, DC 20024-2126 ushmm.org