

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ATROCITY CRIMES RISK ASSESSMENT SERIES

SRI LANKA

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INTRODUCTION

In 2014 the United Nations Special Advisers on the Prevention of Genocide and the Responsibility to Protect presented an updated Framework of Analysis to assist with assessing the risks of genocide, ethnic cleansing, war crimes, and crimes against humanity (henceforth referred to as ‘the Framework’).¹ The Framework serves as a working tool to identify those countries most at risk of atrocity crimes in order to support the prevention of such crimes.

This risk assessment for Sri Lanka uses the Risk Factors and Indicators as presented in the Framework. Only Risk Factors and Indicators deemed relevant to the current situation within Sri Lanka are analysed. The absence of some Risk Factors and Indicators does not suggest that they are of objectively lesser importance, but rather that they are currently inapplicable to the Sri Lankan context. Moreover, the presence or absence of Risk Factors does not guarantee that atrocity crimes will or will not occur. Only by examining Risk Factors in their appropriate context is it possible to more fully identify the strengths and weaknesses of Sri Lanka’s current atrocity risks, and in doing so support the government’s responsibility to uphold human rights and prevent the potential for atrocity crimes to arise. This Framework, therefore, is a tool for prevention.

Summary overview of assessment

This report finds that the current risk of mass atrocity crimes occurring in Sri Lanka is **high**. The end of the civil war in 2009 and ensuing peace largely contributed to reducing the risk of atrocity crimes (particularly war crimes) against the Tamil population, though recent events have increased the risk against the Muslim population. Sri Lanka remains characterised by poor governance within state institutions, widespread human rights violations, lack of accountability measures, and tensions between ethnic and religious groups. **Common Risk Factors 2** (record of serious violations of international human rights or humanitarian law), **3** (weakness of state structures), **4** (motives or incentives), and **7** (enabling circumstances or preparatory action) were most applicable to the situation in Sri Lanka. In recent years there have been numerous triggering factors (**Risk Factor 8**) which have led to heightened discrimination against the Muslim population. The treatment of the Tamil and Muslim communities also fulfilled some elements of **Special Risk Factor 9** (discrimination against protected groups). Use of torture by the police force and tensions between the Sinhalese and Tamil communities remains of particular concern. Recent clashes between extremist Buddhist groups and the minority Muslim community also illustrate the potential for greater tensions and violence to emerge, and for the systematic targeting of this group to become prevalent.

The report provides several recommendations in addressing these issues, including establishing UN recommended mechanisms to address human rights violations, modifying legislation to reduce overreach of police power, reforms to ensure judicial impartiality, and greater reconciliation focused on a united Sri Lankan identity, celebrating cultural diversity and ethnoreligious tolerance.

LIST OF ABBREVIATIONS

ASEAN Regional Forum (ARF)

Asian Development Bank (ADB)

Bodu Bala Sena (BBS)

Civil society organisation (CSO)

Commonwealth Observer Group (COG)

Gross Domestic Product (GDP)

International Chamber of Commerce (ICC)

International Monetary Fund (IMF)

International non-governmental organisation (INGO)

Janatha Vimukthi Peramuna (JVP)

Liberation Tigers of Tamil Eelam (LTTE)

Non-Governmental Organisation (NGO)

Office on Missing Persons (OMP)

Prevention of Terrorism Act (PTA)

Sri Lanka Freedom Party (SLFP)

Sri Lanka Podujana Peramuna (or Sri Lanka People's Front) (SLPP)

Sustainable Development Goals (SDGs)

Transparency International Sri Lanka (TISL)

United National Party (UNP)

United Nations (UN)

United Nations Human Rights Council (UNHCR)

United Nations Security Council (UNSC)

United People's Freedom Alliance (UNFP)

World Health Organisation (WHO)

World Trade Organization (WTO)

FRAMEWORK OF ANALYSIS

The Framework of Analysis comprises 14 Risk Factors of atrocity crimes. Each Risk Factor has an accompanying set of more specific Indicators. The Framework is intended to be used “to guide the collection and assessment of information” regarding the potential for atrocity crimes.

The Risk Factors are delineated into two different groups: **Common Risk Factors**, which are the conditions that increase the probability of any atrocity crime occurring; and **Specific Risk Factors**, which are divided into the risks associated with genocide, crimes against humanity, and war crimes (ethnic cleansing is incorporated into the other atrocity crimes). The more Risk Factors and Indicators that are present, the greater the risk that atrocity crimes may be committed. However, not all Risk Factors must be present to represent a significant risk. The Risk Factors and Indicators are not ranked by importance and should be considered in a broader context, taking account for a society’s politics, history, and culture.

FRAMEWORK OF ANALYSIS FOR ATROCITY CRIMES		
COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
Genocide		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
Crimes Against Humanity		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
War Crimes		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Each of these Risk Factors are accompanied by 6-18 more specific Indicators, which can be used to more precisely identify and analyse the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found on the website of the [UN Office on Genocide Prevention and the Responsibility to Protect](#).

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Risk Factor 1 relates to “situations that place a State under stress and generate an environment conducive to atrocity crimes”. Sri Lanka was involved in a non-international armed conflict for nearly 30 years, before its conclusion in May 2009.² Since then, the country is no longer considered to be in a state of armed conflict (Indicator 1.1) or a security crisis (Indicator 1.2). However, following the deepening of the country’s economic crisis, Sri Lanka currently faces widescale instability on the humanitarian (Indicator 1.3), economic (Indicator 1.8) and social (Indicator 1.10) fronts.

Natural Disasters, Epidemics and Pandemics

Indicator 1.3 addresses “humanitarian crisis or emergency, including those caused by natural disasters or epidemics”. Sri Lanka is notably susceptible to natural disasters, due to its economic structures and dense population. These are predominantly droughts and floods, but also includes tsunamis and storms.³ Between 2010 and 2020 alone, Sri Lanka has experienced more than 11,000 emergencies.⁴ Sri Lanka experienced severe cyclones and floods over 2017, with heavy rains affecting 717,622 people and killing 212.⁵ Since late 2016, the country experienced severe drought, considered to be the worst in the country in 40 years.⁶ Twenty out of twenty-five districts suffered drought conditions, impacting approximately 1.8 million people.⁷ As of May 2020, it was reported that over 312,000 people were affected by drought.⁸ The drought has also been linked to a sudden rise in Dengue fever, with 80,732 confirmed cases between January 2017 to July 2017.⁹ This remains an issue, with 30,800 cases being reported in 2020.¹⁰ Between 2020 and 2022, Sri Lanka has primarily experienced cyclones, floods and landslides. In particular, floods have caused considerable humanitarian emergencies. In December 2020 Sri Lanka experienced major flooding, affecting a reported 111,659 people.¹¹ In August 2022, Sri Lanka reported further flooding and landslides, with over 15,000 families affected, with the response plan still ongoing.¹² Dengue fever is also of particular concern, with 47,598 cases reported in 2022 (until September).¹³ The government’s response to these emergencies has been boosted by foreign aid, with World Bank figures putting the net aid received by Sri Lanka at \$US217,559,997.¹⁴

The COVID-19 pandemic has had a profound impact on Sri Lanka. While it has exacerbated existing tensions (mentioned further in **Risk Factor 7**), Sri Lanka has largely managed to mitigate its direct health effects. In coordination with the UN and WHO, Sri Lanka was able to make use of their already robust, nationally available health care system to respond to the pandemic.¹⁵ While they were able to successfully manage the initial two waves of the pandemic, the country did face some issues containing a third wave, which began in April 2021.¹⁶

The government continues to focus on the United Nations Sustainable Development Goals (SDG’s).¹⁷ Of particular relevance here, are Goal 3 (“ensure healthy lives and promote well-being for all ages”) and Goal 13 (“take urgent action to combat climate change and its impacts”).¹⁸ Goal 13 in particular suggests the governmental commitment to strengthening national resilience to climate change and reducing the potential impacts in the wake of continuing climate-related disasters.¹⁹

Political Situation

Indicator 1.4 pertains to “political instability caused by abrupt or irregular regime change or transfer in power”. Sri Lanka is a democratic republic and voters elect a President as head of state and government.²⁰ Politics in the country has long been dominated by two main parties, the Sri Lanka Freedom Party (SLFP) and the United National Party (UNP), though the former in 2019 splintered into the Sri Lanka Podujana Peramuna (SLPP), led by the dynastic Rajapaksa family.²¹

On 8 January 2015, Sri Lanka held a presidential election, in which New Democratic Front candidate Maithripala Sirisena gained office, defeating Mahinda Rajapaksa, who had ruled from 2005 to 2015. The election was deemed generally credible by monitors from the Commonwealth Observer Group (COG) and was considered to enhance Sri Lanka’s freedom to a large extent.²² Since Sirisena’s election however, numerous events have created turmoil in the political sphere. In October 2018, Sirisena made the unexpected decision to sack Prime Minister Ranil Wickremesinghe in favour of the former president, Mahinda Rajapaksa.²³ Wickremesinghe however refused to step down, resulting in a constitutional crisis whereby two figures simultaneously claimed the Prime Ministership.²⁴ Despite the failure of the coup d’état, and Wickremesinghe’s successful hold on the title, the move to appoint a once bitter rival as Prime Minister demonstrates the weakening of Sirisena’s initial reform platform.

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

In 2019 Gotabaya Rajapaksa was elected as President,²⁵ with Mahinda Rajapaksa elected as Prime Minister,²⁶ bringing a return of the Rajapaksa family to power. This has seen the reversal of some of the improvements under the previous Sirisena administration, with the curtailment of transparency efforts and the rolling back of accountability measures related to the civil war.²⁷

Following the deepening economic crisis and amidst mass protests at the government's economic management, Mahinda Rajapaksa resigned in May 2022.²⁸ Gotabaya Rajapaksa followed suit in July 2022 and subsequently fled the country, signalling a potential end to the Rajapaksa dynasty.²⁹ Within a week, Ranil Wickremesinghe was elected as President, with plans to steer Sri Lanka out of the economic crisis, and backing economic and political reforms.³⁰

Indicator 1.6 relates to “political tension caused by autocratic regimes or severe political repression”. Former Sri Lankan President Rajapaksa attempted to stage a coup against Sirisena after being defeated in the 2015 democratic election, but was unsuccessful.³¹ Rajapaksa's 10-year rule notoriously used autocratic measures to stifle political opposition, including silencing of press, use of torture and disappearance of human rights activists.³² The largely peaceful democratic election of Sirisena in 2015 highlighted a shift away from political repression, though the Rajapaksa's return in 2019 signalled a reversal of this.³³ With the deposition of the Rajapaksa's and the elevation of Wickremesinghe to president in 2022, it remains to be seen which direction Sri Lanka's political future takes. As of 2022, Freedom House recognises Sri Lanka as remaining only ‘partly free’, with the curtailment of the media's freedom of expression and politicisation of impartial bodies (such as lower courts and universities) remaining an issue (mentioned further in **Risk Factors 3 and 6**).³⁴

Competing Groups

Indicator 1.5 refers to “political instability caused by disputes over power or growing nationalist, armed or radical opposition group”. Tensions between Tamils and Sinhalese remain despite the end of the civil war and defeat of the LTTE, as well as growing tensions between Sinhalese Buddhist nationalists and Muslims.

While the Tamil and Muslim minorities helped bring Sirisena to power in 2015,³⁵ the subsequent return of the Rajapaksa's in 2019 demonstrated a considerable divide, with Gotabaya Rajapaksa's ethno-nationalist campaign helping to win over the majority Sinhalese voters.³⁶ This demonstrates a politically polarising trend in appealing to the majority Sinhalese Buddhist population over the minority Tamil and Muslim groups. In addition to this recently demonstrated ethno-political division, religious extremist groups remain an issue in Sri Lanka. This can be seen in Bodu Bala Sena (BBS), a militant Buddhist group (composed primarily of Sinhalese) which calls for armed violence against Muslims. A 2021 report by Amnesty International demonstrates the re-emergence of Sinhala Buddhist nationalist groups, with Buddhist nationalists from those groups targeting the Muslim minority for what they broadly see as threats to their own existence.³⁷ This has led to numerous instances of anti-Muslim rhetoric and violence, exacerbated by the 2019 Easter Bombings (discussed further in **Risk Factors 4 and 8**). Under Gotabaya Rajapaksa, this extremist nationalism has been allowed to enter the mainstream political sphere. This can be seen in the 2021 appointment of militant Buddhist monk Galagoda Aththe Gnanasara – the public face of BBS, and widely accused of inciting anti-Muslim violence - to a presidential task force on legal reforms.³⁸ Whilst these have not yet driven political instability, growing tension has contributed to **Indicator 1.11**. This situation must therefore be controlled to ensure it does not escalate on a wider scale.

Janatha Vimukthi Peramuna (JVP) emphasises how militant groups have the capacity to gain a large following and influence. JVP is a Marxist-Leninist communist party, which staged armed uprisings in the 1970's and 1980's against respective governments and later became a political party.³⁹ In this sense, a religious militant group entering politics has strong capacity to cause political unrest and violence and lead to future atrocity crimes. Furthermore, the recent attacks against Muslims could provoke the radicalisation of Muslim youth and lead to further outbreaks of violence⁴⁰. The repeated attacks by Sinhalese nationalists against Tamils played a significant role in spawning Tamil militancy and the ensuing civil war, and there is fear that “this story is being repeated with the Muslims”.⁴¹ Such a development should be closely monitored and prevented in order to avoid an environment arising that may be conducive to atrocity crimes.

Economy Instability

Indicator 1.7 pertains to “economic instability caused by scarcity of resources or disputes over their use or exploitation”. The end of the civil war in 2009 heralded economic growth for Sri Lanka, and during the 2010-2016 period the country experienced an average economic growth rate of 6.2%.⁴² The government has built on this economic stability by passing constitutional and economic reforms, advancing public financial administration, expanding public and private investments, addressing infrastructure restrictions, enhancing government effectiveness, and directing governmental service distribution.⁴³ Nonetheless, it is still a lower middle income-country⁴⁴ and Sri Lanka has mainly remained an agricultural nation.⁴⁵ The nation’s cultivated crops primarily include rice, tea, rubber, coconut and spices.⁴⁶ Sri Lanka also produces fruit and vegetables native to the region, and is a key exporter of precious and semi-precious stones.⁴⁷

However, Sri Lanka’s gradual transition from a rural-based economy to an urbanised economy of manufacturing and services saw the country experience signs of slowdown.⁴⁸ In 2017, growth decelerated to 3.3%, which was primarily the result of weak performance of agriculture and related sectors due to natural disasters.⁴⁹ Scarcity of certain resources through unsustainable economic development practices is also an issue. The country has been heavily impacted by deforestation and a lack of water.⁵⁰ The government aimed to address this in their ‘Vision 2025’ report, launched in 2017. This focuses on creating inclusive and equitable economic growth, through reconciliation measures and good governance.⁵¹

Disputes over land have also impinged upon economic development.⁵² This is primarily due to poor land administration.⁵³ The World Bank has used Sri Lankan woman Kamala Wijesekera as a common example of this challenge. When squatters claimed to own her land in 2000, Wijesekera sought legal action. Basic department administration and the legal process were especially lengthy. Court dates were separated every six months, with the squatters asking for further time in between court sittings to delay hearings further. As of late 2017, the problem remained unresolved and the land continued to be unused.⁵⁴ On a larger scale, the seizure of Tamil land by the Sri Lankan military has fuelled disputes since the civil war.⁵⁵ Failures to protect individuals, particularly Tamils, through a poor legal system could create capacity for atrocity crimes. Nonetheless, the issue with housing has not largely impacted the national economy itself nor generated widespread distress (but see further information in **Risk Factor 4**).

Indicator 1.8 refers to “economic instability caused by severe crisis in the national economy”. At present, the country is facing its worst economic crisis since independence in 1948. By the end of 2021, Sri Lanka’s debt to GDP ratio had reached 119 percent⁵⁶, with the country on 12 April 2022 defaulting on its foreign debt payments.⁵⁷ Inflation as of August is at 70.2 percent,⁵⁸ and year-on-year food inflation at 94 percent,⁵⁹ with the Asian Development Bank forecasting an 8.8 percent contraction of the country’s GDP.⁶⁰ Sri Lanka’s worsening economic outlook can be seen reflected below in **Figure 1**. Here, external debt stocks as a percentage of GNI can be seen markedly rising into 2020.

Several factors have led to this. In April 2019, the country was hit by the Easter Bombings, which killed over 250 people.⁶¹ This saw a fall of more than 70 percent of visitors to the country by May, severely impacting the tourism industry, which accounts for approximately 12 percent of the country’s GDP.⁶² While there were signs of an improvement by the end of the year,⁶³ this was again hampered by the onset of the COVID-19 pandemic.⁶⁴ In addition to the pandemic exacerbating pre-existing factors, it also had a severe impact on other parts of the economy, such as the textile/garment industry, as well as remittances, which made up an estimated 6 percent and 8 percent of GDP respectively.⁶⁵ In May 2021, the government imposed a nationwide ban on the import and use of chemical fertilisers, in a bid to dramatically shift the country’s agricultural sector to organic methods.⁶⁶ The effects of this upon domestic production were severe. Within six months, rice production fell by 20 percent, while tea production fell by 40 percent.⁶⁷ Further estimates predicted sharp reductions in other crops, with maize estimated to fall by 50 percent, potatoes between 30 to 40 percent, sugarcane by 30 to 40 percent, and many others similarly affected.⁶⁸ While the policy was later reversed by the end of the year, the damage inflicted upon the agricultural sector has remained.⁶⁹ Further impacting the economy were the global supply chain issues stemming from the onset of the Ukraine-Russia conflict, which led to mounting commodity prices and increasing import costs.⁷⁰ In addition to this, there have been broad allegations against the previous Rajapaksa administrations of corruption and nepotism (discussed further in **Risk Factor 3**),⁷¹ with economic mismanagement widely attributed to the country’s current turmoil.⁷²

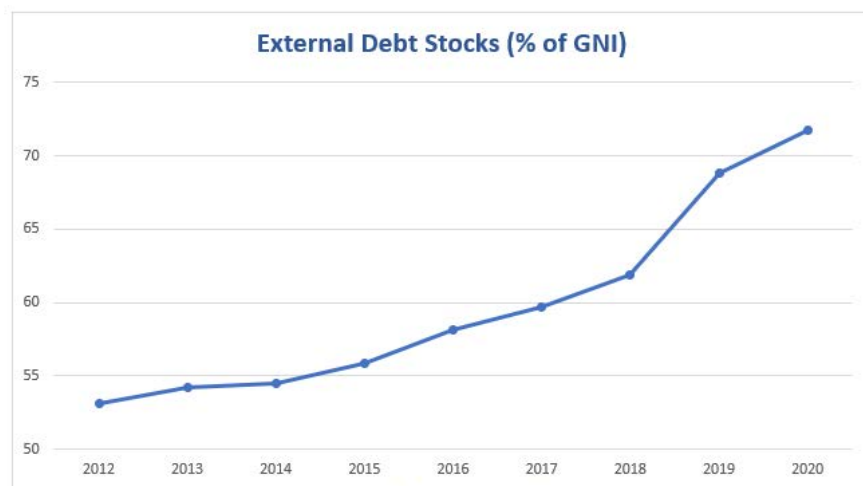
RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

This has had a profound effect on the lives of everyday Sri Lankans. Imports of essential items such as pharmaceuticals, food, gas for cooking, and fuel have been severely impacted.⁷³ Many Sri Lankans are now faced with skipping meals, resorting to firewood for cooking, missing essential medications, and being unable to pay bills.⁷⁴ An October report by the UN estimated that as of June, almost 5.7 million citizens were requiring urgent humanitarian assistance.⁷⁵

This has led to mass protests against the government (**Indicator 1.10**). In April 2022, the country saw the highest level of demonstrations since 2010.⁷⁶ As of September, demonstrations have continued, particularly against the repression of anti-government protesters.⁷⁷ Activity has however subsided, following the arrests of prominent protest leaders, and the enforcement of emergency measures.⁷⁸

As of September 2022, measures have been taken to address the crisis. On September 1, the IMF and Sri Lankan authorities reached a staff-level agreement (though not yet approved) on an Extended Fund Facility Arrangement, aiming to provide US\$2.9 billion to support Sri Lanka's economic stability and debt sustainability.⁷⁹ Furthermore, countries such as Japan have pledged their support, seeking to assist the nation in restructuring its foreign debt in order to secure the aforementioned IMF package.⁸⁰ This situation should be closely monitored to ensure that poverty and inequality do not deepen in the long term, and that steps taken by the Sri Lankan government to remedy the crisis adequately address the factors which led to its onset, and improve the country's resilience to future shocks.

Figure 1: External Debt Stocks (% of GNI)



Compiled using data sourced from The World Bank, <https://data.worldbank.org/>.⁸¹ Data only available until 2020.

Poverty and Inequality

Indicator 1.9 outlines “economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities”. According to the Center for Excellence in Disaster Management and Humanitarian Assistance, Sri Lanka had made significant strides in its poverty alleviation objectives, holding – at 2017 - one of the lowest rates of extreme poverty in the region.⁸² Nonetheless, improvement is unevenly distributed, with areas of severe poverty remaining an issue in the country.⁸³ Aside from lack of efficient government strategies, climate change also plays a major role, hampering poverty alleviation measures.⁸⁴ An increasing number of floods, droughts, and epidemics in Sri Lanka has placed severe financial hardship on poor communities, who often rely on farming and fishing for food and income.⁸⁵ In addition to this, the onset of COVID-19 has seen a reversal of the aforementioned progress, contributing to widespread unemployment and loss of earnings.⁸⁶ Furthermore, the deepening of the country's economic crisis (as mentioned prior) has seen more Sri Lankans pushed into poverty, with over a quarter of the population now struggling to secure access to adequate food.⁸⁷

Poverty is especially concentrated in rural areas in the northeast. This is predominantly where Tamil communities reside, who experience higher rates of poverty and income inequality.⁸⁸ According to a UN report, the Tamil population is especially vulnerable to instances of child labour, as well as forced labour, servitude, abuse and discrimination.⁸⁹ This has been exacerbated by lingering hostile views within Sri Lankan society towards Tamils. While poverty does disproportionately affect the Tamil population, it is not in itself a current triggering factor.

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Risk Factor 2 concerns any “past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations”. Most relevant to the situation in Sri Lanka are human rights violations within security forces, alongside marginalising protected groups through political, civil and discriminatory methods. It has long been credibly argued that the mass killings of Tamils during the civil war amounts to war crimes, but the government have consistently stymied international investigative efforts and reneged on domestic promises to thoroughly investigate matters themselves. Aside from this, other issues discussed within this Risk Factor do not amount to atrocity crimes.

Past and Present Violations of International Human Rights and Humanitarian Law

Indicator 2.1 refers to “past and present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations, or individuals”. Sri Lanka’s lack of transparency within its security force could potentially play an enabling role in atrocity crimes, due to a lack of accountability measures. Police abuse in Sri Lanka, for instance, is a cause for concern. In 2005, Radhika Coomaraswamy – then chairperson of the National Human Rights Commission – reported that police as a whole used “routine torture as a method of investigation”.⁹⁰ In 2016 Juan Méndez, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, found that while the use of torture is less prevalent than during the civil war, a ‘culture of torture’ persisted (**Indicator 2.4**).⁹¹ In particular, those detained under the PTA (discussed further below) were found to be particularly vulnerable to extreme methods of torture.⁹²

A 2020 report by the Human Rights Council of Sri Lanka also found that physical violence was often used as a form of punishment as well as a means of maintaining discipline, and was most often inflicted upon prisoners from impoverished backgrounds.⁹³ The report also found that there was a culture of impunity, with officers of all ranks being implicated in the perpetration of violence.⁹⁴ During the Commissions’ study however, it found while it was present conducting its research a reduction in violence in some prisons did occur, indicating that better training on non-violent restraint and discipline, as well as disciplinary action against offending personnel, would deter prison officers from using violence.⁹⁵

The *Prevention of Terrorism Act* (PTA) in particular has been heavily criticised for permitting these police abuses. Initially enacted in 1979, the PTA currently remains in effect, despite the cessation of fighting between the LTTE and security forces over thirteen years ago, and the Sri Lankan government’s commitment at the UNHCR in October 2015 to repeal and replace the law (**Indicator 2.4**). Despite pledges by the previous Sirisena administration, the government – under Gotabaya Rajapaksa – in 2021 introduced an amendment to the bill, which retains much of the previous acts’ powers, in some regards even enabling further abuses of human rights (**Indicator 2.3**).⁹⁶ Under the provisions of the act, suspects can be arrested without a warrant and detained without trial for up to 12 months.⁹⁷ Furthermore, the act does not define ‘terrorism’, leaving it open to widespread misuse against the communities most commonly targeted by it.⁹⁸ The arrest of many Tamil individuals suspected of involvement with the LTTE means that they have been at the forefront of these human rights abuses⁹⁹. In recent years, especially since the 2019 Easter Bombings, the PTA has also been used to widely target the Muslim community (**Indicator 2.6**).¹⁰⁰ Ben Emmerson QC, UN Special Rapporteur on Counter-terrorism, found in 2017 that 80% of those most recently arrested under the act reported being tortured.¹⁰¹ This included “beatings with sticks, stress positions, asphyxiation using plastic bags drenched in kerosene, the use of water torture” amongst other methods.¹⁰² Detainees have also been raped or sexually abused while in custody.¹⁰³ Human Rights Watch reports that the legal system fails to stymie these abuses or bring perpetrators to justice. Victims are often unaware of remedies that they are entitled to under Sri Lankan law.¹⁰⁴ Furthermore, court processes are extremely slow, and police often ensure claims are dismissed through bribery or threats to the victim and their family before they reach court.¹⁰⁵ Consequently, public mistrust in State institutions is very high (**Indicator 2.8**).

The civil war resulted in significant human rights abuses. This included the government establishing “rehabilitation centres” for suspected LTTE members, which involved rampant torture and sexual abuse.¹⁰⁶ Close to 11,000 people were detained in these centres without any access to legal counsel after the civil war¹⁰⁷. Camps were also constructed during the civil war for individuals fleeing conflict zones. However, these fell well below international standards, and UN agencies and NGOs were prevented from delivering resources.¹⁰⁸ This and other human rights issues have

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

not been investigated or prosecuted by the Sri Lankan government. It has been credibly argued that the mass killings of Tamils during the civil war amounts to war crimes (**Indicator 2.2**). The UN's Expert Panel suggests that in the final months of the war alone, 40,000 civilians may have been killed, mostly as a result of indiscriminate shelling by the Sri Lankan military.¹⁰⁹ The government have consistently stymied international investigative efforts¹¹⁰ and reneged on domestic promises to thoroughly investigate matters themselves (see further **Risk Factor 3**). In April 2022, the UN released a report following a UNHCR resolution, concerning the continued lack of accountability for human rights abuses, particularly stemming from the civil war.¹¹¹

Under the Rajapaksa government in particular, there have also been numerous cases which have indicated the government's unwillingness to pursue reconciliation and accountability. Vinyagamoorthy Muralitharan – a former LTTE commander, also known as Colonel Karuna Amman – has been widely accused of war crimes committed under his command during the civil war, including the execution of hundreds of surrendered police officers,¹¹² and the abduction of children for use as child soldiers.¹¹³ After splitting from the LTTE in 2004, Karuna headed a pro-government group, which continued to commit abuses.¹¹⁴ In 2007, he was arrested in the UK after entering on a fake passport issued by Gotabaya Rajapaksa, then-defence secretary, and was further appointed to a government ministry in 2009 by Mahinda Rajapaksa.¹¹⁵ In aligning himself with the government – and in particular the Rajapaksa's – prior to the end of the civil war, his involvement in crimes on both sides of the conflict have so far remained unprosecuted. Similarly, Gotabaya Rajapaksa has shown a willingness to erase accountability for individuals, demonstrated by his 2020 pardon of Sergeant Sunil Ratnayake.¹¹⁶ Ratnayake was originally found guilty in 2015 of killing eight civilians – including a five-year-old – with the bodies of the victims showing signs of torture.¹¹⁷ He was sentenced to death; a ruling which the Supreme Court in 2019 upheld.¹¹⁸ Gotabaya Rajapaksa's pardon came shortly after his 2019 election win, during which he had pledged to release “war heroes” who had been imprisoned on “false charges”.¹¹⁹ This widespread impunity is further detailed by the UN in an October report, which notes the active promotion of many credibly accused war crime perpetrators to the highest levels of government.¹²⁰

This lack of interest in accountability by the government is of concern, as impunity and unresolved human rights abuses are known to be a significant contributor to atrocity crime risk. This was exacerbated under the Rajapaksa administration, though with their recent resignations it remains to be seen if the government under new leadership decides to pursue accountability and reconciliation.

Women and the LGBTI+ Community

Aside from the Tamil and Muslim communities, women and the LGBTI+ community are at risk. Investigative reports have found that the LGBTI+ community can suffer from arbitrary detention, mistreatment, and discrimination accessing health care, employment, and housing.¹²¹ Whilst there are no laws that specifically discriminate against the LGBTI+ community, broadly worded acts banning “illicit or unnatural intercourse” or “carnal knowledge against the order of nature” are seen to effectively ban same sex relations.¹²² UNICEF also reports that women are vulnerable through various forms of discrimination. This includes gender-based violence and sexual abuse, leading to unintended pregnancies and sexually transmitted diseases.¹²³ Nonetheless, Human Rights Watch notes that Sri Lanka has made some progress through policy reform. As of 2017, the government has implemented several policies preventing trafficking, sexual and other forms of violence against women.¹²⁴ It also ratified the Convention on the Elimination of All Forms of Discrimination against Women.¹²⁵ While Sri Lanka has made significant progress toward gender equality, women and girls continue to face discrimination and violence.¹²⁶ It is unlikely these groups would be the direct victims of atrocity crimes. However, Sri Lanka's failure to address human rights violations means such groups remain at risk of continued discrimination and marginalisation.

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Risk Factor 3 concerns “circumstances that negatively impact on the capacity of a state to prevent or halt atrocity crimes”. Whilst weak state structures alone are not the cause of atrocity crimes, they reflect a state’s ability to protect its own population against such an occurrence. Therefore, stability of state structures remains particularly significant when determining the likelihood of atrocity crimes. Sri Lanka’s current environment particularly contributes to this Risk Factor.

Institutional Protections

Indicator 3.1 observes a “national legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties”. Despite being a signatory to the Geneva Convention prohibiting war crimes, as well as a number of international human rights treaties including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and other Cruel, Inhuman or degrading Treatment or Punishment, the Sri Lankan Constitution permits violation of human rights “in the interests of national security, public order and the protection of public health or morality”¹²⁷ or for general societal welfare. Two United Nations Special Rapporteurs (for the independence of the legal system and for torture or other degrading punishment) stated that this permits human rights abuses to occur without proper accountability measures.¹²⁸

The International Commission of Jurists reports there have been decades of injustice for human rights violations.¹²⁹ They add that these abuses have perpetuated a culture of impunity, where perpetrators are rarely held accountable for their crimes.¹³⁰ A key reason for this is that the Sri Lankan judiciary is not properly independent and impartial. Since 2009, the government has continued to dismantle institutional limits on its power and judicial appointments are highly politicised.¹³¹ The impeachment of Shirani Bandaranaike, Chief Justice of Sri Lanka, was widely condemned.¹³² A main reason for her impeachment was her declaration of a government bill as unconstitutional.¹³³ This strategic removal symbolised the high level of control the government held over the legal system.¹³⁴ Lawyers working on human rights cases have also been subjected to kidnapping, torture and harassment from authorities.¹³⁵ Considering this pressure, it has been found that the judicial system is particularly prejudiced in the state’s favour (discussed further below).¹³⁶

The judicial system has been known to exclude the poor and disadvantaged. Vulnerable groups are often unaware of their legal rights and how to access justice mechanisms.¹³⁷ UNDP launched an initiative in 2013 to educate officers from the Criminal Division of Sri Lanka’s Attorney General Department in order to improve legal justice for minority or impoverished groups.¹³⁸ However, little progress has been made. In 2017, the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego Garcia-Saya, expressed concern over lack of minority groups in prosecution services and the police force (**Indicator 3.2**).¹³⁹ Tamil defendants have often been coerced into pleading guilty, under the mistaken impression that they could receive a lighter sentence.¹⁴⁰ The report also criticised the lengthy amount of time between each court date, thought to restrict proper justice.¹⁴¹ Juan Méndez, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also found in 2017 that Sri Lanka’s legal framework – as well as a lack of reforms - helped perpetuate the risk of torture (in particular via the PTA, discussed prior in **Risk Factor 2**).¹⁴²

Indicator 3.3

Under Gotabaya Rajapaksa, institutional protections have been weakened. In 2020, the government passed the 20th amendment to the constitution, which reversed reforms and limitations to presidential power, which had been passed by the previous Sirisena administration.¹⁴³ This was criticised by two UN Special Rapporteurs, who noted that it would have adverse effects on the “independence of the judiciary and the separation of powers, as well as on the independence of institutions which are essential to the establishment of guarantees of nonrecurrence of past gross violations of human rights and serious violations of international humanitarian law”.¹⁴⁴ In addition to this, it tipped the balance of power further toward the president, giving the president the power to appoint senior judges, as well as members of previously independent institutions.¹⁴⁵ In August 2022, President Wickremesinghe pledged the creation of a new Constitution, as well as bringing forward a 22nd amendment to the constitution which seeks to restore the independence of the judiciary and key institutions.¹⁴⁶ These developments should be closely monitored, as a lack of transparency, impartiality, and separation of power within Sri Lanka’s legal system and institutions would be a major factor for future atrocity crimes.

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Security Forces

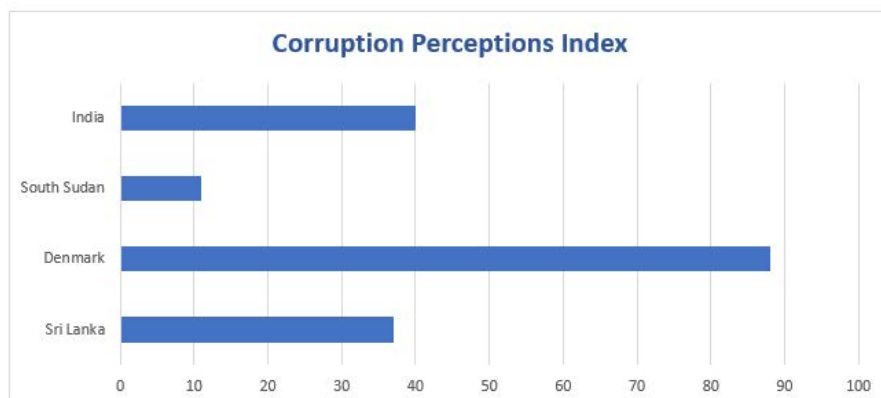
Indicator 3.4 refers to a “lack of effective civilian control of security forces.” As previously stated in **Risk Factor 2**, the police force is notorious for systematic torture, beatings, rape, and similar human rights violations imposed upon detained individuals.¹⁴⁷ Under the PTA, the detainment of suspects does not require a warrant and detainees can be held for up to 12 months; a provision which is often exploited in order to silence critics of the state.¹⁴⁸ This has been seen most recently with the widespread protests following Sri Lanka’s economic collapse, with the act being used to justify the detention of several demonstrators.¹⁴⁹ Amnesty International reported that individuals subjected to this abuse also included journalists, grassroots activists and lawyers, especially those working on human rights cases).¹⁵⁰ Authorities have also been known to harass and assault critics through anonymous means.¹⁵¹ This includes kidnapping and torture in order to prevent further criticism of the state.¹⁵²

Corruption

Indicator 3.5 relates to “high levels of corruption or poor governance”. Transparency International’s 2020 Global Corruption Barometer indicates that 79 percent of Sri Lankans believe that government corruption is a problem.¹⁵³ Furthermore, 16 percent of respondents who used public services in the prior 12 months reported to having paid a bribe, and 17 percent having experience sextortion, or knowing of someone who had.¹⁵⁴ This issue with corruption can be seen below in **Figure 2**, which scores countries’ corruption levels out of 100, with Sri Lanka ranking poorly. Within government, the most common forms of corruption include bribe solicitation by government officials, nepotism and cronyism.¹⁵⁵ Corruption was reportedly as being particularly rampant under the Mahinda Rajapaksa government,¹⁵⁶ with Gotabaya Rajapaksa also facing similar allegations.¹⁵⁷ As mentioned prior, a constitutional amendment was passed in 2020 which, in addition to granting the president further powers over the courts, also weakened commissions investigating corruption.¹⁵⁸ Under Rajapaksa rule, nepotism has been rife, with over forty Rajapaksa family members at one point holding top government positions.¹⁵⁹

The government has introduced several policies in a bid to combat corruption, namely the *Right to Information Act* in 2016 and the adoption of the Open Government Partnership National Action Plan.¹⁶⁰ However, Executive Director of Transparency International Sri Lanka (TISL), Asoka Obeyesekere, emphasised anti-corruption legislation will not solve the entire problem.¹⁶¹ Recent corruption controversies have affected Sri Lanka, such as the Australian corruption scandal in 2016. In this example, two major Australian companies were found to have bribed government officials, allegedly including the President, to secure large-scale projects in Sri Lanka.¹⁶² In 2022, another Australian company was found to have been embroiled in a money laundering investigation, after links emerged between its involvement in a hospital project in Sri Lanka, and payments to a company owned by a businessman with close links to the Rajapaksa family.¹⁶³ The corruption of Sri Lanka’s Central Bank has also drawn much criticism. Malpractices committed under the Central Bank Governor, appointed by Sirisena, led to the country’s treasury losing 35-45 billion rupees (\$233-\$300 million).¹⁶⁴ Delays of corruption-related prosecutions highlight Sri Lanka’s lack of legal resources and technical expertise and brings into question the government’s willingness to punish powerful political elites.¹⁶⁵ The best method to addressing this is improving the impartiality of the judicial system. Unaddressed corruption is known to create an enabling environment conducive to future atrocity crimes.

Figure 2: Corruption Perceptions Index



Compiled using data sourced from Transparency International, <https://indicator.transparency.org/>.¹⁶⁶ The Index scores countries based on perceptions of public sector corruption. 100=very clean 0=highly corrupt. The highest (Denmark) and lowest (South Sudan) scoring countries of 2021, as well as Sri Lanka’s closest neighbour, India, have also been included for comparative purposes.

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Accountability

Indicator 3.6 relates to an “absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims”. The UNHCR attempted to improve the government’s low accountability measures through adopting a consensus resolution in 2015.¹⁶⁷ Sri Lanka agreed to resolve transitional justice demands arising out of the civil war, specifically a special court “integrating international judges, prosecutors, lawyers and investigators” with an independent investigative and prosecuting body.¹⁶⁸ It also included an agreement to create an office on missing persons (OMP), alongside a mechanism designed to guarantee civil war reparations.¹⁶⁹ Under Gotabaya Rajapaksa however, the government withdrew from this resolution.¹⁷⁰ Furthermore, by 2020, most of the measures committed to under the previous administration have been withdrawn.¹⁷¹ In particular, the OMP has seen progress stalled, with its list of missing persons deleted from the website, and its reported missing persons caseload dropping by 6000 by the end of 2021, with no explanation for the reduction in cases.¹⁷² Furthermore, a February 2022 report by the United Nations High Commissioner for Human Rights found that the verification process undertaken by the OMP “seems to be aimed at reducing the case load and closing files rather than a comprehensive approach to establish the truth and ensure justice and redress to families”.¹⁷³ An October 7 resolution by the HRC has reiterated the need for greater accountability, with appeals to the Government of Sri Lanka to pursue impartial investigations into human rights violations.¹⁷⁴ As mentioned prior in **Risk Factor 2**, accountability under the Rajapaksa’s has suffered. While the election of Sirisena in 2015 saw some improvement toward greater accountability, this was reversed with Gotabaya Rajapaksa’s 2019 election.¹⁷⁵

Awareness of Human Rights and Capacity for Reform

Under Gotabaya Rajapaksa, Sri Lanka’s commitment to improving its human rights capacity has seen a marked reversal. The government has yet to implement awareness campaigns within the police force (**Indicator 3.7**).¹⁷⁶ The impunity with which Sri Lanka’s security forces commit acts of physical violence and torture (as discussed in **Risk Factor 2**), also indicates that Sri Lanka lacks the capacity to ensure that future warfare complies with international humanitarian law (**Indicator 3.8**). Sri Lanka’s slow progress in this area can be partly attributed to lack of proper resources (**Indicator 3.9 and 3.10**), something which may be further hampered by the country’s economic crisis. Consequently, state institutions’ response to human rights is unlikely to shift from domestic pressure alone. Instead, international institutions must further assist in the implementation stage of human rights reform, especially developing a practical strategy to reach targets. This can be assisted by independent commissions. Without taking significant steps towards addressing human rights violations, and preventing future occurrences of such violations, Sri Lanka remains at risk of atrocity crimes.

RISK FACTOR 4: MOTIVES OR INCENTIVES

Risk Factor 4 refers to the “reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals”. Analysing the motives behind violence against such persons points towards the likelihood of an atrocity crime occurring within a state. Nonetheless, measuring the degree to which this occurs remains difficult. However, understanding driving factors behind actors using violence reveals whether a state is likely to do this on a wider scale. Sri Lanka meets a number of Indicators under this Risk Factor.

Consolidation of Political or Economic Power

Indicator 4.1 and 4.2 discuss the “political motives, particularly those aimed at the attainment or consolidation of power” and “economic interests, including those based on the safeguard and well-being of elites or identity groups”. Whilst there does not appear to be any significant minority groups attempting to gain political power, the Sri Lankan government has continued to use force to consolidate power. Both former Rajapaksa presidents were well understood to use authoritarian rule, with nepotistic tendencies and broad allegations of corruption, and the enactment of measures aimed at curbing transparency and stifling accountability (discussed prior in **Risk Factor 3**).

Maithripala Sirisena’s 2015 election was a victory for democracy.¹⁷⁷ However, the 2019 elections which returned the Rajapaksa’s to power indicated a shift back toward authoritarian rule, with ethnocratic tendencies.¹⁷⁸ With Ranil Wickremesinghe’s ascension to president in July 2022, there appears to be moves back away from this, with his pledge to restore judicial and institutional independence (discussed prior in **Risk Factor 3**). However, the violent methods his government have used to crack down on recent protesters indicate that there is still willingness and capacity within the government to retain power. This situation needs to be monitored to ensure that brutal crack-downs do not become a means of consolidating power, and that Wickremesinghe’s pledges do come to eventuate.

Identity Politics

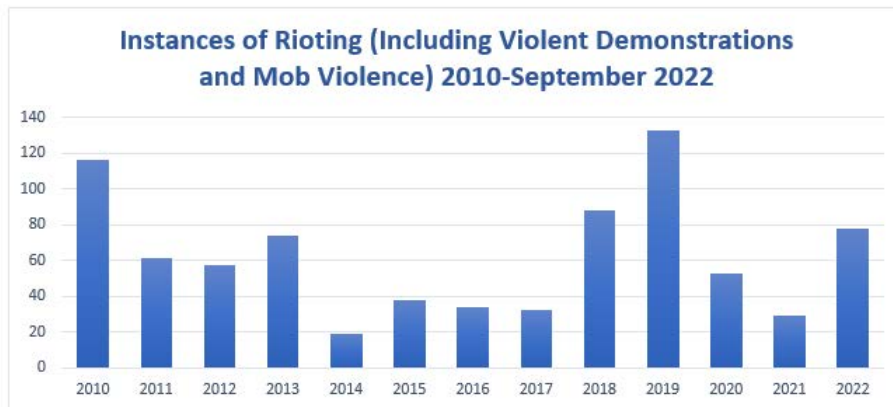
The military claimed a significant amount of Tamil land both during and after the civil war, due to purported “security reasons” (**Indicator 4.3**).¹⁷⁹ It is claimed that this land has often been used to build military bases, with 14 bases being stationed in the northern Tamil provinces.¹⁸⁰ This is an issue which has persisted, with Human Rights Watch in 2018 releasing a report into the historical and ongoing seizure of land in Tamil areas by security forces.¹⁸¹ While President Sirisena had set a deadline for the return of all private land held in the northern and eastern provinces by the end of 2018, much land has continued to be held, with an army spokesperson stating that remaining land was held on tactical and national security grounds.¹⁸² This continues to be an issue in 2022, with protests demanding an end to land appropriation.¹⁸³ The issue itself has not escalated more widespread violence, but it does emphasise the government’s continual need for dominance over the Tamil community.

Ethnoreligious tensions within Sri Lanka have often spilled into violence and rioting. **Figure 3** below tracks instances of rioting, the majority of which is ethno-religiously fuelled. This is made worse by Sri Lanka’s issue with growing extremism; though not between Tamils and Sinhalese. Instead, Buddhist-Muslim conflict has led to the emergence of extremist Buddhist groups calling for armed conflict.¹⁸⁴ These groups have exploited long-standing fears that the Sinhalese and Buddhist nature of the country is threatened, and have presented Muslims as a “religious, cultural and economic threat” to Sri Lanka (**Indicator 4.5**).¹⁸⁵ Claims that Muslims are forcing people to convert to Islam and desecrating sacred Buddhist sites are among the many accusations spread by the hard-line Buddhist groups through social media platforms.¹⁸⁶ While the extremist groups were initially small and at a grassroots level, the 2018 events illustrate that these groups now operate “organised and targeted attacks” on the national level.¹⁸⁷ Furthermore, the 2019 Easter Bombings contributed to a significant marginalisation of the Muslim minority (both the 2018 and 2019 increases in rioting can be seen reflected in **Figure 3** below). Following the attacks, Sri Lanka saw rioting and anti-Muslim protests, with hard-line Sinhalese Buddhist figures helping instigate anti-Muslim boycotts, the spreading of unsubstantiated rumours of Muslim plots, as well as organised violence.¹⁸⁸ The anti-Muslim riots were so severe that they raised fears of parallels to the 1983 anti-Tamil riots, which sparked the decades-long civil war.¹⁸⁹ Actions by the government following the bombings also contributed to Muslim marginalisation. Under emergency regulations, the government introduced a ban on the niqab and burqa, effectively stifling the religious freedom and expression of Muslim women.¹⁹⁰ While the ban was lifted months later, cabinet in 2021 passed a permanent ban on the burqa, with the proposal sent to parliament for approval.¹⁹¹ Furthermore, the PTA (discussed prior in **Risk Factor 2**) was used extensively to target the Muslim population in relation to the bombings, with as many 1,820 Muslims being detained under the sweeping powers; most having only incidental or extraneous connections to the bombings.¹⁹²

RISK FACTOR 4: MOTIVES OR INCENTIVES

In reference to **Indicator 4.7**, extremist Buddhist groups are centred around an ideological foundation that emphasises the supremacy of the Sinhalese-Buddhist identity and seeks to maintain its authority and stem the growth of minority groups.¹⁹³ Employing this rhetoric and consolidating a greater following could potentially lead to these extremist groups committing widespread atrocity crimes against the Muslim minority. The continuation of tensions between the Sinhalese and Tamil populations, as well as growing anti-Muslim tension, has the capacity to escalate into broader violence. It is therefore imperative that the government address underlying social trauma through reconciliation, and discontinue practices which marginalise minority groups (**Indicator 4.9**). If not adequately addressed, there remains potential for further atrocity crimes and violence in the future.

Figure 3: Instances of Rioting



Compiled using data sourced from *Armed Conflict Location & Event Data Project (ACLED)*, <https://acleddata.com>.¹⁹⁴ Note that this data is purely quantitative, tracking instances of rioting, but not accounting for their severity. Also note that unlike previous years, the data for 2022 is largely related to the economic situation rather than ethnoreligious tensions.

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

Risk Factor 5 involves “conditions that indicate the ability of relevant actors to commit atrocity crimes”. Atrocity crimes rely on planning and resources in order to be executed. Consequently, it is important to analyse the capacity of relevant actors to commit such crimes. Whilst capacity alone does not determine if an atrocity crime will occur, there are several pertinent factors that are relevant to Sri Lanka that should be considered.

Available Resources

A UN report in October 2022 noted Sri Lanka’s continued militarisation¹⁹⁵ despite the end of the civil war. In 2022, the Defence Ministry was allocated US\$1.86 billion, accounting for 15 percent of total government expenditure, making it the largest funded sector in the year.¹⁹⁶ Current estimates put military strength at 266,500 total personnel, accounting for 1.2 percent of Sri Lanka’s total population.¹⁹⁷ The civil war helped advance Sri Lanka’s military capacity, increasing personnel by 80,000 and attaining new weapons such as fighter jets, artillery guns and multi-barrel rocket launchers (**Indicator 5.1**).¹⁹⁸ New military strategies and tactics were also developed.¹⁹⁹ The government’s ability to win the civil war indicates that it has the capacity to perpetrate atrocity crimes. Nevertheless, capacity does not imply intent.

Mobilisation and Control of Civilian Population

The government’s history of silencing journalists, judges and human rights lawyers, indicate that the population could be very receptive to dangerous narratives. A large amount of support could easily be recruited by focusing on extant post-war tensions, particularly concerning the Tamil population (**Indicator 5.3**). This could influence the potential for atrocity crimes. Nonetheless, Sri Lanka does not have a strong culture of obedience (**Indicator 5.4**). This has been evidenced most recently in the widespread protests – which led to the fall of Mahinda and Gotabaya Rajapaksa - following the country’s economic collapse. The recent government response to these however, have shown that it is capable of suppressing dissent, with the Wickremesinghe government leading brutal crackdowns and reprisals against protesters and government critics.²⁰⁰ Another concerning factor is the government’s strong hold on the judicial system (discussed prior in **Risk Factor 4**). This not only highlights the government’s intent to remain uncriticised, but to prevent scrutiny of high-ranking officials’ involvement in war crimes.²⁰¹ Reports also suggest the military and police continue to question local Tamil residents in formerly war-torn areas.²⁰² In addition to this, the continued use of the PTA enables the government to pursue individuals on tenuous grounds, and with little accountability. This level of monitoring, combined with ongoing reports of torture of minority individuals, emphasises the government’s propensity to use force when challenged. Therefore, the government has a strong capacity to authorise atrocity crimes to further political motivations.

Support Systems

The Sri Lankan government clearly has strong links with the military and police forces of the state. However, as both have been accused of human rights violations, this could increase the capacity for atrocity crimes. Sri Lanka’s top two economic partners are the United States and United Kingdom, who are both strongly opposed to atrocity crimes.²⁰³ Conversely though, Sri Lanka has close military partnerships with Pakistan, India and China, who provided the military with weapons during the civil war (**Indicator 5.8**).²⁰⁴ Both the Pakistani and Indian armies have since worked with the Sri Lankan military to enhance and upskill their forces.²⁰⁵ Human rights crimes continue to occur within Pakistan and India, especially within its security personnel.²⁰⁶ Despite this however, India did support the 2017 UNHCR resolution against Sri Lanka to address war crimes.²⁰⁷ China has also, since 2017, come under increasing scrutiny for its treatment of the ethnic Uyghur minority in Xinjiang province, with a UN report published in August 2022 demonstrating the extent of human rights abuses, and signalling potential crimes against humanity.²⁰⁸ Moreover, China’s position as a veto-holding member of the UN Security Council gives Sri Lanka the luxury of avoiding any resolution to hold it accountable, or even condemn its actions.²⁰⁹ It is unlikely that any of these partnerships could directly result in atrocity crimes, though some could allow their perpetration through inaction and impunity.

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Risk Factor 6 refers to the “absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals”. It is crucial that the State and international community have the capacity to halt or prevent atrocity crimes for occurring. Therefore, evaluating the presence of Indicators within this Risk Factor indicates whether atrocity crimes could potentially be committed successfully within the state. Some of these are relevant within Sri Lanka.

Empowerment Processes

Indicator 6.1 concerns the “limited or lack of empowerment processes, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves”. There are little formal avenues to defend and empower protected groups (**Indicator 6.1**). While the judicial system is an option, as previously noted in **Risk Factor 3**, it is criticised for being biased towards the government. In 2016, the government enacted the Right to Information Act; a strong step toward empowerment and accountability.²¹⁰ As mentioned in **Risk Factor 2** however, the government has largely demonstrated an unwillingness to hold itself accountable for past atrocities, as well as impunity in dealing with current abuses, illustrated in the way it utilises the PTA to target minorities.

Civil Society and the Media

Indicator 6.2 refers to a “lack of strong, organised and representative national civil society and of a free, diverse and independent national media”. Civil society plays an important role in Sri Lanka. The main categories of civil society organisations (CSOs) involve humanitarian assistance INGOs, advocacy INGOs, poverty alleviation NGOs and grassroots development NGOs.²¹¹ CSO’s have played an important role in assisting communities in the wake of the civil war (including rehabilitating traumatised individuals), alongside rebuilding after natural disasters.²¹² However, human rights organisations have come under increasing threat in recent years.

Media in Sri Lanka is largely dominated by state-run outlets, which lack independence.²¹³ Additionally, Sri Lankan media is targeted mainly toward the Sinhalese and Buddhist majorities.²¹⁴ Issues involving the Tamil and Muslim minorities are also extremely sensitive, with arrests, death threats, and cyber-attacks often directed at those who do report on such issues.²¹⁵ Since the 2019 Easter Bombings, journalists and human rights groups have come under increasing threat. This is outlined in a 2021 Amnesty International report, which demonstrates instances of harassment, stigmatisation and smear campaigns against human rights organisations, and of death threats against journalists; much of which is carried out by the government and authorities.²¹⁶ This has been seen most recently with the protests surrounding the country’s economic crisis, with journalists subsequently targeted for reporting on such events.²¹⁷ Because of this, many have resorted to self-censorship,²¹⁸ meaning that there is the potential for human rights violations to go increasingly unchecked and underreported. As discussed in **Risk Factor 3**, the government under Gotabaya Rajapaksa also withdrew from a UN resolution on civil war reparations, indicating an unwillingness to cooperate with international bodies on human rights accountability (**Indicator 6.7**).

While Sri Lanka does have some mitigating factors, the increasing threats faced by journalists and human rights groups in particular mean that these are coming under threat and could lead to a limited capacity to prevent atrocity crimes occurring.

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

Risk Factor 7 concerns “events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration”. Atrocity crimes typically require planning and resources to occur. Therefore, identifying circumstances where actors are undertaking such activities can reveal the likelihood of such crimes occurring.

Emergency Laws

Indicator 7.1 refers to the “imposition of emergency laws or extraordinary security measures that erode fundamental rights”. In March 2018, the government imposed a state of emergency which put into effect a curfew and a social media ban, as well as permitted Sri Lankan authorities to arrest and detain suspects for prolonged periods of time if deemed necessary.²¹⁹ Despite this state of emergency falling under **Indicator 7.1**, it was enacted not with the intent to enable the commission of atrocity crimes, rather to quell any further violence between Buddhists and Muslims. Emergency laws were again enacted following the 2019 Easter Bombings. Their use this time however was more alarming, as it gave police and the military sweeping powers which (as mentioned prior in **Risk Factor 4**) unjustly targeted the Muslim minority. Following Sri Lanka’s economic collapse, the emergency laws were again enacted, in order to crack down on anti-government protesters.²²⁰ While emergency laws have been used to quell violence, they have also been used to stifle dissent, and in some instances have enabled the unfair targeting of minority groups.

Strict Control of Communication Channels

Indicator 7.6 pertains to the “imposition of strict control on the use of communication channels or banning access to them”. As with the prior emergency laws, social media blackouts have similarly come into effect during the prior events. During the 2018 state of emergency, the government banned access to various social media platforms, however such was done in order to stem the spread of messages and posts inciting further violence against the Muslim minority.²²¹ In 2019, a social media blackout was used to prevent the spread of false news.²²² In 2022, a social media blackout was again enacted, in response to protests demanding government accountability.²²³ While the government justifies their use of such powers, they nonetheless have a profound impact on every day Sri Lankans, many of whom rely on platforms such as Facebook and WhatsApp as their only means of communication.²²⁴

Discriminatory Measures and Policies

Indicator 7.8 concerns the “increased violations of the right to life, physical integrity, liberty...or recent adoption of measures or legislation that affect or deliberately discriminate against them”. This has been seen most recently against the Muslim population. As mentioned in **Risk Factor 4**, following the Easter Bombings the government temporarily banned the niqab and the burqa, with a 2021 bill seeking to ban the burqa altogether. Alongside the latter bill, the government also announced plans to close over 1,000 madrassas.²²⁵ At the beginning of the COVID-19 pandemic, the government announced a ban on burials – despite advice from the WHO deeming burials as safe – which forced Muslims to cremate their deceased; a practice which is forbidden in Islam.²²⁶ These policies, all undertaken in recent years, have unfairly and indiscriminately affected the Muslim population and led further to their marginalisation, and are actions which could constitute preparatory steps toward atrocity crime commission.

Destruction of Property

Indicator 7.11 relates to the “destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural or religious identity”. There have been numerous recurrences of this, particularly in recent years. A 2021 Amnesty International report documents this, against the Muslim population in particular, with more recent instances including riots in 2014, and mob violence following the Easter Bombings.²²⁷ While these attacks were not widespread or sustained in their scope, they nevertheless indicate that extremist groups have the capacity to inflict damage which, if allowed to escalate and be conducted on a wider scale, could be perceived as preparatory action for the commission of atrocity crimes.

Against the Tamil population, there has been a long history of this, with the destruction of monuments and places of worship, and their replacement with monuments of Sinhalese victory and Buddhist temples.²²⁸ The most recent example of this was the 2021 destruction of a Tamil memorial dedicated to the civilians killed during the civil war.²²⁹ In doing this, it can be seen that there is a sustained pattern and continuation of practices pursued during the civil war which, against the Tamil population in particular, may constitute preparatory action for the further commission of atrocity crimes.

Hate Speech

Indicator 7.14 pertains to “increased inflammatory rhetoric...or hate speech targeting protected groups”. This has been demonstrated in recent years, particularly against the Muslim minority. During the deadly 2018 riots, messages inciting discrimination and violence against Muslims were spread across multiple social media platforms, such as Facebook, WhatsApp and Twitter; one Facebook post called on Sri Lankans to “Kill all Muslims, don’t even let an infant of the dogs escape”.²³⁰ This has continued, with the Easter Bombings and the COVID-19 pandemic being key triggering factors.²³¹ With the recent increase in anti-Muslim sentiment, there is a greater possibility of future violence stemming from hate speech. To mitigate this, there is a crucial need for the Sri Lankan government to work alongside social media platforms to remove inflammatory content which may incite the commission of atrocity crimes.

RISK FACTOR 8: TRIGGERING FACTORS

Risk Factor 8 refers to “events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset”. Unpredictable events or circumstances have the capacity to increase the likelihood of atrocity crimes. There have been some recent destabilising events within Sri Lanka which refer to this occurrence.

Political Events

The shock election of President Sirisena in 2015 after Rajapaksa’s ten-year term could potentially relate to **Indicators 8.4** and **8.8**. However, Rajapaksa’s call for a military coup ultimately failed.²³² Therefore, this transition to the new presidency was peaceful and free of any destabilising events. In 2019, the election of Gotabaya Rajapaksa indicated a step away from inclusivity, with the wartime figure securing a resounding vote from the majority Sinhalese population, on a campaign run on Sinhalese nationalism,²³³ signalling a power shift which benefitted the majority population. In 2022 the sudden resignations of both Prime Minister Mahinda Rajapaksa and President Gotabaya Rajapaksa, following widespread unrest, could also point to this indicator. Sri Lanka also had several protests during 2013 by Tamil students over human rights violations of the Tamil community (**Indicator 8.12**).²³⁴ Protests relating to accountability and human rights violations have been seen on occasions since. In 2020, Sri Lankans occupied areas outside the US embassy in Colombo, protesting in solidarity with the Black Lives Matter movement; a movement which intersected with Sri Lanka’s own social justice issues.²³⁵ Protests again flared up in 2021, over the lack of accountability and the struggle for post-war justice.²³⁶

COVID-19 and Natural Disasters

As discussed in **Risk Factor 1**, Sri Lanka is particularly prone to natural disasters (**Indicator 8.9**). In addition to this, as mentioned in **Risk Factors 1** and **7**, the COVID-19 pandemic has had a profound effect on Sri Lanka. While its robust health care system was able to cope, the pandemic nonetheless severely impacted the already struggling economy, and exacerbated existing ethno-religious tensions. In particular, the Muslim minority was particularly stigmatised. As mentioned in **Risk Factor 7**, the government banned burials for almost a year, forcing Muslims to cremate their dead, in direct opposition to their beliefs. Furthermore, the Muslim population were treated as super-spreaders, with criticism against them coming from members of the government.²³⁷

Economic Crisis

As mentioned in **Risk Factor 1**, Sri Lanka’s economy is currently in severe distress (**Indicator 8.9**). This has led to political instability (mentioned above), as well as triggered widespread protests, which have seen the deployment of security forces to disperse demonstrators (**Indicator 8.1**).²³⁸ While the economic crisis itself may not directly lead to atrocity crime commencement, it could lead to deepening inequalities which could aggravate other factors.

2019 Easter Bombings

The 2019 Easter Bombings (**Indicator 8.5** and discussed prior in **Risk Factor 4**) have had a profound impact on the Muslim population. Since, they have faced increased hostility, with anti-Muslim riots and attacks against Muslim populations. These have been largely triggered by inciting figures, with inflammatory rhetoric and hate speech directed toward the minority group (**Indicator 8.7**). The bombings have further led to their marginalisation, with the government in recent years enacting policies which unfairly discriminate against the Muslim population (**Indicator 8.6**). While tensions may have existed prior, the bombings brought them to the forefront. This can be seen in comments made by the minister for public security, who in 2021 stated “[the burqa] is a sign of religious extremism that came about recently”.²³⁹ For the Muslim population, this event has had the most profound effect, directly triggering their stigmatisation and leaving them vulnerable to discrimination. This targeting severely increases the potential for atrocity crimes to occur against this group.

SPECIFIC RISK FACTORS GENOCIDE

The Framework of Analysis notes that **common Risk Factors** help to identify the probability of atrocity crimes occurring, without necessarily identifying the type of crime. **Specific Risk Factors** refer to the fact that each crime has elements and precursors that are not common to all three atrocity crimes: genocide, crimes against humanity, and war crimes. Only the specific Risk Factor of genocide is currently considered relevant to Sri Lanka, although some of the other specific Risk Factors were relevant to Sri Lanka during the civil war period, particularly allegations of war crimes associated with large scale attacks on the Tamil population (**Risk Factor 11**).²⁴⁰ Additionally, the government has been accused of shelling established civilian 'safe zones' (**Risk Factor 13**).²⁴¹ Successive governments have largely failed to respond to these accusations.²⁴² Nonetheless, since the end of the conflict there have been no recent events that directly meet these Risk Factors. However, there remains intergroup tensions and patterns of discrimination between ethnic and religious groups in Sri Lanka, which is a cause for concern and meet elements of **Specific Risk Factor 9**.

RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUPS

Risk Factor 9 concerns “past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes”. **Risk Factor 9** refers to the atrocity crime of genocide and discrimination against protected groups based on their identity (whether national, religious, ethnic, or racial). Tamils and Muslims fall under protected groups based on Section I of the Framework, as they have been targeted based on their ethnicity and religion. Tensions between Tamils and Sinhalese have long affected the country, leading to the decades-long civil war. This conflict, and the ongoing post-war reports of discrimination against the Tamil community, suggest partial satisfaction of some indicator within this Risk Factor. The recent tensions between Sinhalese Buddhists and Muslims, as well as discriminatory policies against the latter, also suggest partial satisfaction of some of the Indicators within this Risk Factor. However, at this stage, this does not satisfy **Risk Factor 10**.

Discrimination

Indicator 9.1 refers to “past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups”. There does not appear to be any legislation explicitly segregating or discriminating against the Tamil community. However, according to a United Nations report from the Committee on the Elimination of Racial Discrimination, the Tamil population continues to face challenges including high levels of poverty, poor compensation for work, poor working conditions, and poor housing conditions.²⁴³ This ethnic minority also faces difficulty gaining access to health services, obtaining citizenship documents, and accessing quality education opportunities.²⁴⁴ Due to the difficulty obtaining identity and citizenship documents, Tamils face challenges in opening bank accounts or owning homes.²⁴⁵

While not explicitly targeting protected groups, the government's use of the PTA (as discussed prior in **Risk Factors 2 and 4**) has been used to disproportionately detain members of the Tamil and Muslim communities. In addition to this, recent policies enacted by the government have been shown to unfairly discriminate against the Muslim population, with legislation explicitly targeting their practices or traditions (see **Risk Factor 7**).

Whilst the Sri Lankan government does not deny the existence of Tamils or Muslims, from the above reports of discrimination the government is not properly acknowledging their identity as equal Sri Lankan citizens (**Indicator 9.2**). The ramifications of this are evident in the formation of the LTTE in 1976, whose calls for separatism was rooted in Tamil feelings of disenfranchisement.²⁴⁶ Therefore, the issue for Tamils is not the denial of their existence but rather being unable to identify with their country due to discriminatory practices; something which the recent enactment of discriminatory policies might similarly evoke amongst the Muslim population. It is therefore necessary for the government to improve its reconciliation measures and reduce discrimination or risk a re-emergence of conflict (potentially leading to atrocity crimes). This is something which has been noted in an October 7 resolution by the UNHRC, which calls on the government of Sri Lanka to address the marginalisation and discrimination against the Muslim community.²⁴⁷

RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUPS

As discussed in **Risk Factors 2** and **3**, the Sri Lankan military has been accused of war crimes against the Tamil population during the civil war, particularly because of the large-scale deaths of Tamil civilians (**Indicator 9.3**).²⁴⁸ To date, there has been little effort taken to ensure justice for victims and implement accountability measures. Failing to properly address violence targeted at a particular protected group can be a sign that points towards atrocity crimes occurring in the future.

Access of Protected Groups

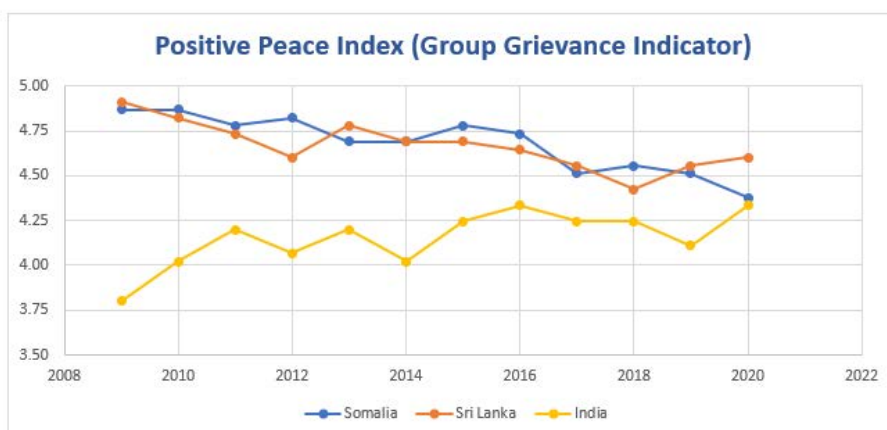
Indicator 9.4 relates to “past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expression of group identity or to perceptions about the targeted groups”. The civil war between the Sinhalese and Tamils is the most pertinent example of this Indicator. There continues to be tensions affecting the two groups, ranging from socioeconomic disparities, abusive treatment by the Sinhalese police and military, lack of consultation regarding human rights violations, and general societal discrimination.²⁴⁹ This can be seen demonstrated in **Figure 4** below, which tracks group divisions and the subsequent impact on access to services and resources, as well as political inclusion. While there has been a gradual positive trend, this has been very minimal.

Tamil security is a particular source of tension. Many Tamils have been arrested over suspected terrorist links since the end of the civil war.²⁵⁰ However, the ability of police to detain without a warrant has called many of these arrests into question. It has also led to the perception that police unfairly target Tamils. The fact that the majority of the military’s bases are stationed in the northern Tamil provinces highlights these perceptions and tensions.²⁵¹ Some reports of Tamil-Sinhalese clashes have emerged over recent years, such as when Tamil students were reportedly beaten after celebrating deceased Tamil fighters in the civil war.²⁵² Nonetheless, tensions have not escalated to armed violence, and clashes are infrequent. Therefore, extant tensions should not be regarded as ‘serious’. Nevertheless, the capacity to escalate to this level exists and is dependent on future events.

As with the Tamils, Muslims have also faced arbitrary arrests over suspected terrorism links, triggered largely because of the 2019 bombings. As discussed earlier, the years following the attacks have seen the rights and freedom of expression of the Muslim community diminished (see prior **Risk Factors 4** and **8**). Furthermore, perceptions toward the minority have been markedly damaged, with the Rajapaksa government in 2019 weaponizing anti-Muslim sentiment – and thereby exacerbating it – prior to the election to gain support from the majority Sinhalese Buddhist population.²⁵³ This can be seen reflected in **Figure 4**, where following the bombings in 2019, group divisions worsened.

Prior to the bombings, there were emergent tensions between hard-line Buddhist groups and Muslims (**Indicator 9.5**). Over the course of 2017 and 2018, Buddhist nationalists made claims that Muslims forced individuals to convert to Islam and vandalised Buddhist archaeological sites, further protesting the arrival of Rohingya refugees.²⁵⁴ These tensions have led to numerous instances of violence, which have only been compounded following the bombings. This is something which is directly tied to the government (under the recently deposed Rajapaksas), and their platform of Sinhalese nationalism. To rectify this, the current government first needs to take steps toward inclusivity, to promote unity and reduce tensions between the groups. Tensions between the two groups are high but should not yet be classified as ‘critical’ as it has not escalated into widespread armed conflict.

Figure 4: Group Grievance Trends



RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUPS

Compiled using data sourced from the *Institute for Economics & Peace* via *Vision of Humanity*, <https://indicator.vision-ofhumanity.org/>.²⁵⁵ The Group Grievance Indicator examines group divisions, and their impact on access to services and resources, and political inclusion. 1=good 5=poor. The overall lowest scoring country of 2022 (Somalia) and Sri Lanka's closest neighbour, India, have also been included for comparative purposes. Full data for this indicator only available until 2020.

Ability to Address Conflict

Indicator 9.6 relates to a “lack of national mechanisms or initiatives to deal with identity-based tensions or conflicts”. The government has not established national mechanisms to deal with Tamil human rights violations.²⁵⁶ As discussed in **Risk Factor 3**, Sri Lanka initially agreed to the UNHCR calling for a special court to deal with human rights violations, an office on missing persons, and a mechanism designed to guarantee civil war reparations;²⁵⁷ a positive improvement which was unfortunately short lived. As discussed in **Risk Factors 2 and 3**, accountability and justice under the Rajapaksa government has been largely ignored, with Sinhalese nationalism taking primacy over recognition of past wrongs. Combined with past and present evidence of discrimination within the judiciary and police force, there remains few options for Tamils and Muslims to report identity-based crimes. In addition to this, the recent attacks against human rights organisations (discussed prior in **Risk Factor 6**) demonstrates a willingness by the government to silence organisations seeking to help minority groups. This indicates that the government is unwilling to pursue matters on identity-based conflict, increasing the likelihood of atrocity crimes occurring in the future.

CONCLUSION

Sri Lanka remains characterised by poor state governance – marred by corruption and a lack of accountability measures – as well as ongoing human rights violations with both open and latent tensions between ethnic and religious groups. **Common Risk Factors 2** (record of serious violations of international human rights or humanitarian law), **3** (weakness of state structures), **4** (motives or incentives), **7** (enabling circumstances or preparatory action) and **8** (triggering factors) are the most serious risk factors currently evident in Sri Lanka. The treatment of the Tamil and Muslim communities also fulfilled some elements of **Special Risk Factor 9** (discrimination against protected groups). The use of torture by the police force and the discriminatory use of the PTA are of particular concern, as is the unwillingness displayed by the government to seriously investigate past war crimes. While tensions between the Sinhalese and Tamil communities remain, recent events have put the Muslim community in a particularly vulnerable position, with the minority group facing increased discrimination and prejudice.

Peace and reconciliation are not simply achieved when a conflict ends; they are a process that take considerable effort, resources, and time. While it appeared there would be a shift toward reconciliation and transparency for civil war atrocities following the 2015 election, the government of Sri Lanka has largely remained unwilling to acknowledge or bring to justice perpetrators of human rights abuses and war crimes. Furthermore, they have continued to use discriminatory policies – under the guise of national security – to target minority populations. To reduce the risk of further violence, the government must properly address the past injustices incurred during the bloody civil war, introduce reforms to increase transparency and stop human rights abuses, cease discriminatory policies and practices and take steps to address ethnic and religious tensions. Unless the government pursues these, the risk of further violence – including atrocities – will remain a potent threat, and the risk of atrocity crimes occurring within Sri Lanka will remain **high**.

RECOMMENDATIONS

RECOMMENDATIONS FOR THE GOVERNMENT OF SRI LANKA	
1	The government should modify legislation that permits overreach of police power, particularly The Prevention of Terrorism Act of 1979. This includes introducing a more specific definition of ‘terrorism’ rather than ‘unlawful activities.’ This should also include arrests requiring a warrant. The detention period must be significantly reduced from 12 months, with the exact time determined in consultation with the United Nations or local NGOs. The government should conduct independent investigations into allegations of police abuse.
2	The government should pursue the establishment of a new constitution, which should: <ul style="list-style-type: none"> ○ Guarantee judicial and institutional independence, and the separation of powers; ○ Ensure democratic governance and transparency; ○ Enshrine equality, establishing ethnic and religious respect and tolerance; ○ Remove the permission of human rights violations.
3	The government should incorporate human rights training within its security forces.
4	The government should pass tough anti-corruption laws to mitigate the widespread corruption and nepotism fostered under the Rajapaksa government.
5	The military should continue to return land seized from the Tamil community. This should be conducted through an independent board or inquiry. This could be conducted in conjunction with UN recommendations for establishing human rights accountability measures.
6	The government should repeal legislation which unfairly discriminates against any minority group and establish a committee to oversee future legislation to ensure commitment to ethnic and religious freedoms.
7	The government should repeal restrictions on domestic media and take steps to address press freedom. The government should also enact legislation criminalising press intimidation, which frequently occurs within security forces and government bodies.
8	The government must take further steps toward reconciliation, actively working to strengthen Tamil-Sinhalese as well as Muslim-Buddhist relations. Sri Lanka must establish an independent mechanism where protected groups can report discrimination or hate crimes. This should be established in consultation with the UN and the Tamil and Muslim communities. The government must also focus on creating a unified Sri Lankan identity, done through celebrating diversity rather than ethnoreligious homogeneity.
9	The government must be vocal in criticism for extremist Buddhist groups and ensure that they do not advocate for or commit violence.
10	The government should implement education programs advocating inclusivity and tolerance, making ethnic and religious differences positive attributes to be celebrated, rather than to be feared and stigmatised.
11	Sri Lanka should launch independent investigations, in consultation with the UN, into allegations of war crimes. Provided this is found, the government must acknowledge this to the domestic and international community. This should also include outlining concrete policy reforms targeted at preventing future atrocity crimes.
12	Sri Lanka must implement in full the recommendations put forward by the UN High Commissioner for Human Rights in October 2022. Specifically, it should: <ul style="list-style-type: none"> ○ Guarantee the rights and protections for its people during the economic crisis; ○ Reduce military spending and increase spending in health, social security, and education; ○ Reduce the military’s presence in the eastern and northern provinces and reduce military influence in the public sphere; ○ Establish a special court integrating international judges, prosecutors, lawyers, and investigators, with an independent investigative and prosecuting body, to investigate and prosecute atrocity crimes; ○ Restore power to the Office on Missing Persons, and ensure it operates effectively; ○ Establish a truth-telling mechanism, and a mechanism designed to guarantee non-recurrence and reparations; ○ Request the OHCHR to continue monitoring and reporting of human rights violations. <p>Sri Lanka should seek assistance from the United Nations to support these endeavours.</p>
13	The government should work in coordination with online platforms, such as Facebook, to address hate speech and incitement to violence, as well as implement penalties to curb its incidence.
14	The government should continue to work with the IMF, as well as creditors and assisting countries and organisations, to restructure its debt and establish a path out of the current economic crisis.

RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY	
1	Continue to encourage Sri Lanka to fully and impartially investigate allegations of atrocity crimes and provide technical assistance to support such measures.
2	Support security sector reform and training on human rights.
3	Support the government in its creation of a new constitution, ensuring it conforms to international standards, is democratic and just, and is compatible with human rights obligations.
4	Adopt measures to support the reintegration of Tamils into the national economy.
5	Assist in advocating for equality and tolerance, providing in-country (as well as digital) support to spread cultural awareness and acceptance.
6	Assist Sri Lanka in developing a path out of its economic crisis.
7	Pursue sanctions, asset freezes, and travel bans against individuals credibly accused of human rights violations.
8	Support Sri Lanka in investigating economic crimes such as corruption and pursue prosecutions if such crimes are found.
9	Assist Sri Lanka in implementing the recommendations put forth by the UN High Commissioner for Human Rights.

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