



## **Sri Lankans Vote for Change but Significant Challenges Remain**

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By: Mytili Bala, Robert L. Bernstein International Human Rights Fellow, Center for Justice and Accountability

Pope Francis arrived in Sri Lanka on Tuesday calling for “the pursuit of truth” as the nation struggles to confront the legacy of a civil war that ended in 2009. The Pope’s visit coincides with last week’s historic presidential elections, which saw Maithripala Sirisena defeat incumbent President Mahinda Rajapaksa. Sirisena, who served as Health Minister and acting Minister of Defense under Rajapaksa, ran on a platform of good governance and the rule of law. The road to reconciliation and accountability, though, remains challenging.

Former President Rajapaksa defeated the Liberation Tigers of Tamil Eelam (LTTE) in May 2009, ending 26 years of civil war. Victory came at a cost: over 40,000 civilians were allegedly killed and war crimes were reported against both sides during the final months of the war. Rather than move the country forward post-war, Rajapaksa increased his own executive power, placed family members in key government positions, and opposed efforts at accountability.

The failure of accountability is not merely a question of addressing crimes that occurred during the civil war, but also about crimes still occurring today. Entrenched impunity creates a climate in which serious human rights violations continue. Sri Lanka today has the second highest number of unsolved disappearance cases in the world, second only to post-war Iraq. A 2014 [report](#) by the Sri Lanka Campaign for Peace and Justice documents continuing torture, rape, and other crimes against Tamils in the militarized north. In June 2014, the Buddhist extremist organization Bodu Bala Sena (BBS) incited a pogrom against Muslims in four coastal Sri Lankan towns, killing four and displacing thousands.

Domestic processes under Rajapaksa failed to achieve justice. Families seeking the truth have been harassed and detained under the draconian Prevention of Terrorism Act. Over 20,000 individuals in Sri Lanka’s north and east petitioned the Presidential Commission on Disappearances in 2013 but faced threats and witness tampering and are no closer to learning the truth. Women alleging Army rape in the north and east have little hope of prosecution, even where they identify the perpetrators. No one has been held accountable for even the most publicized cases, including the 2006 extrajudicial killings of five students in Trincomalee and 17 aid workers from Action Contre La Faim.

Sirisena now has an opportunity to shift gears. As Pope Francis stated in his address: “The process of healing also needs to include the pursuit of truth, not for the sake of opening old wounds, but rather as a necessary means of promoting justice, healing and unity.” Although Sirisena did not campaign on a human rights platform, his campaign commitment to strengthen the rule of law and fight impunity could open domestic space for accountability that has hitherto been closed.

Sirisena’s government should repeal the draconian Prevention of Terrorism Act and release or charge those detained under it. This includes Jeyakumari Balendran, a mother searching for her disappeared son, detained without charge since March 2014. The government should issue a list of persons in custody and the reasons for their detention. Those in custody should be afforded due process, and reports of torture and sexual violence should be independently investigated and prosecuted.

Sirisena's government should respect freedom of expression and create space for civil society, the media, and families mourning their dead. Individuals should be allowed to engage with international organizations and non-governmental organizations freely, including in connection with the current U.N. investigation. As Pope Francis stated: "All must be free to express their concerns, their needs, their aspirations and their fears."

The government should respect religious freedoms and prosecute perpetrators of anti-Muslim and anti-Christian violence.

Judicial processes, including inquiries into mass graves, disappearances, killings, and sexual violence, should proceed without political interference or witness tampering.

Critically, the government should fully investigate allegations of international crimes both during and after the last stages of the civil war by state and non-state actors. Recognizing that international accountability efforts, including the current U.N.-led investigation on Sri Lanka, have emerged only in the absence of tangible domestic progress, Sirisena has an opportunity to fight impunity and ensure justice for all of Sri Lanka's communities.

Maithripala Sirisena ran on a good governance platform and received support from a fractured coalition united on that single goal. Sri Lanka remains deeply divided politically, and issues of justice and accountability are highly contentious. Yet, given Sri Lanka's recent trajectory, a vote for change and peaceful transition of power are welcome developments that will hopefully signal a new era for all Sri Lankans.

*Mytili Bala is the Robert L. Bernstein International Human Rights Fellow at the Center for Justice and Accountability (CJA), a San Francisco-based human rights organization dedicated to deterring torture and other severe human rights abuses around the world and advancing the rights of survivors to seek truth, justice and redress. CJA uses litigation to hold perpetrators individually accountable for human rights abuses, develop human rights law, and advance the rule of law in countries transitioning from periods of abuse. [www.cja.org](http://www.cja.org)*