“HOW CAN WE HAVE PEACE?”

March 2015

War Survivors and Human Rights Defenders from Northern Sri Lanka in collaboration with:

Tamil survivors of Sri Lanka’s civil war, in their own words, on their desires and expectations for justice and accountability, and what is needed to secure meaningful reconciliation and a lasting peace.
HOW CAN WE HAVE PEACE?

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Manifesto for Peace

The Sri Lanka Campaign firmly believes that in order to achieve lasting peace in Sri Lanka, the demands of the survivors of Sri Lanka's civil war must be met. Those demands are for truth, justice, compensation, and acknowledgement. A true reconciliation process in Sri Lanka would contain the following elements:

- The factual establishment of what took place in the final stages of the war, including the publication of a comprehensive list of the dead, with cause of death where possible, and the names of those detained and those still not accounted for.
- Credible investigation and prosecution of senior political and military commanders of the Sri Lankan Army, and surviving members of the LTTE, for their role in the final stages of the war before a court with international oversight and jurisdiction.
- The absence of the military from the day-to-day life of Tamils in the north and east.
- The return of confiscated land.
- A scheme of compensation for survivors of the war, victims of serious human rights violations and their families, not predicated upon any abandonment of the quest for truth.
- An acknowledgement from the Sri Lankan Government that war crimes took place, and an apology.
- An acknowledgement from the international community that they didn’t do as much as they could have to protect civilians, and an apology.
- The creation of a memorial to the civilian dead, the cessation of triumphalism on the part of the Sri Lankan Government, and an end to the security services’ practice of preventing any public grieving for those who died in the war.
- A fair political solution to the issue of Tamil self-determination.

If you would like to support this call, please sign our petition at: [http://chn.ge/19z8jMF](http://chn.ge/19z8jMF)

The Sri Lanka Campaign
[www.srilankacampaign.org](http://www.srilankacampaign.org)
@SLCampaign
Introduction

After any war ends there must be serious discussion about how best to ensure that peace will be lasting and sustainable. But in Sri Lanka, the government of Mahinda Rajapaksa had no interest in such discussions, believing instead that peace could be secured through the manifestly unsustainable means of large-scale economic development combined with continued military occupation of majority Tamil areas, particularly in the north and east of the country.

It would be premature to suggest that there has been a sea change in Sri Lanka now that President Maithripala Sirisena and Prime Minister Ranil Wickremasinghe have replaced the Rajapaksa clan. Indeed, the intimidation, harassment, and surveillance experienced over the last month by the activists who wrote this report would suggest that little has changed in the conflict-affected regions of Sri Lanka. A pessimist would suggest that it is unrealistic to expect much change given that Sirisena and Wickremasinghe are children of the same system, and subject to the same structural constraints that produced the Rajapaksa regime. Even an optimist would concede that with the best will in the world, policy in the north of Sri Lanka is not just determined by the political executive, but by a military and security apparatus which has so far remained unchanged under the new government.

Nevertheless, taken together, the change in government and the approaching conclusion of the investigation mandated by the UN Human Rights Council (OISL) make this a good time to ask what kind of a peace Sri Lanka should have, and what is needed to make this peace sustainable.

This is a process that involves some difficult compromises: at what stage does the need to move on trump the need for further investigation? Is there a trade-off between reconciliation and justice, and should some crimes be left unpunished for the sake of harmony between communities? What has been happening in Sri Lanka until now has been so far removed from a process of meaningful reconciliation as to render such questions moot. But at some point they will need answering, and the only meaningful answers will be those that satisfy the people most directly affected by the war.

We know from history that, to be successful, reconciliation processes must put the needs of victims and survivors of atrocities at the centre of decision making. Only victims and survivors can determine when it is time to move on and how, and what forms of justice and healing are required. In the context of a “victor’s peace” such as Sri Lanka, it becomes all the more important not to lose sight of perspectives of victims and survivors from the community identified with the losing side, whether or not they actively supported its leadership.

In this paper, we hear from the Tamil community, specifically from those who have lost a loved one or who have had a family member “disappeared”. These are the people, above all others, that a meaningful reconciliation process must satisfy. The same exercise could usefully be repeated among those who have suffered in the Sinhalese and, particularly, Muslim communities, since any effective reconciliation process will have to take into account their grievances as well as those expressed here.

But since the demands expressed in this paper come from the community which is most dissatisfied with the situation in Sri Lanka as it stands, we can confidently say that reconciliation will fail if they are not met.
Methodology

This report represents the Sri Lanka Campaign’s attempt to articulate the views expressed by those most directly affected by the last stages of Sri Lanka’s civil war: those who lost family members during the final stages of the conflict.

Even under Sri Lanka’s new government, those living in conflict-affected regions continue to face intimidation and surveillance by Sri Lankan security and intelligence structures. To date, there is no evidence that state apparatuses in the north and east of Sri Lanka are undergoing a transformation of attitude towards civil society, as appears to be starting to take place in the south. Moreover, the climate of fear that persists among these groups, and which has been built up over decades, would require both a complete change in political climate and a significant passage of time to subside. For this reason, meticulous care was taken to preserve the anonymity and security of those involved and it is not possible to give exact details as to the number of participants or their location.

What we can say is that this report is based on the views, and in many places is in the words, of participants who took place in a series of focus group meetings approximately one month after Maithripala Sirisena was elected President of Sri Lanka. There were more than 15 and fewer than 20 of these focus groups which took place across four of the five districts of Sri Lanka’s Northern Province. There were more than 150 participants and fewer than 200.

All of the participants were Tamil and all had an immediate family member disappear or die during the final stages of the war. To avoid, to the extent possible, the groups becoming self-selecting, participants were randomly selected from among the far larger group of such people known to the focus group facilitators. In one district, security concerns led to an overrepresentation of the Christian Tamil community, but across the groups as a whole, the demographic makeup of participants generally reflected the wider demographics of the Sri Lankan Tamil community of the Northern Province.

Group discussions were held in Tamil and facilitated by experienced human rights activists, who need to remain anonymous for security reasons. Participants were led through a structured discussion based upon questions, which are included as an appendix to this document. The Sri Lanka Campaign for Peace and Justice has conducted a review of the approach and methodology used by these facilitators. Facilitators recorded what was said by the groups in English, along with notes on the makeup and nature of the groups.

These notes were then processed by the Sri Lanka Campaign Director into this report. In so doing the Director made a conscious effort to avoid editorialising the statements of survivors. In this work, they were informed by a number of visits to the north of Sri Lanka over the last 4 years and by many conversations, in English or via a translator, with survivors. The report was also shared with the facilitators so that they could confirm it was a fair representation of the discussions.

Clearly this report does not speak for all survivors of the final stages of Sri Lanka’s war. But it represents an honest and comprehensive attempt to put the survivor voice at the heart of discussions over Sri Lanka’s future.
Findings

1. THE NEED FOR TRUTH

The primary need – overwhelmingly and unanimously expressed by those represented at the focus groups – was to find out what had happened to the disappeared. Survivors were willing to make every other consideration secondary to this one.

The strong feeling was that the lack of transparency over the Government of Sri Lanka’s rehabilitation and detention system, and totemic examples such as the photograph that emerged of the son of Jeyakumary Balendran (a mother of the disappeared who was detained without trial for nearly a year), mean that even six years after the war ended family members of the disappeared hold out hope that their loved ones could still be alive.

This has placed their lives in limbo, unable to grieve or to move on, tortured by the unanswered question: “what happened?”

It is therefore essential to have a reconciliation process to answer this question. Any such process that does not do so would be seen as meaningless to these survivors.

The UN OISL report should help to establish the facts about what took place during the final stages of Sri Lanka’s civil war, and to generate an official narrative of events. But what is needed is not merely a general account of what took place, but specific individual-by-individual responses.

One of the main ways in which this can be achieved would be for the Government of Sri Lanka to provide a full, transparent, and candid account regarding the details of its detention and rehabilitation programme. Simply stating the numbers detained, and how many remain in detention would be a good start, but names must follow. It is widely understood that the Government of Sri Lanka kept a list of those detained in 2009, and the publication of that list is a key demand of survivors. Similarly, at various points the Government of Sri Lanka has

SURVIVORS IN THEIR OWN WORDS: TRUTH

“First off, even before clearing the military from the villages, the new government has to tell us what happened to our children”

“It is not that they have to release them at once - but at least give us the name lists first and then let us know the detention period or the punishments”

“I keep this ‘pottu’ on my forehead with a belief that my husband is alive - because we have not seen our husbands dead with our own eyes - they were taken away alive. So we think that the people who were captured are somewhere alive and that they will be released someday.”

“We are not scared because we are protesting for our things, not for politics. We want our loved ones.”

“I have lost both our children. Ever since then I have never eaten peacefully. I have approached all possible avenues. But to date I have never received any reply. No solution. Look at Jeyakumary and her daughter - we protested together. She is still in the prison and her daughter somewhere else.”
claimed to have a list of all those who died during the final stages of the war. Whilst this list was doubtless a propaganda tool, the Government of Sri Lanka coming forward with all the information that it has as to the whereabouts and fates of individuals, is a vital part of the reconciliation process. Indeed, this was a key recommendation of Sri Lanka’s own Lessons Learnt and Reconciliation Commission (LLRC).

Those consulted were adamant that any Government of Sri Lanka would not come forward with this information unless put under significant pressure from the international community. Sri Lanka’s history suggests that they are doubtless right about this. But a farsighted Sri Lankan government would recognise that this information is absolutely integral to the long-term future of Sri Lanka and would come forward with the information readily.

2. THE NEED FOR JUSTICE

The second strongest demand expressed in the focus groups was the need for justice. It was almost unanimously agreed that the perpetrators of crimes must be punished. One or two people stressed that finding out what happened was more important than prosecutions (“What use is revenge to me? Will it bring my son back?”), but overall there was a visceral need to see the perpetrators of the crimes participants had suffered stand trial for what they did.

There was disagreement as to whether senior surviving members of the LTTE leadership should stand trial (the “top 10%” as one group put it). Many in the group expressed a passionate enmity towards the LTTE, not just for kidnapping their children, but also for abandoning them in the final stages of the war. Many recognised the LTTE’s culpability in the trapping of civilians in the line of fire, and some accused them of firing on people trying to flee the ‘No Fire Zones’.

However, others felt that the LTTE were defending them from annihilation and for this reason should be pardoned. Some others felt that while the LTTE should on principle stand trial, in

“This government should tell us what happened to our children. The previous government took our children away. They have to tell what exactly happened. We will not accept it if the government just tells us our children are missing. We have not seen anything with our own eyes. We are hopeful that they are alive.”

“Survivors in their own words: Justice”

“The LTTE - the leaders all ran away. In the end it was innocent people like us who suffered. They took all our money and went.”

“There needs to be inquiries and punishments which will be a good lesson for others not to repeat this again.”

“How will we affected say ‘let them be happy’ after what they have done?”

“If there is no proper punishment the following ministers will also commit the same mistakes. So the previous wrongdoer should be punished so that this will not happen again.”
practice there was no one left to try. The four individuals they felt that it was absolutely vital stand trial were former President Mahinda Rajapaksa, former Defence Secretary Gotabaya Rajapaksa, former Commander of the Armed Forces Sarath Fonseka, and TMVP leader Col. Karuna (Vinayagamoorthy Muralitharan). The strong feeling from the groups was that any sort of amnesty for these four would be completely out of the question.

In response to the question “who do you think should be punished?” the following names were mentioned the following number of times (also see figure 1).

<table>
<thead>
<tr>
<th>Mentions:</th>
<th>Organisation/Individual:</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Mahinda Rajapaksa</td>
</tr>
<tr>
<td>9 (11)</td>
<td>Sarath Fonseka (Nine indentified Fonseka by name, whereas two called for prosecution of the leaders of the Sri Lankan Army)</td>
</tr>
<tr>
<td>10</td>
<td>Colonel Karuna (Vinayagamoorthy Muralitharan)</td>
</tr>
<tr>
<td>10</td>
<td>The LTTE</td>
</tr>
<tr>
<td>9</td>
<td>Gotabaya Rajapaksa</td>
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<tr>
<td>4</td>
<td>Pillayan (Sivanesathurai Chandrakanthan)</td>
</tr>
<tr>
<td>3</td>
<td>KP (Selvarasa Pathmanathan)</td>
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<tr>
<td>2</td>
<td>The Leaders of the Sri Lankan Army</td>
</tr>
<tr>
<td>1</td>
<td>The EPDP (led by Douglas Devananda)</td>
</tr>
<tr>
<td>1</td>
<td>Maithripala Sirisena (Defence Minister during the final few weeks of the war. The full quote from a survivor was, “Maithri was also a person who was with the Government when the war was going on right? If so he must be punished.”)</td>
</tr>
<tr>
<td>1</td>
<td>Namal Rajapaksa</td>
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</tbody>
</table>

“**There should necessarily be punishment for the responsible persons who committed war crimes in the last days of the war. Only if this happens will there be pressure on the future generation not to follow the same tracks. Be it the president, minister or army commanders - they need to be punished.”**

“It should be a mechanism with both. With the international oversight and with local people involved.”

“If the national mechanism will give us a good solution we will work with them. But it is clear with all what has happened so far that they will not give a good solution. We have always been fooled so many times. We are not ready to trust this government.”

“Just international monitoring will not be appropriate - they will just overlook the activities and leave. They have to be together in the commission with the local people.”

“We will not trust anything that involves the Sri Lankan government. Because of this we want the UN involved”

It is important not to read too much into these figures, which do not result from a comprehensive quantitative process. The key finding was that there were strong, but mixed, views on the need to punish the LTTE and a very strong desire to see Mahinda Rajapaksa, Gotabaya Rajapaksa, Sarath Fonseka, and Col. Karuna brought to justice.
It is worth noting that there was no real hunger for prosecutions of lower level members of the Sri Lankan armed forces or the perpetrators of individual acts, beyond a general feeling that wrongdoers needed to answer for their actions. However, beyond the desires of victims, Sri Lanka is suffering from continued human rights violations, which stem from a culture of impunity engendered by an ongoing lack of accountability. More comprehensive prosecutions may be required to bring an end to this culture of impunity.

How can justice be achieved? There are essentially five options (see Figure 2).

1) **A totally domestic mechanism**

Even if the domestic accountability processes in Sri Lanka received the structural, constitutional and cultural overhaul that would be required to bring them up to international standards and ensure that justice is meaningful, this option was totally rejected by survivors. They felt that too many failed domestic accountability processes had entirely eroded any trust that they could ever have had in the Sri Lankan Government to self-administer justice. They said that, were yet another domestic accountability process to take place, they would participate in the faint hope, shorn of expectation, that it could lead to them finding their loved ones, but that they did not expect to find justice through such a process.

2) **A domestic accountability process with significant international support and oversight (such as The War Crimes Chamber of the Court of Bosnia and Herzegovina (BWCC))**

Or

3) **A hybrid domestic and international mechanism (such as the Special Court for Sierra Leone (SCSL))**

The difference between these two mechanisms is that in a wholly domestic process you can have international judges (sometimes sitting alongside or being gradually replaced by domestic judges), internationally drafted laws, and an international structure, but final decision making rests with a domestic body; whereas in a true hybrid mechanism, jurisdiction is shared between a domestic and international body.

It is worth noting that in the case of the BWCC their work had an inbuilt failsafe in that the International Criminal Tribunal for the former Yugoslavia (ICTY) would prosecute anyone that the BWCC did not. It is also worth noting the different context (a ‘victor’s peace’) in Sri Lanka.

Survivors were open to the idea of such a mixed approach, but expressed some concerns. Some even suggested that a mixed approach was the best approach. All were adamant that any accountability process had to be locally led and survivor driven, and many felt that this was more likely if the process was – in part – local.
However, they were exceptionally sceptical of any local mechanism’s ability to deliver justice, and thus would only accept one if there was a very significant role for the international community. One group felt that having international oversight would be sufficient, but all the other groups felt that international involvement had to go much further. Several groups suggested that a mixed approach would only be acceptable if the national mechanism was entirely subservient to the international mechanism.

Of course, in addition to the desires of survivors, there is a need to reform Sri Lanka’s domestic accountability processes for its own sake and for the long-term development of good governance in Sri Lanka. However, trust has been eroded to such an extent that even a reformed domestic mechanism will not hold the confidence of the Tamil community in the foreseeable future.

4) **Ad hoc international justice (i.e. a combination of prosecutions taking place under universal jurisdiction and bilaterally)**

Or

5) **An international court (a referral to the International Criminal Court or a special tribunal)**

There was clear support for an international mechanism and a clear understanding that this mechanism had to be established by the United Nations. Currently there doesn’t seem to be any international appetite for this, but it remains a key wish of survivors and victims.

As Sri Lanka is not signed up to the International Criminal Court, as the court would not have retroactive jurisdiction even if Sri Lanka were to sign up now (unless they were to specifically request it), and as the Government of Sri Lanka seems intractably opposed to international mechanisms, the establishment of an international court or referral to the International Criminal Court would almost certainly require a referral by the UN Security Council. Given the lack of global appetite for international justice with respect to Sri Lanka it seems unlikely that this will happen any time soon, although the examples of Libya and Darfur show that it is not impossible, whilst North Korea demonstrates that it is possible to develop a head of steam behind the idea by requesting an ICC referral from other UN bodies, such as the General Assembly and Human Rights Council, which then forward the request along with greater gravity.

A perhaps more feasible (but less desirable) option, given that these survivors have only identified four people for whom justice is non-negotiable, is for each of the four to be prosecuted individually by courts of appropriate jurisdiction. Gotabaya Rajapaksa as a US citizen and Sarath Fonseka as a Lawful Permanent Resident are liable for prosecution in the United States. It is possible that at some stage Mahinda Rajapaksa and Col. Karuna may place themselves in a position where they can be prosecuted under universal jurisdiction.

Of course, any prosecution of these four individuals must be preceded by a credible and independent investigation and should be conducted in full accordance with internationally accepted standards of due process.
Figure 1:

Infographic representing a small sample survey of views from survivors of Sri Lanka’s civil war taken in focus groups held in Northern Province (2014). Figures indicate the total number of times an organisation/person was mentioned in response to the question, “Who do you think should be punished?”
**Figure 2:**

Options for accountability by political will (international and domestic). Colors, Green to Red, indicate the approximate level of enthusiasm among participants for that particular option.
3. THE NEED FOR DEMILITARISATION

The survivors were clear that the significant military presence in the Northern Province was one of the main barriers to the return to normal life, and insisted on demilitarisation as one of the most important steps that could be taken towards reconciliation.

They were surprisingly pragmatic on the question of how this could be achieved and understood that it was unrealistic to expect the Sri Lankan army to downsize overnight. Some did not even expect a significant reduction in troop numbers in the Northern Province. However, what they insisted on was that the Sri Lankan Army be confined to barracks.

The survivors described a state of near constant intimidation and harassment from Sri Lankan military personnel, coupled with significant restrictions on freedom of movement caused by army roadblocks. They report that this situation has not changed at all as a consequence of Sri Lanka’s change of government. Indeed, many reported recent incidents of intimidation and harassment.

4. THE NEED FOR A RETURN OF TAMIL LAND

The confiscation of land by the military and the Government’s refusal to return this land – another aspect of the militarisation issue – was a major source of grievance for those present.

According to a cabinet decision of 11 February 2015, “[a] large extent of land from the 11,639 acres … has been already released.” However, this still leaves a considerable amount of land under military control. One of the largest continuing areas of military control is the 6,152-acre Valikamam High Security Zone. The 11 February cabinet decision announced release of 220 acres of this land with a view to releasing a further 780 acres in months to come. This leaves 5,151 acres in Valikamam and significant areas elsewhere under military control, with no plan for release. It is the Sri Lanka Campaign’s view that significant international pressure will be necessary to secure the release of this land and to meet the demands of survivors in this regard.

SURVIVORS IN THEIR OWN WORDS: DEMILITARISATION AND LAND

“We are worried about the girl children in our village - their safety”

“We do not have freedom of mobility. We are not assured of what will happen once we go out of our homes.”

“The military should be confined to a specific area - not in the village.”

“If they do not take the military from the lands of the Tamil people similar things will happen again.”

“All these army camps should be shifted. Only then can we live without fear.”

“This is not that big boss’s land - this is my ancestor’s land. I was born and bred there. I married there and I brought up my children there. This land should be evacuated by the Navy.”
Most of those present felt that a compensation scheme was a vital part of any reconciliation process, with those that disagreed merely feeling that it was a lower priority than other issues (“we are not asking for compensation, we are just asking for our children back”). The general consensus was that the loss of the primary breadwinner in so many households was causing significant hardship and poverty and thus a scheme of compensation was required both as a matter of natural justice, and to meet basic needs.

There was some discussion of, and support for, non-monetary forms of reparation, such as investment in education. In general, however, this idea was viewed with suspicion due to its association with the Rajapaksas’ flawed idea of “development as reconciliation”.

There were very strong views as to how a compensation scheme should be managed, with strong suspicion that the Government of Sri Lanka would use compensation schemes to undermine support for processes of truth telling and justice. The groups were adamant that they would rather forego compensation entirely than receive it under those circumstances.

The strength of feeling on this issue is largely down to the fact that compensation has thus far been closely entwined with the acceptance of death certificates. Many survivors find that unacceptable, as the existence of a death certificate is then used to close missing person cases. Family members of the disappeared feel that while it is quite likely that their relative is dead, to accept a death certificate for them would be to accept that the matter has been drawn to a conclusion when it has not. They feel that while questions still remain about their loved ones’ whereabouts and fate, the issuing of a death certificate was dishonest and could prevent them from finding out the truth. Furthermore, they feel that accepting compensation on these terms is tantamount to trading justice for money, which is not something they are willing to do.

It is possible that a domestic compensation process can be designed and implemented which would satisfy local demands. However, this would require a completely different approach and attitude from that previously
HOW CAN WE HAVE PEACE?

seen. It might therefore be preferable if the United Nations were to facilitate the creation and curation of a voluntary fund for reparations to victims of violations by all sides, potentially expanding this scheme in the future to include fines and forfeitures. This fund could accept donations from within and outside Sri Lanka and distribute those donations to victims identified by OISL. Potential models for such a fund include: the International Criminal Court’s Trust Fund for Victims, the UN Voluntary Fund for Victims of Human Trafficking and the UN Voluntary Fund for Victims of Torture.

6. THE NEED FOR ACKNOWLEDGEMENT AND APOLOGY

Acknowledgement and apology on both sides is an important part of any successful reconciliation process. In Sri Lanka too it will play an important role. However, when this was discussed with survivors they emphasised that they were less interested in an apology and more interested in the truth and justice.

This suggests that it is perhaps too early in the process to talk about apologies, and that justice will need to be pursued – at least in part – before this issue can be revisited.

Interestingly, survivors were more emphatic about an apology from the international community. There was a very strong feeling among survivors that the international community had abandoned them during the final stages of the war, that it could have done more to protect them, and that it did not.

In part, this perception may stem from LTTE propaganda during the final stages of the war, which pedaled the idea that the international community (either in the form of UN peacekeepers or the Indian Government) would intervene at the last minute. The LTTE used this notion as justification to keep fighting to the bitter end.

Even so, the strong belief among victims and survivors that the international community owes them an apology is justified. The international community did indeed appear to turn a blind eye towards the suffering caused during the final stages of the war, and despite a few countries weighing in with concerned statements at the very end, there was no serious attempt to stop the violence, even when it became obvious that the casualties were colossal.

SURVIVORS IN THEIR OWN WORDS: ACKNOWLEDGEMENT

“Ban Ki Moon is also a person who should be responsible for this issue. I thought he was the UN head. He knows pretty well how many people were killed and how.”

“Even if they give apology our dead are not going to come back.”

“We did not get enough support from the international community. If there was support this many people would have not died.”

“There has been a mistake done. That needs to be acknowledged by the international community. If the people would have not been brought into the ‘safe zones’ many people would have been saved.”
Sri Lanka was not formally discussed in the Security Council and then only at a very late stage in the Human Rights Council, where the Sri Lankan Government managed to win support for a resolution effectively congratulating Sri Lanka on its conduct. After the war, despite a civilian death toll many hundreds of times higher than Operation Cast Lead in Gaza, which took place at roughly the same time and dominated international attention, the Government of Sri Lanka did not receive a fraction of international opprobrium. Indeed Sri Lanka was awarded chairmanship of the Commonwealth in 2013.

7. THE NEED TO GRIEVES AND FOR MEMORIALISATION

The Sri Lankan Government destroyed all the cemeteries in which the LTTE had buried their dead for fear that these areas would become a shrine to the Tigers. However, for those whose loved ones were buried in these cemeteries this remains a significant cause of resentment and anguish.

Furthermore, the Sri Lankan military has been very heavy handed in preventing any kind of mourning from taking place, regardless of whether the deceased was a member of the LTTE or not. This leaves many in the Tamil community feeling unable to grieve for their lost loved ones and lacking the catharsis that brings.

At the same time, the Government of Sri Lanka has erected large numbers of ostentatious and triumphalist war memorials across Tamil majority areas of Sri Lanka. These memorials, often adorned with martial or religious imagery, do not support reconciliation but rather seek to reinforce the idea of the victor and vanquished. They cause resentment and humiliation in the local population.

The Sri Lankan Government needs to change its attitude and allow the Tamil community to mourn their dead. As well as applying pressure to this end, the international community and non-governmental organisations could help this process by encouraging and facilitating memorialisation and grieving, perhaps by supporting the Northern Provincial Council, or local civil society, in the construction of an appropriate monument.

SURVIVORS IN THEIR OWN WORDS: MEMORIALISATION

“We are unable to light a single candle to the children we lost. But the military who killed all these people are being praised and their victory is celebrated.” “It was a cemetery - there was no need for that to be destroyed. We will never let anyone shatter a cemetery right? Because they did that, the respect for human beings is diminished.”

“We will not give up - our siblings died there - so we want to go there and light candles - but we are doubtful whether this will be allowed.”

“We all went to my son’s grave last year to see the place and to say prayers to the loved ones. The military chased us all away. They didn’t even let us light a candle inside the church”
8. THE NEED FOR A LASTING POLITICAL SOLUTION

While there was no appetite for a return to violence, the root causes of the conflict remain. The survivors feel discriminated against and do not feel they have any stake in the Sri Lankan nation as currently constructed.

While almost every single person voted for Maithripala Sirisena in the 2015 Presidential Election, they did so largely without any real hope or expectation that it would change much with respect to ground conditions in the Northern Province. For many, a vote for Sirisena was simply a vote against Rajapaksa. It is now up to Sirisena to surpass their expectations. In the long term, a political solution which addresses Tamil grievances and gives Tamil people a real say in the running of their communities remains as important now as it ever has been. Arguably it is more important now, if a lasting peace is to be salvaged from the brutal victor’s justice that has reigned to date.

SURVIVORS IN THEIR OWN WORDS: POLITICAL SOLUTION

“We would like equal rights for the Tamil people. Something like a federal mechanism.”

“We all should all live without any race or religious discrimination.”

“We do not want any political interference and military interference in our life. This is what we are expecting. We should live peacefully.”

“We should be treated as human beings and not as Tamils. We cannot be crushed by the Sinhalese forever.”

“We need our rights and our own lands.”
Conclusion

In order to achieve lasting peace in Sri Lanka, the demands of the survivors of Sri Lanka's civil war must be met. Those demands are for truth, justice, compensation, and acknowledgement. The publication of the OHCHR Investigation on Sri Lanka (OISL) at the September session of the Human Rights Council should provide an opportunity to set in motion processes to allow this to take place.

Yet survivors fear, with good reason, that once the report is published international attention will wane and that the question of accountability will be left to domestic mechanisms in which they have no confidence. Further, while these domestic mechanisms doubtless have a role to play, here too pressure from the international community will be vital in ensuring that they undergo the reforms and cultural and structural changes that will be required to ensure that their impact is positive.

The Sri Lanka Campaign are determined that the publication of the OISL report must be the start of the process and not the end of one, and that the international community must continue to push hard to keep the demands of victims and survivors at the centre of this process.

That is why we are today launching a campaign to support the voice of survivors. The campaign will start with a petition which can be read and signed online here: http://chn.ge/19z8jMF

The campaign will end when survivors say that it is time for it to end.
Appendix

Sample Discussion Outline and Guiding Questions for Workshops

- Who did you vote for?
  - What were your reasons for voting?
  - Do you still think that these reasons are valid?
  - What is your trust level in the current government?
  - What sort of expectations do you have from the current government when it comes to disappearances and war crimes?
  - What about food prices and the impact they have had?

- Do you think there should be inquiries and prosecutions for alleged war crimes in Sri Lanka?

- If so, who do you think should be punished?

- What kind of mechanism do you think would be trustworthy and provide justice for alleged war crimes and disappearances?
  - An entirely domestic mechanism - initiated locally, involving local people and without international involvement?
  - A mechanism with both local and international involvement, with both parties working together collectively?
  - An entirely international mechanism?
  - Some other mechanism?

- What do you think of the support provided by the international community to protect civilians during the war?

- Is there a need for an apology or for acknowledgement from the parties to the conflict and the international community?

- Does the government need to provide any compensation? If so, what and how?

- What about mourning?

- Do you have any other requests?

- What needs to be done to further reconciliation?
  - How does the existing military presence affect the prospects for reconciliation?
  - Is there a need to reduce the military presence, and if so, why?
  - How does monitoring by the security forces (CID/TID) affect the prospects for reconciliation?
HOW CAN WE HAVE PEACE?

- Are improvements to livelihoods important for reconciliation?
- What impact do disappearances have on the prospects for reconciliation?
- Are there any other issues which are important for reconciliation?

➢ What does peace mean for you?

➢ What does justice mean to you?

➢ Do you all agree to the use of these discussion points in the manner discussed?