

WHY DOES ACCOUNTABILITY MATTER IN SRI LANKA?

More than a decade after the bloody ending of the civil war in Sri Lanka, some of those in power have called for the country's different communities to move on from past atrocities and reconcile. In January, the President – himself accused of mass atrocity crimes – called on citizens to unite and “set aside...dark memories” of the war.

Far from moving on, victims of the island's repeated cycles of violence continue to fight for truth and justice. But years after many of these crimes were committed, why is accountability still important?

Over decades, people from all communities in Sri Lanka have been the victims of state repression and human rights violations. Those who have criticised the state have been abducted, tortured, disappeared, and murdered. In the early 1970s and late 1980s, thousands of Sinhalese supporters of the leftist JVP were killed or forcibly disappeared by the state in a brutal crackdown. During the long civil war, tens of thousands of mostly Tamil civilians were killed by the armed forces, while others were arbitrarily detained, tortured, and disappeared. Assassinations and enforced disappearances have continued to plague Sri Lanka even after the war ended. Vanishingly few people have ever been held accountable for any of these crimes.

The culture of impunity in Sri Lanka has protected the island's political elites from accountability. But today the economic crisis threatens the right to life itself, and thousands of Sri Lankans are on the streets demanding accountability for mismanagement of the economy, governance failings, corruption, and human rights abuses.

Governments of all colours have made numerous promises to address past violations and deliver accountability. They have played for time by setting up numerous investigations and commissions of inquiry, yet little, if any, progress has been made. The recommendations of the commissions have largely been ignored. Aside from a few high-profile cases, few victims have ever seen their grievances reach court; those which have are often obstructed and mired in delays.

What use are government promises and commitments to justice and accountability when not a single mother has learned the truth about what happened to her disappeared child?

Accountability can prevent future violations and atrocities

The lack of accountability allows perpetrators to continue in their roles and even be promoted to greater positions of influence, allowing them to continue to commit further offences without fear of consequences.

In Sri Lanka, alleged perpetrators currently occupy the highest levels of government and continue to commit human rights violations and support others committing them. In recent weeks they have led a crackdown on peaceful protests, deploying the military to the streets of Colombo and attempting to shut down expressions of dissent. President Gotabaya Rajapaksa, Chief of the Defence Staff Shavendra Silva, and Secretary of Defence Kamal Gunaratne are not

only credibly accused of mass atrocity crimes during the final stages of the civil war in 2009 but were also involved in the brutal crushing of leftist rebellions in the late 1980s. Their continuing presence at the head of the Sri Lankan state send a signal that perpetrators are rewarded, rather than punished.

Not only does the lack of accountability allow the same perpetrators to commit further crimes, their positions at the highest level of government allow them to shield their allies and supporters from consequences for human rights violations and corruption, perpetuating a culture of impunity for elites. This reduces the barriers for others to commit similar violations and opens the way for unscrupulous individuals to reach positions of power, perpetuating the cycle of violence.

International Consequences for Failing to Challenge Accountability in Sri Lanka

Many countries around the world have been closely watching what happens in Sri Lanka. If the government successfully evades responsibility for its war record, then many will be encouraged to follow their example by crushing all who stand in their way with an even greater ruthlessness than before. Some have argued that the Rajapaksa-led scorched earth campaign which ended the war in 2009, which involved deliberate attacks on civilians and the removal of independent observers for a “war without witness”, became a reference point for later brutal military offensives in Syria and elsewhere. Dictators, authoritarians, and warlords around the world have learnt all the wrong lessons from the Sri Lankan experience.

Since 2009, the Sri Lankan government has been successful in playing for time at the Human Rights Council, whilst making contradictory statements to a domestic audience and making very little progress on accountability. This has opened a clear path for other states facing scrutiny from the international community for human rights abuses and brutal attacks on their own civilians, demonstrating that they can avoid accountability by making promises without the will to deliver on them. If it remains unaddressed, not only will poor governance and cycles of violence in Sri Lanka to continue, but the Sri Lankan case will also remain a story of how states can ride out the international outcry surrounding atrocities, simply waiting for the world to turn its attention on to the next crisis.

The current crisis in Ukraine is showing that atrocities committed by an aggressor state are prioritised by the international community and responded to more quickly and decisively. Many victims of state abuses might be left feeling let down and forgotten. Is this the message we want to send to authoritarian and racist governments who abuse their own people?

In 2009 the UN made a series of mistakes including prioritising access over human rights and was unable to prevent horrific mass atrocity crimes being committed against thousands of civilians trapped in so-called “No Fire Zones”. Will the UN now fail again by allowing perpetrators to go unpunished?

The international system cannot afford to fail Sri Lanka, as this would prove that it is powerless to hold states accountable for human rights violations against their own citizens.