



TRANSITIONAL JUSTICE TOOLS TO ADDRESS RADICALISM AND VIOLENT EXTREMISM

COUNTRY: Sri Lanka

INTRODUCTION

This report is an examination of the emergence and worsening of violent extremism in Sri Lanka.

A context of civil conflict, ethnic tensions, and state violence has affected the island since its independence in 1948. It is essential to understand how “radicalization” and “violent extremism” have been utilized as a malleable category to suppress dissent and citizen demands for justice and redress for state violence rather than to address state-led majoritarianism and intensifying Sinhala Buddhist majoritarian extremism. Firstly, the report sets out an essential perspective outlining Sri Lanka’s parallel conflicts to assess how community interventions have been systematically undone. Secondly, it highlights how a continuing climate of state terror and oppression through militarization, surveillance, intimidation, and the weaponization of legislation including the Prevention of Terrorism (PTA) and International Covenant on Civil and Political Rights (ICCPR) Act have detrimentally affected community-level organizing on account of fear of reprisal and mistrust in institutions including mechanisms for justice and recourse, further marginalizing those affected.

This country case study emphasizes how a decades-long state project of securitization, militarization, and oppressive legal interventions to quell lawful forms of civilian political expression and activism coupled with internecine conflicts have drastically hindered community capacities to address the threat of radicalization and violent extremism, as well as inter- and intracommunity solidarity.

EXAMINATION OF DRIVERS AND CONTRIBUTING FACTORS OF RADICALIZATION

Sri Lanka as a site of conflict is particularly complex because of the multiple ethnic, religious, geographic, and political actors involved, including the state, military, and allied paramilitary groups and militancy emerging from the Sinhalese, Tamil, and Muslim communities. This has been further compounded by how the state and key political figures continue to designate lawful acts of civilian dissent, protest, or criticisms of state violence or harmful legislation and policy provisions as the work of radicals, extremists, and terrorists.¹

Key national- and local-level drivers of state and majoritarian violence and persecution as well as governance by elites have been met with armed resistance by disenfranchised Sinhalese and Tamil political minorities. This extends from the armed liberation struggle led by the Tamil militancy dominated for the most part by the Liberation Tigers of Tamil Eelam (LTTE), which escalated into civil war between the group and the government of Sri Lanka (1983-2009), to antistate insurrections in 1971 and between 1987 and 1989 led by the Janatha Vimukthi Peramuna (JVP; People's Liberation Front) comprising Sinhalese youth.² It is imperative to recognize that the emergence of these insurrectionary movements has been the direct result of systemic discrimination, authoritarianism, the violent subdual of nonviolent resistance, perceived futility of peaceful protest, and unmet demands for truth and accountability.

The LTTE and the JVP were met with disproportionate and brutal militarized state violence and terror through the deployment of paramilitary death squads and the weaponization of antiterror legislation resulting in tens of thousands of enforced disappearances, state-sponsored targeted killings and massacres, arbitrary detention, and imprisonment under antiterror laws and unconscionable delays in affording due process under the law to those arrested or detained under suspicion. The final years of the Sri Lankan civil war between 2006 and 2009 have been marred by credible allegations of war crimes and crimes against humanity, while investigations into enforced disappearances during the 1987-1989 insurrection have highlighted hundreds of cases of arbitrary detention, torture, and extrajudicial killing.³

THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH, AND RECONCILIATION

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged 801 local civil society organizations; 78 countries; 43 publications; collection of over 8,000 narratives of human rights violations; and supported 588 civil society organizations dealing with human rights violations.

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GIJTR

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The postwar period has been marked by significant episodes of communal unrest as well as the explicit violence against and the persecution of Muslim and other ethnoreligious minority communities that are in part located in broader regional and global escalation in Islamophobia.⁴ The post-2009 emergence of extremist Sinhala Buddhist groups including the Bodu Bala Sena, Ravana Balaya, Sinhala Ravaya, and Mahason Balakaya has been central to the spread of Islamophobia in particular and online and offline hate speech and incitement targeting the Muslim community.⁵ Despite this, these groups have enjoyed blatant impunity under the patronage of key political figures. This phenomenon has not been designated as violent extremism or terrorism or as part of the Sri Lankan government's transitional justice agenda.

BRIEF MAPPING OF THE FORMS OF EXTREMISM

The previously discussed context is essential to assess more recent developments pertaining to what the Sri Lankan state defines as “violent extremism” and “terrorism” and the need for critical engagement with such categories in supporting programming or toolkit design aimed at communities that are affected by such harmful classifications that serve an explicitly nonsecular majoritarian security state.

Relevant to this are two key events that have transformed Sri Lanka's social, political, economic, and security milieu: the Easter Sunday Bombings of 2019 and the 2022 mass public uprising known as the Janatha Aragalaya (People's Struggle). The former targeted three churches and luxury hotels in Colombo, Negombo, and Batticaloa by the National Thowheeth Jama'ath, a militant Islamist group that has claimed allegiance to the Islamic State (IS). Two hundred sixty-seven individuals were killed in these attacks and another 500 injured.⁶ This is notable given the connection to a global driver without explicit precedent in the Sri Lankan context, though incidents of anti-Muslim violence at the hands of the Tamil and Sinhalese groups have been observed through the civil war years and after.⁷

Recent documentation and reporting undertaken by the National Christian Evangelical Alliance of Sri Lanka in recent years have indicated a significant increase in episodes of ethnoreligious violence and hate speech, specifically anti-Christian, -Muslim, and -Hindu violence in Sri Lanka.⁸ Such phenomena must be located against the backdrop of the postwar rise of Sinhala Buddhist nationalism and antiminority violence with implicit and explicit state protection and backing.⁹ Reports reveal the entrenched nature of violence against religious minorities given the involvement of state officials (including the police) as well as consistent negative bias.¹⁰ Moreover, the state was observed to be “a key perpetrator[,] the offending party by being complicit in incidents involving [nonphysical] violence. Of these [nonphysical] incidents, the main type of harm that the state was responsible for was discriminatory action or practice (158 out of 276 incidents or [57%]).”¹¹ Those interviewed echoed challenges to accessing legal recourse as well as a general feeling of risk and unsafety related to reporting incidents of violence due to perceived state and security sector complicity or the outright dismissal of such complaints. This has been repeatedly and further affirmed in key informant interviews that also indicated partiality in the implementation of laws detrimentally affecting minority communities who commonly did not view legal recourse as a viable option because of delays, length and cost of process, and the perception that the justice system did not serve their communities because of their unequal status as citizens as a result of ethnicity, language, or religion.

PROFILE OF AT-RISK COMMUNITIES

It was recurrently observed by those interviewed that the island's ethnoreligious minorities and those critical of both government and issues of militarization and absence of political will toward transitional justice and reconciliation were most vulnerable to reprisal.

Following the Easter Sunday attacks, hundreds of Muslim suspects were arrested and detained with no charge. A staggering 23,000 charges – including conspiring to murder, aiding, and abetting the attacks, and collecting arms and ammunition – were filed against 25 Muslim suspects, with 1,215 witnesses called to testify.¹² While the eight bombers died in the attack, their family members and associates stand accused of involvement. The Presidential Commission of Inquiry into the Easter Sunday attacks recommended that criminal proceedings be pursued against former president Maithripala Sirisena, among other key figures in government, but no legal action has been taken. In January 2023, the court ordered Sirisena to pay ₹100 million (\$273,300) from his personal funds as compensation to family members of victims who brought a civil case to court. The police chief, two intelligence officials, and the secretary to the Ministry of Defence were ordered to pay ₹210 million (\$574,000).¹³ It is unclear whether these compensation payments have been made.

Suppression of the Tamil community, especially in the north and east of Sri Lanka, continues. Issues viewed as integral to transitional justice, including disruption to memorializing those who died during the war and crackdowns on peaceful protest, are notable.¹⁴ The intimidation and arrest of Tamil journalists and others perceived to be sympathetic to the Tamil militancy and/or the Tamil nationalist cause are commonplace. Those arrested for participating in various protests have been subjected to torture.¹⁵

The Janatha Aragalaya emerged in response to the accrued effects of the deliberate dismantling of measures for accountability extending from financial corruption to human rights violations by consecutive Sri Lankan governments and key political actors who have remained in power. The demonstrations, led predominantly by trade unions and university student groups including notably the Inter-University Student Federation, were met with repeated state violence involving excessive force and emergency regulations permitting powers to the police and the armed forces.¹⁶ While former president Gotabaya Rajapaksa and former prime minister Mahinda Rajapaksa and other Rajapaksa family members have been ousted, crackdowns on activists and organizers have continued under Ranil Wickremesinghe, who was appointed as president by a parliamentary vote.¹⁷ A large number were arrested and detained in an authoritarian security response reminiscent of that of the 1980s.¹⁸ Student activist leaders were arrested and detained for extended periods, and the intimidation and harassment of those involved in organizing protests continues.¹⁹

STRENGTHS AND WEAKNESSES OF RESPONSES IMPLEMENTED BY THE STATE

Successive Sri Lankan governments have successfully passed increasingly repressive legislation to suppress citizen activism and dissent pertaining to myriad injustices enabled by or indeed committed by the state, political elites, and the armed forces. Among these, the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 (PTA) has been widely condemned as draconian by local and international rights groups given the mass human rights violations that have taken place under its provisions.²⁰ For decades the PTA and Emergency Regulations have authorized the police with sweeping powers to search, arrest, and detain suspects for up to 18 months without being produced before a judge if they are believed to be connected with unlawful activity described as a “legal black hole.”²¹ The abuse of such legislation has resulted in extrajudicial killings, custodial deaths, and widespread torture.²² Those interviewed identified the ways in which such legislation has been widely and systematically weaponized as a tool of repression against activists, journalists, and those reporting on and critical of the excesses of the state.

The government has also sought to bring forward legislation to strengthen censorship with the establishment of a Broadcasting Regulatory Commission paving the way to imprisoning journalists, imposing fines, and revoking licenses issued to electronic media institutions.²³ This is especially concerning given the recent arrests of writers, poets, comedians, bloggers, and social media users, including Sinhalese Buddhists under the ICCPR Act for making what were perceived to be disparaging comments against Buddhism and Buddhist clergy. Among these were Shakhthika Kumara, arrested for publishing a short story depicting sexual abuse in Buddhist temples (2019); YouTuber Sepal Amarasinghe, alleged of making critical comments about the Buddha’s Tooth Relic in Kandy (2023); and comedian Nathasha Edirisooriya, also accused of making disrespectful remarks about Buddhism.²⁴ In 2020, Muslim poet and teacher Ahnaf Jazeem was detained under the PTA for more than 18 months for allegedly promoting Islamist extremism in his Tamil-language poems.²⁵

While reform has been promised, the planned replacement, namely the Anti-Terrorism Act, has been described as tyrannical and undemocratic, as it enables further restrictions on the right to assembly, freedom of expression, and media freedom.²⁶ The 2023 bill is viewed to expand the definition of terrorism to property damage, theft, and robbery threatening fundamental freedoms.²⁷ Human Rights Watch observes that “offenses include participation in certain ‘unlawful’ assemblies if the aim is to ‘intimidate’ the public or ‘wrongfully’ compel the government to act in a certain way, as well as ‘theft’ or ‘robbery’ of government or private property, even if these acts are not intended to cause death or serious harm.”²⁸ Against the backdrop of mass public protests that took place in Sri Lanka in 2022 in reaction to the dire financial crisis and the shortage of essential goods and services caused by state and political mismanagement and corruption, this new legislation makes clear the expedient use of categorizations of terrorism and extremism that build on a concerted, decades-long state project to co-opt and quash lawful protest and political expression and activism critical of its excesses.²⁹

DEGREE TO WHICH RESPONSES HAVE BEEN FRAMED AS TRANSITIONAL JUSTICE

The period from 1971 onward has seen an intensification of securitization and militarization in response to criticism against the state and civilian resistance as a means of purportedly maintaining public security and order, coupled with the use of emergency regulations and powers. This continues to be used to rationalize expanding defence expenditure and the maintenance of a bloated military apparatus and related intelligence and security infrastructure. This is directly indicative of the flawed dealing with the past and enduring context of impunity, lack of redress and accountability and injustice, and the risk of radicalization or violent extremism.

The establishment of entities such as the Civil Security Department has been denounced for embedding and normalizing militarization in northern Sri Lanka and the oppression of Tamils in the postwar period under the guise of providing gainful employment to the conflict affected, while actively destroying trust and cohesion within Tamil communities.³⁰ The absorption of former combatants and suspects into informal intelligence networks has been noted across communities, heightening challenges and fears relating to community-level organizing, especially where gatherings are subject to surveillance and disruption by the state security forces. Following the Easter Sunday attacks, Muslim nongovernmental organizations have reported an increase in harassment and surveillance by the police.³¹ This standardization of militarization under the guise of maintaining peace and stability also seeped into southern Sri Lanka in response to the 2022 Janatha Aragalaya with increased military presence and police violence directed at protesters as well as the arrest of activists in the months following the protests.

Within such a context, the response of communities affected by radicalization or violent extremism has been adversely affected by a climate of fear, silencing, and reluctance enhanced by repressive state and security intervention including surveillance and legislation. According to those consulted, this has led to the breakdown of trust between communities and institutions as well as within and between communities. This has a negative bearing for community-driven transitional justice demands and practices being implemented or replicated beyond.

For example, it was documented that in the weeks and months before the Easter Sunday bombings, members of the Muslim community in both central and eastern Sri Lanka did their best to warn the police of ongoing radicalization, which went unheeded.³² Indeed, internecine violence including various attacks against Sufi places of worship and followers has also taken place in the past decade, reflecting wider global trends.³³ In a climate of Islamophobia and anti-Muslim hatred, community-led transitional justice engagements with violent extremism are being adversely affected.³⁴ Similarly, activism within the Tamil community extending from the protests of the Tamil families of the enforced disappeared to annual commemoration activities has been violently disrupted by state security and intelligence personnel, with those involved being subjected to surveillance, harassment, and intimidation.³⁵

An activist-journalist interviewed flagged that where the state has remained a key, the most consistent community efforts relating to community engagement with violent extremism and terrorism have been in the space of documentation focused on human rights violations, which

were also central to recording incidents of intra- and intergroup violence. While this practice was widespread during the 1980s and early 1990s with the formation of Citizens Committees in the north and east as well as south of Sri Lanka, the fragmentation of communities coupled with fears around surveillance, arrest, and government repression and reprisal have hampered if not wholly restricted such undertakings. Where communities are compelled to endure and navigate the constant threat of state violence, community-level interventions cannot be pursued safely, especially where the communities themselves are broadly accused of association with violent extremist groups and the subject of majoritarian vitriol and violence and any community organizing, or documentation is viewed as suspect or possible extremism or terrorism. Given the state's weaponization of the terms *terrorism* and *violent extremism* to quash dissent and grievances over many decades, it is essential to fully grasp its impact on communities and their capacity to engage in truth and justice-related initiatives. This has widely affected both Tamil and Muslim communities in the postwar period and is viewed as a significant challenge to meaningful reconciliation.

State and majority refusal to recognize the emergence of Sinhala Buddhist nationalist groups, including as a destructive threat to social cohesion and the safety of ethnoreligious minority groups, is of particular importance. These groups have been implicated in hate speech, incitement, and multiple episodes of antiminority violence, including anti-Muslim riots in 2014, 2018, and 2019.³⁶ No community-level interventions within Sinhalese Buddhist communities have been observed to address this development, highlighting both perceived state support and majoritarian endorsement for the demonization of ethnoreligious minorities. Just as the onus for reconciliation initiatives relating to the civil war has been placed on Tamil victim communities, the responsibility for addressing threats of radicalization and violent extremism is left to communities that are already persecuted by excessive securitization and the selective and ethnicized application of problematic laws by the state.

CONCLUSION

Sri Lanka's Tamil and Muslim minority communities, as well as activist and university student groups, have borne the brunt of broad, ethnicized, and class-derived ascriptions of terrorism and extremism by the state because of generalized vilification and accusations of associations with violent extremist and terror groups. In a climate of intensifying antiminority violence, this has been exacerbated by a climate of heightened Sinhala Buddhist majoritarianism and the emergence of extremist groups that are believed to operate with tacit state and political endorsement.³⁷ The Sinhalese community has been socialized to regard ethno-religious minority groups as threats and suspects, especially on account of the war and the state actively casting

these groups as enemies. This has exacerbated prejudice, discrimination and antiminority violence, coupled with a lack of consensus and collective commitment for transitional justice and accountability on matters of state crime. As such, it is imperative that fundamental freedoms be guaranteed to communities that have been affected by decades of state and majoritarian bias and persecution.

RECOMMENDATIONS

- Protect citizens' fundamental rights guaranteed in the Sri Lankan constitution, including freedom of thought, conscience, and religion; freedom from torture; right to equality before the law and the equal protection of the law; the right to nondiscrimination; the right not to be arrested except according to procedure established by law and to be informed of the reason for the arrest; the right not to be kept in custody without a judicial order for longer than the period prescribed by law; the right to a fair trial by a competent court; the freedom of speech and expression; and the freedom of peaceful assembly.
- Ensure that ethnoreligious bias does not hinder or affect access to justice mechanisms and due process.
- Guarantee communities' right to memory and freedom to undertake truth-telling, documentation, and remembrance activities.
- Support community initiatives for truth telling, remembrance, and reconciliation.
- Support community initiatives for interfaith and interethnic solidarity as well as for intracommunity dialogues and truth-telling endeavors, especially within the majority community.
- Cease the intimidation, harassment, and surveillance of ethnic/religious minority communities and activist groups.

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