



FACULTY OF LAW

LUND UNIVERSITY

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Transitional (In)Justice:
The Marginalisation of Sri Lanka's
Muslim Minority

JAMM07 Master Thesis

International Human Rights Law

30 higher education credits

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Term of graduation: Spring 2026

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Summary

Between 1983 and 2009, Sri Lanka's northeast was ravaged by a conflict between the Sri Lankan security forces and the secessionist Liberation Tigers of Tamil Eelam (LTTE). The conflict resulted in hundreds of thousands of deaths, disappearances, and displacements. Sri Lanka's Muslim minority was caught in the crossfire, directly targeted by both sides to the conflict, and attacked civilians in retaliation. Their needs, losses, and circumstances do not fit comfortably into the binary script that has structured most discourse, advocacy, and scholarship on the conflict and the subsequent transitional justice process. This thesis thus examines to what extent transitional justice has advanced the rights of the Muslim minority in Sri Lanka, and the contextual circumstances influencing their realisation. It does so through an interdisciplinary human rights-based legal method, consisting of a doctrinal review combined with an empirical assessment of practical consequences and observable impacts of the law through a victim-centred minority rights-based approach, thus placing it in its socio-political context.

The thesis demonstrates that the root causes of the conflict and subsequent violence were deep ethno-religious divisions, structural discrimination, and institutional marginalisation of minority groups that originated in colonial times and have been perpetuated by the political elite and Buddhist clergy. The Muslim minority was differently and specifically impacted as both victim and perpetrator of violence and human rights violations throughout the conflict. The transitional justice process in Sri Lanka has been signified by severe delays due to lack of political will as well as a consistent lack of victim-centredness and Muslim minority perspective, consideration, and inclusion. International interventions made some progress towards fulfilling the criteria of a victim-centred minority rights-based approach, especially through the Special Rapporteur for minority issues, but this effort has weakened in recent years. Since the end of the conflict, the Muslim minority group has been increasingly marginalised and targeted by politicians and the Sri Lankan society. Continuous human rights violations have led to their ostracism and demonisation. This regression in the protection and enjoyment of their rights led to the overall conclusion that the transitional justice process in Sri Lanka has been unable to advance Muslim's minority rights. Recommendations for measures to achieve a victim-centred minority rights-based transitional justice process for the advancement of the Muslims' minority rights are presented.

Sammanfattning

Mellan 1983 och 2009 pågick en konflikt mellan de srilankesiska säkerhetsstyrkorna och den separatistiska organisationen Liberation Tigers of Tamil Eelam (LTTE) i den nordöstra delen av Sri Lanka. Konflikten resulterade i hundratusentals döda, försvunna, och internflyktingar. Sri Lankas muslimska minoritet hamnade i korselden, blev direkt måltavla för båda sidor i konflikten, och utförde hämndattacker mot civila. Deras behov, förluster, och omständigheter passar inte in i det tväsidiga narrativ som har präglat större delen av diskursen, opinionsbildningen, och forskningen om konflikten och den efterföljande övergångsrättsprocessen. Denna uppsats undersöker därför i vilken utsträckning övergångsrättvisan har främjat Sri Lankas muslimska minoritets rättigheter samt de kontextuella omständigheter som påverkar deras förverkligande. Detta görs genom en människorättsbaserad juridisk metod bestående av en doktringranskning kombinerad med en empirisk bedömning av lagens praktiska konsekvenser och observerbara effekter genom ett offercentrerat minoritetsrättsbaserat perspektiv, vilket placerar rätten i sitt sociopolitiska sammanhang.

Uppsatsen visar att de grundläggande orsakerna till konflikten och det efterföljande våldet är djupa etnoreligiösa splittringar, strukturell diskriminering, och institutionell marginalisering av minoritetsgrupper. Samtliga har sitt ursprung i kolonialtiden och har upprätthållits av den politiska eliten och nationalistiska buddhistiska munkar. Den muslimska minoriteten drabbades av konflikten på ett speciellt sätt: de var både offer och förövare av våld och människorättskränkningar. På grund av bristande politisk vilja har Sri Lankas övergångsrättsprocess präglats av stora förseningar. Den uppvisar också en genomgående brist på offerfokus och hänsyn till, samt inkludering av, den muslimska minoritetens perspektiv. Internationella insatser har lett till vissa framsteg i uppfyllandet av kriterierna för en offercentrerad och minoritetsrättsbaserad strategi, särskilt genom den särskilda rapportören för minoritetsfrågor. Dessa insatser har dock försvagats under de senaste åren. Sedan konfliktens slut har den muslimska minoritetsgruppen blivit alltmer marginaliserad och utsatt för angrepp från politiker och det srilankesiska samhället. Konsekventa människorättskränkningar har lett till att de avhumaniserats och utmålats som inkräktare på ön. Uppsatsens slutsats är att övergångsrättsprocessen i Sri Lanka inte har lyckats främja den muslimska minoritetens rättigheter, detta på grund av en tydlig försämring av skyddet för och åtnjutandet av muslimernas rättigheter. Slutligen presenteras rekommendationer om åtgärder för att uppnå en offercentrerad övergångsrättsprocess baserad på minoritetsrättigheter, till främjande av den muslimska minoritetens rättigheter.

Preface

I have spent a lot of time these last few months contemplating—once again—what it means to be alive, what it means to be human, and what connects us all. With every news article, paper, and book I've read, I've gained more questions than answers. How can one person do such unimaginable things to another person? What breaks inside of them during those acts? Can they ever be patched up into a semblance of a whole human again? Am I the strange one, with such an aversion to hurting others (in all senses of the word)?

Ultimately, what being human boils down to, for me, is an attempt at seeing every being (human, animal, planet, or other) that I meet for who they are. Trying to understand their circumstances, experiences, and conception of the world. Combining our strengths and supporting our weaknesses to build something together, no matter how brief or small. This is how we build understanding. This is how we build each other's worlds, together.

To me, being alive consists of the small moments. Of turning my face up towards the sky and feeling the spring rain trail down my nose. Of scenting the new summer flowers on a humid breeze. Of watching another's face light up at the sight of a black cat. Of tasting that childhood Christmas candy in December. Of hearing the autumn leaves crunch under my boots as I stroll through the forest. Of doing a silly little dance of joy when the sunshine peeks out from between the clouds.

And most important of all, being alive means sharing these moments with others.

So at the end of this thesis writing process, and at the end of my six years at Lund University, I would like to extend my gratitude to those who have accompanied me through it. I'd like to thank my supervisor, Christine Evans, for her guidance and encouragement these last few months. I'd like to thank my classmates and the friends I've found here in Lund for enlightening conversations, firm comfort, bubbly joy, and the greatest two years of my university career. I'd like to thank my family, especially my amazing sister, for their unwavering support, relentless encouragement, and for being the best constants in my life. I could not have done it without you. And finally, I'd like to thank myself, for finding wisdom in every interaction, making the right choices, continuing even when the going got tough, and finishing this chapter of my life off with a smile.

Lund, 22 May 2026

Abbreviations

BBS	Bodu Bala Sena
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
COI	Commission of Inquiry
CRC	Convention on the Rights of the Child
CTF	Consultation Task Force on Reconciliation Mechanisms
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
IDP	Internally Displaced Person
IPKF	Indian Peace Keeping Forces
JVP	Janatha Vimukthi Peramuna
LLRC	Lessons Learned and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
OHCHR	Office of the High Commissioner for Human Rights
OISL	OHCHR Investigation on Sri Lanka
OMP	Office on Missing Persons
ONUR	Office for National Unity and Reconciliation
OR	Office for Reparations
OSlap	OHCHR Sri Lanka accountability project
PTA	Prevention of Terrorism Act
SLCM	Sri Lankan Muslim Congress
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDM	United Nations Declaration on Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities
UNDRIP	Declaration on the Rights of Indigenous Peoples
UNSC	United Nations Security Council

1 Introduction

In this time of livestreamed genocides and mass atrocities, it is difficult to picture a world in peace and harmony. International accountability processes, when they take place, take many years to achieve any semblance of justice. Meanwhile, the playbook used by various states today to carry out human rights violations while avoiding accountability for their crimes is not a new one. It was developed in a time when violence and conflicts remained as headlines in the newspaper. When a single photograph represented the entire conflict. When hundreds of thousands of people could be killed, tortured, starved, raped, dismembered, displaced, and alienated without a notification appearing on our phones. It was developed and perfected in Sri Lanka.¹

Sri Lanka is a multi-ethnic, -religious, and -linguistic society with deep seated rifts between groups established during colonial times.² The Sinhalese majority ruled based on ostracism and fear of the minorities, particularly the Tamils.³ Institutional violence became communal. Civilian mobs, aided by state forces and cheered on by militant monks, burned houses and people, encroaching on minorities' land to increase their influence.⁴ The generalised violence culminated in the 1980s, when an atrocious anti-Tamil pogrom sparked a civil war between the Sinhalese state and the Tamils that lasted for almost three decades.⁵ The Muslim minority was also involved in the conflict, both as victims and perpetrators of violence.⁶ The war, riddled with atrocities,⁷ left an even deeper chasm between the groups in Sri Lanka.⁸

The people's demands for accountability were joined by international calls for transitional justice; for a process transforming the country from a state of conflict to one of sustainable peace.⁹ While the Sri Lankan government has

¹ 'Why Aren't We Talking About Sri Lanka Anymore? "Sri Lanka Solution" Followers Face Justice, but Not Sri Lanka' (*Opinio Juris*, 20 February 2026) <<https://opiniojuris.org/2026/02/20/why-arent-we-talking-about-sri-lanka-anymore-sri-lanka-solution-followers-face-justice-but-not-sri-lanka/>> accessed 14 May 2026.

² Nira Wickramasinghe, *Sri Lanka in the Modern Age: A History* (Oxford University Press 2014) 55, 156–157, 199.

³ *ibid* 179 ff.

⁴ *ibid* 117, 119, 319.

⁵ 'Sri Lanka's State Responsibility for Historical and Recent Tamil Genocides' (*Opinio Juris*, 24 July 2020) <<https://opiniojuris.org/2020/07/24/sri-lankas-state-responsibility-for-historical-and-recent-tamil-genocides/>> accessed 14 May 2026.

⁶ Public Interest Advocacy Centre, 'Tides of Violence: Mapping the Sri Lankan Conflict from 1983 to 2009' (2019).

⁷ *ibid*.

⁸ Rajesh Venugopal, *Nationalism, Development and Ethnic Conflict in Sri Lanka* (1st edn, Cambridge University Press 2018) 2 <<https://doi.org/10.1017/9781108553414>> accessed 22 May 2026.

⁹ Secretary-General, 'Guidance Note of the Secretary-General: Transitional Justice - A Strategic Tool for People, Prevention and Peace' (UN 2023).

delayed the process, promising progress but delivering little, perpetrators continue to evade accountability.¹⁰ Socio-cultural structures continue to feed animosity and violence. This time, the machinery's full force has turned on the Muslim minority.¹¹ Anti-Muslim political and communal violence has reached anti-Tamil pre-conflict levels, raising alarms about the volatility of the Sri Lankan society.¹² The apparent inability of transitional justice to bring about accountability and peace—in Sri Lanka and elsewhere—leaves us two choices: leave it behind altogether, or attempt to change the system so it adapts to the contexts it is utilised in rather than make the contexts fit the system. The latter is desirable, as the global increase in intolerance, authoritarianism, militarisation, and conflict demand a solution that brings us closer to lasting peace. Finding it in Sri Lanka, where the often-emulated cycle of mass atrocity and impunity was designed in the first place,¹³ is desirable.

1.1 Motive and Justification

Transitional justice is in crisis.¹⁴ Despite decades of institutional experimentation—truth commissions, reparations programmes, criminal tribunals, constitutional reforms—empirical proof that its mechanisms reliably deliver justice, accountability, or redress remains absent.¹⁵ Economic, social, and cultural dimensions are sidelined for the benefit of Western civil and political

¹⁰ UNHCHR, 'Situation of Human Rights in Sri Lanka: Comprehensive Report of the United Nations High Commissioner for Human Rights - Advance Unedited Version' (2025) UN Doc A/HRC/60/21; Amnesty International, 'Flickering Hope: Truth, Justice, Reparations and Guarantees of Non-Recurrence in Sri Lanka' (2019) ASA37/9715/2019.

¹¹ Amnesty International, 'From Burning Houses to Burning Bodies: Anti-Muslim Violence, Discrimination and Harassment in Sri Lanka' (2021) ASA 37/4863/2021.

¹² 'Renewed Concerns Amid Anti-Muslim Repression in Sri Lanka' (*Justice For All Canada*, 19 August 2025) <<https://www.justiceforallcanada.org/statement-srilanka-reports-aug2025.html>> accessed 10 May 2026; Muqaddasa Abdul Wahid, Fawzul Himaya Hareed and Sakina Mansoorally, 'Ethno-Religious Supremacy and Its Impact on Sri Lanka's Muslim Community' (*Center for the Study of Organized Hate*, 26 November 2024) <<https://www.csohate.org/2024/11/26/srilanka-ethno-religious-supremacy/>> accessed 12 May 2026.

¹³ Kate Cronin-Furman, 'How to Get Away with Mass Murder: Denying Mass Atrocities in Sri Lanka and Syria' (*War on the Rocks*, 18 May 2017) <<https://warontherocks.com/how-to-get-away-with-mass-murder-denying-mass-atrocities-in-sri-lanka-and-syria/>> accessed 15 May 2026; Pedel Arbeli, 'Can Israel Eliminate Hamas the Way Sri Lanka Ended the Tamil Tigers?' *The Jerusalem Post* (21 May 2025) <<https://www.jpost.com/international/article-854833>> accessed 15 May 2026.

¹⁴ Caitlin Biddolph and Caitlin Mollica, 'Reimagining Transitional Justice for a Less Violent, More Inclusive World' (2026) 30 *International Journal of Human Rights* 1 <<https://doi.org/10.1080/13642987.2025.2602144>>.

¹⁵ Farah Mihlar, 'Contending with Identity and Minority Rights in Transitional Justice: The Case Study of Sri Lanka' (2024) 28 *International Journal of Human Rights* 1592, 1596 <<https://doi.org/10.1080/13642987.2024.2355269>> ('Contending with Identity').

priorities.¹⁶ Institutional and state-centred mechanisms are premiered.¹⁷ Colonial injustices and the layered realities of groups who do not fit neatly into its narrow victim-perpetrator binary are systematically ignored¹⁸—a glaring shortcoming given that many contexts where transitional justice processes are utilised are complex majority-minority societies in which socio-cultural structures feed animosity and violence. The consensus is clear: transitional justice, as currently conceptualised and practised, is not working for those it claims to serve.

Before and during the Sri Lankan conflict, the Muslim minority was involved in violence as both perpetrators and victims.¹⁹ Their needs, losses, and circumstances do not fit comfortably into the binary Sinhalese-Tamil script that has structured most discourse, advocacy, and scholarship on the conflict.²⁰ Additionally, little research examines in depth the specific circumstances of the Muslim minority during the conflict or their inclusion in the subsequent transitional justice process. Even less explores the impact of the transitional justice process and international interventions on the Muslim minority group's rights.²¹

To fulfil its mission, transitional justice must do more than consult minorities or assess their needs from a distance. It must elevate their status and inclusion to that of the majorities, guaranteeing their full participation and human rights. A minority rights-based approach, as advanced by Mihlar,²² demands recognition of identity, equality, and non-discrimination, not as bargaining chips, but as non-negotiable foundations. In deeply divided societies such as Sri Lanka, where communities coexist geographically yet remain separated politically and systemically, such a reframing is not an optional courtesy—it is a prerequisite for any meaningful transformation.²³

¹⁶ Sujith Xavier, 'Transitional Justice' in Antony Anghie and others (eds), *Research handbook on Third World Approaches to International Law (TWAIL)* (Edward Elgar Publishing 2025).

¹⁷ See eg UNHRC, 'Res. 30/1 Promoting Reconciliation, Accountability and Human Rights in Sri Lanka' (2015) UN Doc A/HRC/RES/30/1.

¹⁸ Mihlar, 'Contending with Identity' (n 15) 1592, 1596.

¹⁹ Public Interest Advocacy Centre (n 6).

²⁰ See eg Steven R Ratner, 'Accountability and the Sri Lankan Civil War' (2012) 106 *American Journal of International Law* 795 <<https://doi.org/https://doi.org/10.5305/amerjintlaw.106.4.0795>>; Nithyani Anandakugan, 'The Sri Lankan Civil War and Its History, Revisited in 2020' (*Harvard International Review*, 31 August 2020) <<https://hir.harvard.edu/sri-lankan-civil-war/>> accessed 22 May 2026; Shyam Tekwani, 'Sri Lanka's Civil War and the Limits of Literature' *New Lines Magazine* (19 January 2026) <<https://newlinesmag.com/review/sri-lankas-civil-war-and-the-limits-of-literature/>> accessed 22 May 2026; 'Why Aren't We Talking About Sri Lanka Anymore? "Sri Lanka Solution" Followers Face Justice, but Not Sri Lanka' (n 1).

²¹ For an overview, see Farah Mihlar, 'Transitional Justice: State of Play in Sri Lanka' in Kanchana N Ruwanapura and Amjad Mohamed Saleem (eds), *Routledge Handbook of Contemporary Sri Lanka* (1st edn, Routledge 2024).

²² Mihlar, 'Contending with Identity' (n 15).

²³ *ibid* 1593.

1.2 Research Question

To add depth to the discussion on transitional justice in Sri Lanka and ensure the inclusion of the ignored, but specifically and differently impacted, Muslim minority group, this thesis aims to answer one overarching question:

How has transitional justice advanced the rights of the Muslim minority in Sri Lanka?

To answer this questions, this thesis must first answer the following questions:

1. What are the root causes of the conflict and how was the Muslim minority impacted by and involved in it?
2. To what extent have transitional justice measures considered and included Muslims, their perspectives and needs?
3. How has the protection and fulfilment of Muslims' minority rights developed after the end of the conflict?

1.3 Scope and Delimitations

This thesis takes a minority rights-based approach based on a definition of minority as a 'non-dominant national, ethnic, religious, or linguistic group' without consideration of other factors such as gender, age, (dis)ability, or sexual orientation and gender identity. It also disregards the impact of various caste systems in Sri Lanka while recognising their significance in the continuation of the power of the ruling elite. Although the categorisation of minorities and Indigenous Peoples often overlap and intersects, there are important political and legal distinctions between the two in most jurisdictions. Therefore, this thesis focuses on minority rights and does not include consideration of the more expansive framework for Indigenous Peoples' rights. Although the thesis examines the transitional justice process from May 2009 until today, contextual information and transitional justice mechanisms from before May 2009 are considered where relevant to the main analysis. Finally, the thesis finds its basis in an internationalised and institutional notion of transitional justice, situating local progress in the context of international expectations and commitments. Through the application of a victim-centred minority rights-based approach, this basis is expanded on, providing a local perspective on the globalised project of transitional justice.

1.4 Methodology

This thesis applies an interdisciplinary human rights-based legal method to examine the implementation of human rights standards in the specific context of Sri Lanka. The examination is based in a doctrinal review of international

law related to transitional justice and minority rights derived from international treaties to which Sri Lanka is a party, as well as declarations, treaty body resolutions, and interpretive guidance from mandates within the United Nations (UN) system. This doctrinal review is combined with an empirical assessment of practical consequences and observable impacts of the law through a victim-centred minority rights-based approach (outlined in chapter 2.3), thus placing it in its social and political context.²⁴ This analysis is supported by reports from international and non-governmental organisations, academic research, and journal and newspaper articles. A top-down method is thus implemented, first establishing the international law and legal system and thereafter evaluating their impact on domestic conditions and their success²⁵ at the implementation stage.²⁶

1.5 Structure

The thesis begins with providing the legal basis of transitional justice and minority rights, presenting the minority rights-based approach to transitional justice that forms the analytical framework of this thesis, in chapter 2. Chapter 3 situates the thesis in its social and political context through an overview of the emergence of groups and ethnic divisions and discrimination in Sri Lanka, tracing their origin back to colonial times, and explaining their culmination in the 1983-2009 conflict. This chapter emphasises the specific and differential impact that the conflict had on the Muslim minority group. In chapter 4, Sri Lanka's transitional justice process and international involvement is presented and analysed through a victim-centred minority rights-based approach, to determine the extent to which the process has fulfilled the demand of the approach. Chapter 5 examines the contextual development regarding Muslims in Sri Lanka from the end of the conflict, situated within the minority rights framework, in an effort to demonstrate the failure of the transitional justice mechanisms in promoting and protecting their rights. Finally, the thesis concludes in chapter 6 with a determination of how transitional justice has failed to advance Sri Lanka's Muslims' minority rights since the end of the conflict, providing recommendations for future actions.

²⁴ Siobhán McInerney-Lankford, 'Legal Methodologies and Human Rights Legal Research: Challenges and Opportunities' in Bård A Andreassen, Claire Methven O'Brien and Hans-Otto Sano (eds), *Research Methods in Human Rights* (Edward Elgar Publishing 2024) 23.

²⁵ In this thesis, success is defined as the protection and fulfilment of minority rights.

²⁶ Reza Banakar, 'On Socio-Legal Design' (Lund University 2019) 4, 15.

2 Legal Framework

To support the analysis in the subsequent parts of this thesis, this chapter sets out key aspects of the legal framework. It first explores transitional justice and its elements of truth, justice, reparations, memorialisation, and guarantees of non-recurrence. It will then discuss the definition of minority and minority rights, notably their rights to enjoy their own culture, to profess and practise their own religion, or to use their own language. The chapter finishes by building on these elements to identify a victim-centred minority rights-based approach to transitional justice.

2.1 Transitional Justice

Transitional justice as an international practical and academic field emerged after World War II and its Nuremberg trials and developed in association with modernisation and democratisation projects after the Cold War ended. It was first with the collapse of former Yugoslavia in the early 1990s and the Rwandan genocide in 1994 that transitional justice in its current conception became a tool for conflict resolution and peacebuilding around the world.²⁷

2.1.1 UN Definition of Transitional Justice

The UN has maintained its definition of transitional justice since 2004 as established by the then Secretary-General Kofi Annan. Transitional justice is:

[T]he full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.²⁸

This definition has developed alongside the field of transitional justice to include the four pillars of transitional justice: truth-seeking, justice, reparation, and guarantees of non-recurrence.²⁹ The former Special Rapporteur for the promotion of truth, justice, reparation and non-recurrence, Fabian Salvioli, introduced a fifth pillar—memorialisation—in 2020.³⁰ These pillars rest on a foundation of trust, recognition, tackling root causes, inclusion, and gender equality, and can as a holistic strategy lead to the fulfilment of the goals of

²⁷ Mihlar, 'Contending with Identity' (n 15) 1595–6.

²⁸ Secretary-General, 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies' UN Doc S/2004/616 8.

²⁹ Secretary-General, 'Guidance Note' (n 9) 3.

³⁰ SR Truth, justice, reparation, 'Memorialization Processes in the Context of Serious Violations of Human Rights and International Humanitarian Law: The Fifth Pillar of Transitional Justice' (2020) UN Doc A/HRC/45/45 para 101.

transitional justice: accountability, rule of law, healing, reconciliation/social cohesion, sustainable/lasting peace, peacebuilding, sustainable development, and prevention.³¹

The UN advocates for states to ensure a people- and victim-centred approach to transitional justice that is holistic—all five pillars should jointly form the basis of any strategy—and developed and implemented in collaboration with victims and survivors of violations. Crucially, the strategy must be tailored to the specific context it aims to address and maintain a long-term societal perspective that is, ideally, owned by the local community.³² Meaningful participation in public affairs, a human right,³³ increases the likelihood of a successful process that brings a sense of justice as well as increased trust in state institutions and inter-group unity. Participation needs to be inclusive in terms of gender, age, ethnicity, religion, migration status, (dis)ability, and other factors.³⁴

2.1.2 The Pillars of Transitional Justice

The pillars of transitional justice are based on different rights, and their corresponding state obligations arise from a variety of human rights treaties.

Truth-seeking has its base in the *right to truth*, enshrined in *inter alia* the International Covenant on Civil and Political Rights (ICCPR) art. 2 and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) art. 24. This right involves access to relevant information concerning human rights violations.³⁵ It can involve a variety of different measures and commonly includes truth-seeking bodies such as Commissions of Inquiry (COI), truth commissions, or fact-finding and mapping inquiries that investigate past violations and, sometimes, gather evidence for use in justice proceedings. The right to truth extends from the right of victims and their relatives to the society as a whole, and includes the establishment of

³¹ Secretary-General, ‘Guidance Note’ (n 9) 4.

³² *ibid* 6–9.

³³ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (‘UDHR’) art 21; International Covenant on Civil and Political Rights (opened for signature 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (‘ICCPR’) art 25; International Convention on the Rights of All Migrant Workers and Members of Their Families Un Doc A/RES/45/158, arts 41, 42; African Charter on Human and Peoples’ Rights, art. 13(1); American Convention on Human Rights, art 23(1)(a); Inter-American Democratic Charter, art 2; Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, art 3.

³⁴ Secretary-General, ‘Guidance Note’ (n 9) 6–9.

³⁵ UNGA, ‘Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law’ (2005) UN Doc A/RES/60/147 paras 11–24.

causes and conditions of violations as well as the identity of perpetrators and, in cases of enforced disappearances, the whereabouts of victims.³⁶

The *right to justice* is enshrined in the ICCPR art. 2, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) arts. 4, 5, 7, and 12, the ICPPED arts. 3, 6, 7, and 11, and the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) art. 3. According to the UN, justice refers to ‘an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large.’ The mechanisms through which justice is achieved are context-dependent and vary between formal judicial mechanisms and traditional dispute resolution mechanisms.³⁷ Victims must have equal and effective access to justice without delay, which includes access to judicial remedy and proper assistance to and protection of victims and witnesses.³⁸ Impunity violates victims’ human rights and access to justice.³⁹

The *right to reparation* is enshrined in the Universal Declaration of Human Rights (UDHR) art. 8, ICCPR art. 2, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) art. 6, CAT art. 14, ICPPED art. 24, and the Convention on the Rights of the Child (CRC) art. 39. Victims have a right to adequate, effective and prompt reparation for harm suffered, which includes material and symbolic benefits in the form of restitution, compensation, rehabilitation, and satisfaction. In practical terms, reparations may involve a variety of actions, such as restoration of liberty, return of property, economic compensation for any damages, medical and psychosocial services, cessation of continuing violations, searching for disappeared persons, recovery and reburial of remains, public apologies, sanctions, and commemorations.⁴⁰

The fourth pillar—guarantees of non-recurrence—is based on the *obligation to prevent recurrence* as enshrined in the ICCPR art. 2, CAT art. 2, ICPPED art. 23, and the Genocide Convention art. 1, and includes not only institutional reform but also sociocultural measures for communities and individuals.⁴¹ Measures include ensuring effective civilian control of military and security forces, independence of judiciary, the protection of various civilian profes-

³⁶ ‘Transitional Justice and Human Rights: Truth’ (OHCHR) <<https://www.ohchr.org/en/transitional-justice/truth>> accessed 11 May 2026.

³⁷ Secretary-General, ‘The Rule of Law’ (n 28) 7.

³⁸ UNGA (n 35) paras 12–14.

³⁹ International Commission of Jurists, ‘International Law and the Fight Against Impunity: A Practitioners Guide’ (2015) Practitioners’ Guide No. 7.

⁴⁰ UNGA (n 35) paras 15–22.

⁴¹ Secretary-General, ‘Guidance Note’ (n 9) 3.

sions and human rights defenders, providing human rights education, promoting prevention mechanisms and monitor social conflicts, and review of legislation permitting or contributing to violations.⁴²

Memorialisation, previously included under the pillar of reparation, was introduced as the fifth pillar of transitional justice by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in 2020 due to the foundational nature of a memory of the past for the achievement of the other four pillars. This pillar requires vigorous, active, and multidimensional policies to respond to past violations and prevent recurrence and forms the foundation for addressing the mechanisms of oppression that precede, and sometimes form the root causes of, violence. Memorialisation may not be vengeful or used to manipulate history and must be equally available to all groups in society. Memorialisation measures include public memorials, parks, squares, museums, plays, concerts, exhibits, public commemoration dates, and formal and informal education programmes.⁴³ Memorialisation also involves access to and protection of archives and the publication of reports and follow-up on recommendations made by truth-commissions—whose findings may not be distorted or diminished. In sum, there may be no ‘deceptive exploitation of memory.’⁴⁴

The obligations of states in relation to transitional justice have been elaborated and clarified across multiple jurisdictions by various international and regional courts as well as by UN treaty bodies. The Inter-American Court of Human Rights’ judgements are, perhaps, the most notable, but significant developments have also been made by the International Court of Justice and the UN Human Rights Committee.⁴⁵ Additionally, non-binding instruments and decisions, often developed through multilateral processes, further elaborate these standards, forming additional principles and guidelines. Many of these have been adopted by bodies within the UN system, but regional contributions have also been made.⁴⁶

⁴² UNGA (n 35) para 23.

⁴³ SR Truth, justice, reparation (n 30) para 105.

⁴⁴ *ibid* 108.

⁴⁵ See, for example, Inter-American Court of Human Rights, *Case of Velasquez Rodriguez v. Honduras*, Judgment, 29 July 1988; European Court of Human Rights, *Case of Benzer and others v. Turkey*, Judgment, 24 March 2014; African Commission on Human and Peoples’ Rights, *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, Decision, 11–25 May 2006; UN Human Rights Committee, *Communication No. 1874/2009* (regarding Algeria) (CCPR/C/109/D/1874/2009).

⁴⁶ See for example, *Updated set of principles for the protection and promotion of human rights through action to combat impunity* (E/CN.4/2005/102/Add.1); *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (A/RES/60/147); various UNCHR resolutions, HRC resolutions; UNGA Res 68/165; ‘The EU’s Policy Framework on support to transitional justice’ (2015); and *Transitional Justice Policy* (African Union, 2019).

2.2 Minority Rights

To determine the rights of minorities, this chapter first establishes a working definition of minority. Thereafter, the minority rights framework is elaborated as relevant for this thesis.

2.2.1 Definition of Minority

There is no universal definition, conceptualisation or operationalisation, of ‘minority’. The ICCPR and the CRC are the only binding human rights treaties that protect minority rights specifically, and categorises them as ‘ethnic, religious or linguistic.’⁴⁷ In other, non-binding, instruments, the category ‘national’ was added to the list of categories.⁴⁸

The mandate of the Special Rapporteur on minority issues defines a minority as follows:

An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.⁴⁹

The Human Rights Committee has, through its jurisprudence, added a subjective criterion to the ICCPR definition: namely, self-identification and the desire to preserve the group identity.⁵⁰ Other actors have included a ‘non-dominant position’ in the definition to recognise contexts in which a small minority constitutes a ruling elite.⁵¹ The narrow categories covered by the current definitions severely limit the characteristics the protections can cover, such as those that are important in the Sri Lankan context, including caste or social stratification.

For the purposes of this thesis, a minority is defined as a non-dominant national, ethnic, religious, or linguistic group constituting less than half of the population in the territory of a state. A member of a minority is any individual who identifies with and desires to preserve the specific group identity.

⁴⁷ ICCPR art 27; Convention on the Rights of the Child (opened for signature 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (‘CRC’) art 30.

⁴⁸ ‘Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’ (1993) UNGA Res A/RES/47/135.

⁴⁹ UNCHR, ‘Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities Human Rights’ (2005) UNCHR Res 2005/79; ‘About Minorities and Human Rights’ (*OHCHR*) <<https://www.ohchr.org/en/special-procedures/sr-minority-issues/about-minorities-and-human-rights>> accessed 11 May 2026.

⁵⁰ Mihlar, ‘Contending with Identity’ (n 15) 1597.

⁵¹ *ibid.*

2.2.2 Minority Rights Framework

Minority rights have been protected since the field of human rights first started developing, since all human rights apply equally to every individual, including those who belong to a minority group.⁵² Their protection on a domestic level has lagged behind, however, as minority groups are often considered problems for state unity and convenient groups to blame for policy failures.⁵³ In the binding human rights treaties, only the ICCPR and the CRC protect minority rights specifically. Art 27 of the ICCPR states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to **enjoy their own culture**, to **profess and practise their own religion**, or to **use their own language**.⁵⁴

Art. 30 of the CRC mirrors this clause but specifies that the rights extend also to children belonging to such minorities, adding children of indigenous origin.⁵⁵ Furthermore, non-discrimination clauses are included in a vast majority of international human rights treaties. Additionally, non-discrimination is the sole focus of the ICERD.⁵⁶

In 1992, a specific minority rights framework was adopted by consensus by the UN General Assembly: the United Nations Declaration on Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities (UNDM).⁵⁷ Despite being a non-binding resolution, it offers a normative framework for different rights derived from four main rights: the right of existence, the right to identity, the right to non-discrimination, and the right to participation.⁵⁸ It also includes a list of corresponding obligations for states. The UNDM goes beyond the rights enshrined in the ICCPR and ICERD, which protect only the rights of minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The minority rights regime has many unresolved issues. It remains incomplete and scattered, often criticised for its inadequacy, especially when con-

⁵² Eg. UDHR; ICCPR; International Covenant on Economic, Social and Cultural Rights (opened for signature 19 December 1966, entered into force 3 January 1976) 993 UNTS 3 ('ICESCR').

⁵³ Mihlar, 'Contending with Identity' (n 15) 1596.

⁵⁴ Emphasis added.

⁵⁵ CRC.

⁵⁶ International Convention on the Elimination of All Forms of Racial Discrimination (opened for signature 7 March 1966, entered into force 4 January 1969) 660 UNTS 195 ('ICERD').

⁵⁷ 'Who Are Minorities under International Law?' (UN) <<https://www.un.org/en/fight-racism/vulnerable-groups/minorities>> accessed 15 April 2026.

⁵⁸ 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' (n 48) arts 1, 2.1, 4, 2.2-3.

trusted with the comprehensiveness of the Declaration on the Rights of Indigenous Peoples (UNDRIP).⁵⁹ The Committee on the Elimination of Racial Discrimination has, at least, recognised group-based rights for minority groups, even though the UNDM refers to individuals only, thus evolving the regime to a hybrid between individual and group rights. Contrary to UNDRIP, the minority rights regime has not been interpreted to include a right to self-determination.⁶⁰

2.3 A Victim-Centred Minority Rights-Based Approach to Transitional Justice

Transitional justice is often called upon in situations where minorities have been the targets of mass atrocities along with long-term discrimination and marginalisation diminishing protection of their rights that set the scene for a final large-scale attack. Integrating minority and indigenous peoples' rights into transitional justice to adapt it to these complex contexts is thus often warranted.⁶¹

Mihlar advances a minority rights-based approach to transitional justice that 'seeks to disrupt existing power hierarchies by putting the rights of non-dominant identity groups at the forefront.'⁶² This is achieved through analysing the situation and context through a minority lens—examining how groups or individuals were affected differently or specifically due to their position as a minority or their group identity—thus assessing the specific minority dimension. Additionally, the rights of minority groups, based on the minority rights regime and the entirety of the international human rights framework, is foregrounded.⁶³

Mihlar explains that states must recognise that 'because of their very non-dominant status members of particular groups may not have their other civil, political, economic, social and cultural rights protected in the same way as the majority.'⁶⁴ Mihlar's approach thus supersedes the non-discrimination obligation and recognition of minority needs by recognising the 'link between identity and non-dominant positioning to the violation itself' and foregrounding these issues without giving any group superiority or priority.⁶⁵

⁵⁹ 'Declaration on the Rights of Indigenous Peoples' (2007) UNGA Res A/RES/61/295.

⁶⁰ Mihlar, 'Contending with Identity' (n 15) 1597.

⁶¹ Chris Chapman, 'Research Brief: Transitional Justice and the Rights of Minorities and Indigenous Peoples' (International Center for Transitional Justice 2009).

⁶² Mihlar, 'Contending with Identity' (n 15) 1597.

⁶³ *ibid.*

⁶⁴ *ibid* 1603.

⁶⁵ *ibid.*

In addition to including progressive positioning on minorities among the factors determining the design of transitional justice processes, transitional justice must at its start:

[R]ecognise and map all of the identity groups affected by the violations and crimes for which truth, justice and accountability are being sought, acknowledging diversity and difference including contestations of victim groups within a minority group; seek out connections between identity/minority positioning with the nature and extent of the crimes; and commit to guaranteeing basic principles of the right to identity, non-discrimination and participation in addition to other rights of all groups throughout the process.⁶⁶

This approach, according to Mihlar, ‘clarifies and expands on definitions and understanding of victims and perpetrators;’⁶⁷ ‘counters polarisation between the main parties to the conflict and ensures that through principles of equality, non-discrimination and inclusivity no group is left behind;’⁶⁸ and ‘can enable identity-based differential justice needs, patterns and cycles of violations, historic marginalisation, structural violence and discrimination to be recognised and addressed.’⁶⁹ As such, Mihlar’s proposed approach could contribute better to the justice, democratisation, reconciliation, and peace-building goals of transitional justice compared to the traditional approaches, increasing the likelihood of a favourable outcome.

At the same time, Mihlar explains that her approach is not without its limitations. Considering that violations are recognised as inflicted upon individuals based on their group identity, additional focus on identity may cause increased divisions and tensions in post-conflict contexts. Mihlar emphasises that this approach must be implemented in tandem with for example gender-based approaches to ensure the equal representation and inclusion of all groups in the transitional justice process.⁷⁰

Mihlar’s minority rights-based approach is applied with an explicit centring of victims. Their safety, rights, well-being, and expressed needs and choices are integral aspects of the analysis in the subsequent chapters of this thesis.

For the analysis in the subsequent chapters, the following criteria will be evaluated to examine if the demands of a victim-centred minority rights-based approach were met in the Sri Lankan context:

⁶⁶ Mihlar, ‘Contending with Identity’ (n 15) 1604.

⁶⁷ *ibid.*

⁶⁸ *ibid* 1605.

⁶⁹ *ibid.*

⁷⁰ *ibid* 1606–1607.

At the start of the process or the work of each mechanism:

- a. Were the specific ways in which minorities were affected by the violations or crimes mapped?
- b. Were connections drawn between their group identities and the crimes against them?
- c. Were victims consulted in the establishment and design of the process or mechanism, and were their recommendations implemented?

Throughout the process:

- d. Were the rights of victims, minorities, and all other groups guaranteed throughout the process?
- e. Did the process foreground non-dominant groups, equalling them to the majority?
- f. Did the mechanism examine how minorities were impacted specifically and differently because of their status?
- g. Did the mechanisms acknowledge and consider that the minorities were/are not legally and practically protected equally to the majority?
- h. Were the results in line with victims' expectations and needs?

These criteria will be applied with a focus on the Muslim minority to both individual measures and mechanisms and the Sri Lankan transitional justice process as a whole.

3 The Rise of Ethno-Religious Divisions and the Specific and Differential Impact of the Conflict on the Muslim Minority

Sri Lanka is a multi-ethnic, -religious, and -linguistic society comprising 21.8 million people who populate nine provinces (See Supplement A for a map of Sri Lanka).⁷¹ The majority of the population is Sinhalese (74.1 percent) and Buddhist (69.8 percent). The two largest minority groups are Sri Lanka Tamils (12.3 percent), most of whom are Hindu, and Sri Lanka Muslims (10.5 percent).⁷² The Sinhalese group speak Sinhala, the Tamils speak Tamil, and many Muslims speak both while Tamil is their first language. English is considered the bridge language. The rest of the population self-identify with various ethnicities, including Indian or Plantation Tamils, indigenous Vedda people,⁷³ and European descendants. Around 6.6 percent of the population are Christian.⁷⁴

Most Sri Lanka Tamils reside in the Northern and Eastern provinces, where they make up 91.5 percent and 38.1 percent respectively. Muslims make up a significant portion of the pluralism in the Eastern Province (39.5 percent) and in major cities across the island, including Kandy. In the Eastern Province, Muslim and Tamil villages are interspersed throughout. Sinhalese presence in the Eastern Province has increased from 5 percent in 1921 to 22.1 percent in 2024 due to long-term policies of armed ‘colonisation’.⁷⁵ 12.2 percent of the population of the North Western Province are Sri Lankan Muslim, many Internally Displaced Persons (IDPs) from the conflict.⁷⁶ All identities described are multifaceted with many sub-groups within each linguistic, ethnic, and religious group—for example based on caste and location—with diverse cultural practices and political affiliations.⁷⁷ As such, Sri Lanka is a diverse country, with the northeast being more densely populated by minority groups.

⁷¹ Department of Census and Statistics, ‘Census of Population and Housing 2024’ (Ministry of Finance, Planning and Economic Development 2026) xii.

⁷² This designation includes Moors of West Asian descent in combination with Malays, Memons, Bohras, and Khojas—groups of southeast Asian and Indian origin mostly brought to as indentured workers or settled as traders on the island during Dutch and British colonial times. See Wickramasinghe (n 2) 277.

⁷³ Lanka Ranaweera and others, ‘Mitochondrial DNA History of Sri Lankan Ethnic People: Their Relations within the Island and with the Indian Subcontinental Populations’ (2014) 59 *Journal of Human Genetics* 28 <<https://doi.org/10.1038/jhg.2013.112>>.

⁷⁴ Department of Census and Statistics (n 71) 94–95, 104–105, 107.

⁷⁵ International Crisis Group, ‘Sri Lanka’s North I: The Denial of Minority Rights’ (2012) *Asia Report No 219* 19.

⁷⁶ Department of Census and Statistics (n 71) 95.

⁷⁷ Wickramasinghe (n 2) 268.

3.1 A Brief History of Sri Lanka's Ethnic Divisions

Sri Lanka has a documented history of over 3,000 years, during which the island hosted multiple parallel dynastic kingdoms, most notably the Tamil Kingdom of Jaffna in the north and the central Sinhala Kingdom of Kandy.⁷⁸ Muslim Arab trading communities were established in coastal areas by the 800s due to the island's continuous use as a trading centre. The Sri Lanka Moors—the largest Muslim group—are descended from these traders.⁷⁹ The Portuguese invaded the island in 1505, seizing the Muslims' trading monopoly and forcibly converting locals to Roman Catholicism.⁸⁰ Their bigotry pushed the Muslim coastal population into eastern territories, leading to their indigenisation.⁸¹ Later, the Dutch (1650s-1796) and British (1796-1948) ruled,⁸² implementing group-based administrative systems that required clear categorisation of people: the Dutch registered land by owner identity,⁸³ and the British cemented groupings by ethnicity, caste, language, 'race', nation, and religion through the census. Group designation determined entitlements, rights, and political representation.⁸⁴ A colonial federal council initially included only Low-Country Sinhalese, Burghers, and Tamils, but later added Kandyan Sinhalese and Muslim representatives.⁸⁵ All this rendered identity increasingly important.

During the 1800s, Sinhala-Buddhist nationalism and exceptionalism spread based on the *Mahavamsa*—an origin myth designating Buddhists the original inhabitants of Sri Lanka—casting minorities as threatening invaders.⁸⁶ Religious and ethnicity-based conflicts started spreading in the two decades preceding independence.⁸⁷ In 1915, for example, Sinhala mobs attacked economic competitor and 'alien' Muslim communities in Kandy, spreading violence across the island. Property was destroyed, 25 Muslims were killed, 189 injured, and four raped by the Sinhalese crowds.⁸⁸ Politization of defined groups in the early 1900s spawned opposing political parties, and the Sinhala majority's dominance from the 1921 legislative council elections deepened Sinhala-Tamil divisions.⁸⁹ By independence, the Sinhalese viewed other

⁷⁸ Kingsley M De Silva, *A History of Sri Lanka* (Hurst University of California Press 1981) 91–92; Wickramasinghe (n 2) 10, 14.

⁷⁹ Lorna Srimathie Dewaraja, *The Muslims of Sri Lanka: One Thousand Years of Ethnic Harmony, 900-1915* (Lanka Islamic Foundation 1994) 23–24, 26.

⁸⁰ *ibid* 35; Wickramasinghe (n 2) 11.

⁸¹ Dewaraja (n 79) 84–85; Wickramasinghe (n 2) 23.

⁸² Wickramasinghe (n 2) 13, 29; Dewaraja (n 79) 70 ff, 148 ff; Niranjana Casinader and Lee Godden, 'The Kandyan Convention 1815: Consolidating the British Empire in Colonial Ceylon' (2015) 1(2) *Comparative Legal History* 179 <<https://doi.org/10.5235/2049677X.1.2.179>>.

⁸³ Wickramasinghe (n 2) 28.

⁸⁴ *ibid* 47–54.

⁸⁵ *ibid* 43–44, 54.

⁸⁶ *ibid* 94–95.

⁸⁷ *ibid* 117, 119.

⁸⁸ *ibid* 124–125.

⁸⁹ *ibid* 54–64.

groups, especially the Tamils, as threats to their supremacy and governments stripped various minorities of civil and political rights, expelling half of the Tamil population to India.⁹⁰ Due to this institutionalised discrimination, Tamil demands for autonomy grew, and secession was first raised in parliament in 1947.⁹¹

The 1956 Official Language Act made Sinhala the sole official language, expelling Tamil-speaking Tamils and Muslims from parliament and public service and, in combination with several citizenship acts, rendering them second-class citizens.⁹² Tamils protests were met by Sinhala mobs led by Buddhist monks. Further discriminatory policies through the 1980s included ‘colonisation schemes’—policies implementing armed Sinhalese settlements in the minority dominated northeast⁹³—which significantly impacted Muslim populations.⁹⁴ Sinhala-Buddhist ethno-nationalists demanded state recognition of Buddhism’s indigeneity. The 1972 Republican Constitution of *Sri Lanka* gave Buddhism ‘the foremost place’, obliged the state to protect and foster Buddhism,⁹⁵ adopted the flag bearing the *Mahavamsa*’s Sinhala-Buddhist lion, and made Sinhala the official constitutional language.⁹⁶ The 1978 constitution attempted to ease tensions by designating Sinhala and Tamil as official languages and by ensuring Tamil parliamentary representation, but its binary framework bypassed other minorities, including Muslims, cementing a Sinhala-Tamil binary that marginalised them.⁹⁷

Anti-Tamil pogroms erupted in 1958, 1977 and 1978, each causing hundreds of deaths and widespread destruction, with security forces failing to intervene.⁹⁸ States of emergency were declared in Jaffna during the 1979 and 1981 pogroms; during the latter a Sinhalese police mob burned the historic Jaffna Public Library to the ground in an act of cultural genocide.⁹⁹ The government’s failure to honour devolution agreements shifted Tamil demands from

⁹⁰ Wickramasinghe (n 2) 179 ff.

⁹¹ *ibid* 281.

⁹² MM Fazil, ‘The Muslim Factor in the Sri Lankan Conflict’ in G Frerks and B Klem (eds), *Dealing With Diversity. Sri Lankan Discourses on Peace and Conflict* (The Netherlands Institute of International Relations ‘Clingendael’ 2005) 166.

⁹³ Sasanka Perera, ‘The Ethnic Conflict in Sri Lanka: A Historical and Sociopolitical Outline’ (2001) Background paper for The World Bank; Wickramasinghe (n 2) 282.

⁹⁴ The schemes allocated division of land in some districts on a 50-50 basis between the original occupants and Sinhalese settlers from outside the province. The effects of the policy were felt especially in the Eastern Province where the Sinhalese population increased from less than 5 percent in 1921 to over 25 percent by 1981, turning the previously dominant groups into minorities in some areas. See Fazil (n 92) 166–167.

⁹⁵ Wickramasinghe (n 2) 164.

⁹⁶ *ibid* 166, 192.

⁹⁷ *ibid* 197.

⁹⁸ *ibid* 186, 297–299.

⁹⁹ *ibid* 298; Thamir Venthan Ananthavinayagan, ‘The Burning of Jaffna Public Library: Sri Lanka’s First Step Toward Civil War’ *The Diplomat* (31 May 2020) <<https://thediplomat.com/2020/05/the-burning-of-jaffna-public-library-sri-lankas-first-step-toward-civil-war/>> accessed 6 May 2026.

autonomy to secession into the northeastern state of Tamil Eelam. Tamil youth turned to armed struggle in the early 1980s, with the Liberation Tigers of Tamil Eelam (LTTE) emerging from a student movement.¹⁰⁰

Armed youth groups attacks on state institutions met disproportionate indiscriminate responses by Sinhalese groups and security forces supported by other states.¹⁰¹ In 1983, an LTTE ambush—in retaliation for soldiers raping three Tamil women and killing two LTTE suspects—killed 13 soldiers, triggering *Black July*: for ten days, state-assisted Sinhalese mobs burned and killed up to 3,000 Tamils, raped hundreds, destroyed 18,000 Tamil shops and 5,000 homes, leaving 150,000 homeless in acts amounting to genocide.¹⁰² The LTTE was proscribed as a terrorist organisation, and the Prevention of Terrorism Act (PTA), which did not comply with human rights law, was used heavily against minorities. The main Tamil party was banned from parliament, further alienating 20 percent of Sri Lanka’s population.¹⁰³ From 1983 onward, anti-Tamil violence escalated into continuous persecution, and the separatist insurrection became full-scale armed conflict.¹⁰⁴ Muslim communities, already marginalised by Sinhala settlement policies and the bipolar ethnic framework, faced growing vulnerability as the conflict engulfed the northeast.

3.2 A Muslim Perspective on the Conflict

In general, the conflict between the LTTE and the Sri Lankan government saw a host of human rights violations and war crimes committed by both sides, including unlawful and indiscriminate killings, deprivation of liberty, enforced disappearances, torture, sexual and gender based violence, abductions and forced recruitment, recruitment of child soldiers, targeting of civilians and civilian objects, control and restriction of movement, and denial of

¹⁰⁰ Perera (n 93); Wickramasinghe (n 2) 292–294.

¹⁰¹ Sanjoy Hazarika, ‘ISRAEL SAID TO AID SRI LANKA FORCES’ *The New York Times* (26 August 1984) <<https://www.nytimes.com/1984/08/26/world/israel-said-to-aid-sri-lanka-forces.html>> accessed 15 May 2026; Nora Barrows-Friedman, ‘Israel Advises Sri Lanka on Slow-Motion Genocide’ *The Electronic Intifada* (30 July 2013) <<https://electronicintifada.net/content/israel-advises-sri-lanka-slow-motion-genocide/12644>> accessed 15 May 2026.

¹⁰² Niall MacDermot (ed), ‘Human Rights in the World: Sri Lanka’ (1983) 31 *The Review* 20 ff; ‘Sri Lanka’s State Responsibility for Historical and Recent Tamil Genocides’ (n 5).

¹⁰³ MacDermot (n 102) 20 ff; ‘Sri Lanka’s State Responsibility for Historical and Recent Tamil Genocides’ (n 5).

¹⁰⁴ Wickramasinghe (n 2) 299–300.

humanitarian assistance.¹⁰⁵ The North and East provinces were heavily militarised by the government's security forces, with checkpoints and military involvement in civilian activities.¹⁰⁶

Violence not only occurred between the Sinhalese Sri Lankan government forces and the Tamil LTTE in the northeast, however, but also within ethno-religious groups and across the island. The LTTE killed anyone suspected of dissent regardless of their affiliations, including other secessionist militant Tamil groups. The Indian Peace Keeping Force (IPKF), nicknamed the 'Innocent People Killing Force' by Jaffna residents, massacred and raped Tamils in the northeast from 1987-1990 under the Indo-Sri Lankan Peace Accords. Sinhala settlers and Muslims in the so-called border villages were caught in the crossfire or targeted directly, and civilians were killed in LTTE suicide bombings in urban areas around the island.¹⁰⁷ In 1987, the Janatha Vimukthi Peramuna (JVP)—a militant Marxist Sinhalese youth movement in the south targeting political institutions—initiated a deadly insurrection that lasted for over two years and culminated with the arbitrary killing of tens of thousands of Sinhalese youths by the security forces.¹⁰⁸

In addition to the Tamils, other minorities were involved in and impacted by the conflict. Particularly the large Muslim communities living in the Northern and Eastern provinces.¹⁰⁹

3.2.1 Political Marginalisation

Sri Lanka Muslims initially supported the Tamil struggle for independence, but strongly opposed becoming a minority within the LTTE-envisioned authoritarian Tamil Eelam.¹¹⁰ They formed the Sri Lankan Muslim Congress (SLMC) in the early 1980s,¹¹¹ demanding a separate Muslim regional council in the Eastern Province for cultural and educational preservation¹¹²—a proposal that was ultimately excluded from the 1987 Indo-Lankan Peace Accords.¹¹³ Throughout the 1990s, Muslims continued to assert their distinct stake in the conflict. In the 2000s, the SLMC lost influence, and despite being severely affected by the conflict, north-eastern Muslims were not considered

¹⁰⁵ 'Report of the OHCHR Investigation on Sri Lanka (OISL)' (OHCHR 2015) UN Doc A/HRC/30/CRP.2 ('OISL').

¹⁰⁶ UNHCHR, 'Promoting Reconciliation, Accountability and Human Rights in Sri Lanka: Report of the United Nations High Commissioner for Human Rights' (2022) UN Doc A/HRC/49/9 s B.

¹⁰⁷ Perera (n 93) 22–23.

¹⁰⁸ Wickramasinghe (n 2) 246–252.

¹⁰⁹ Muslims were also involved in and impacted by violence in the North Central Province. For the most comprehensive mapping of the conflict available, including specific sections on violence involving Muslims, see Public Interest Advocacy Centre (n 6).

¹¹⁰ Wickramasinghe (n 2) 206.

¹¹¹ *ibid* 198.

¹¹² 'Muslims in Sri Lanka' (*Minority Rights Group*) <<https://minorityrights.org/communities/muslims-3/>> accessed 24 April 2026.

¹¹³ Fazil (n 92) 172.

parties nor represented in the Norwegian-facilitated peace talks. The resulting ceasefire left them fearing LTTE abductions, extortions, killings, and land grabs.¹¹⁴

3.2.2 Violence by the Sinhalese

During the *Black July* pogrom of 1983, Sinhalese mobs killed Muslims, burned their houses, destroyed nearly 300 Muslim-owned shops and factories, and threatened to attack mosques. In 1984, a mosque was destroyed near Kandy, and in 1986 Sinhalese officers shot Muslims coming from prayers.¹¹⁵ In the 2000s, high-profile Muslims in the south were targeted by Sinhalese abductions and extortion, leaving the community trapped between the two sides.¹¹⁶

3.2.3 Violence and Ethnic Cleansing by the LTTE

From the mid-1980s, Tamil-Muslim tensions became open hostility. Tamil officials denied civic amenities to Muslim villages and extorted businessmen, and civilians robbed Muslims crossing Tamil lands. The LTTE targeted Muslims for rejecting a Tamil identity.¹¹⁷ From 1985, the LTTE began forcibly recruiting Muslim youth and continuously attacked the Muslims of the Northern and Eastern provinces.¹¹⁸ That year, communal riots that killed hundreds of Muslims and destroyed property, erupted after the LTTE opened fire near a mosque. In September 1987, the LTTE shot a Muslim government agent in Muthur, and subsequent attacks burned Muslim shops, rice mills, and houses, displacing thousands. The IPKF were implicated in the attacks, and in December unilaterally shelled and burned a predominantly Muslim village, raping women, killing 26, injuring 200, and displacing around 14,000 Muslims.¹¹⁹ Between 1987 and 1990, the LTTE carried out four massacres of Muslims in the Batticaloa district and besieged Kattankudy—home of almost 60,000 Muslims—for over a week.¹²⁰

In October 1990, the LTTE ethnically cleansed the entire Muslim population from the Northern Province within two weeks, sometimes allowing only 24 hours to leave and confiscating virtually all capital and valuables at gunpoint.¹²¹ Over 75,000 were rendered homeless overnight, and 36 years later, over 200,000 remain displaced in the predominantly Muslim town of Puttalam in the North-Western Province, with irreversible loss of capital, land,

¹¹⁴ ‘Muslims in Sri Lanka’ (n 112).

¹¹⁵ Fazil (n 92) 167.

¹¹⁶ ‘Muslims in Sri Lanka’ (n 112).

¹¹⁷ Mihlar, ‘Contending with Identity’ (n 15) 1600.

¹¹⁸ Fazil (n 92) 168–169.

¹¹⁹ *ibid* 170.

¹²⁰ *ibid*.

¹²¹ Wickramasinghe (n 2) 302.

and livelihoods.¹²² Muslims were also targeted in the Eastern Province in a bid to cleanse the region of non-Tamils.

The 1990s saw multiple LTTE massacres in mosques and Muslim spaces, land grabs, abductions, extortion, forced disappearances, and killings that continued into the 2000s.¹²³ In 2006, ten Muslim workers were murdered near Pottuvil; the sole witness was reportedly coerced to implicate the LTTE.¹²⁴ Muslims continued to be targeted for asserting their distinct identity and feared admitting their rejection of the LTTE.¹²⁵

3.2.4 Muslim Retaliation

After repeated displacements, forced evictions, and massacres, Muslims demanded the right to self-protection, leading to the creation of the armed Muslim Home Guards in 1990. After LTTE massacres, Muslims sometimes retaliated. In April 1992, for example, following an LTTE attack that killed at least 54 Muslims in their sleep, Muslim Home Guards, allegedly alongside other security forces, killed over 80 Tamils in nearby villages in retaliation. Police, most of whom were Sinhalese, ignored the initial massacre but participated in the second; extrajudicial killings and enforced disappearances of Tamil villagers followed.¹²⁶

3.2.5 The Conflict Comes to a Brutal End

By 2008, only the Vanni region remained under LTTE control. On 16 September, all international UN staff were forced to leave due to direct attacks by the security forces, drastically reducing humanitarian aid to around 330,000 Tamil civilians. Domestic UN staff remained as long as possible.¹²⁷ International media were denied access. This ‘systemic failure’¹²⁸ prompted an internal review and a complete restructuring of the UN’s work with prevention and alleviation of human suffering years later.¹²⁹ The immediate consequences of the UN’s withdrawal was that it permitted the government—led by Mahinda Rajapaksa, part of a Sinhalese political elite important to the developments after the conflict ended¹³⁰—to shrink its No Fire Zones from 35.5

¹²² International Crisis Group, ‘War Crimes in Sri Lanka’ (2010) Asia Report No 191 32; International Crisis Group, ‘Sri Lanka’s North I’ (n 75) 26; Amalini De Sayrah and Natasha Vanhoff, ‘Stories of Roots and Return: 30 Years since the Expulsion of the Northern Muslims’ (2020).

¹²³ ‘Muslims in Sri Lanka’ (n 112).

¹²⁴ International Crisis Group, ‘War Crimes in Sri Lanka’ (n 122) 2.

¹²⁵ Mihlar, ‘Contending with Identity’ (n 15) 1600.

¹²⁶ Amnesty International, ‘Sri Lanka: Deliberate Killings of Muslim and Tamil Villagers in Polonnaruwa’ (1992) ASA 37/10/9.

¹²⁷ Frances Harrison, ‘UN: “The Scene at First Light Was Devastating”’ *Huffington Post* (20 May 2014) <https://www.huffingtonpost.co.uk/frances-harrison/un-the-scene-at-first-light_b_5342249.html> accessed 22 May 2026.

¹²⁸ ‘UN “Failed Sri Lanka Civilians”, Says Internal Probe’ *BBC News* (13 November 2012) <<https://www.bbc.com/news/world-asia-20308610>> accessed 14 May 2026.

¹²⁹ ‘Human Rights up Front: An Overview’ (UN 2015).

¹³⁰ See chapters 4 and 5.

km² to 2-3 km² by May 2009, repeatedly target them, block humanitarian assistance, and systematically bomb hospitals, creating a humanitarian disaster.¹³¹ The LTTE intentionally shot fleeing civilians and refused to let them leave the conflict zone.¹³² The UN estimated that between 40,000-70,000 Tamils were killed, other sources have estimated casualties over 160,000 in January 2009 alone.¹³³ Countless were detained under emergency regulations and the PTA, tortured with rape and sexual violence by security forces—a systematic practice continued after the conflict.¹³⁴ The conflict officially came to an end on 18 May 2009. Sri Lanka’s deliberate actions in the final months amounted to crimes against humanity¹³⁵ and genocide against the Tamils.¹³⁶

Throughout the conflict, Muslims remained caught between state repression and LTTE violence, enduring displacement, targeted killings, and political exclusion, their distinct ethno-religious identity rendering them a vulnerable third party in a polarised ethno-nationalist conflict.

¹³¹ People for Equality and Relief in Lanka (PEARL), ‘Justice for Genocide: Sri Lanka’s Responsibility for Genocide against the Tamil People in 2009’ (2024).

¹³² International Crisis Group, ‘War Crimes in Sri Lanka’ (n 122) i–ii.

¹³³ International Truth and Justice Project, ‘Death Toll in Sri Lanka’s 2009 War’ (2021).

¹³⁴ ‘We Will Teach You a Lesson’ *Human Rights Watch* (26 February 2013) <<https://www.hrw.org/report/2013/02/26/we-will-teach-you-lesson/sexual-violence-against-tamils-sri-lankan-security-forces>> accessed 14 May 2026.

¹³⁵ OISL (n 105) 1113.

¹³⁶ Ramanan Veerasingham, ‘Sri Lanka Guilty of Genocide against Eelam Tamils with UK, US Complicity: PPT’ *Journalists for Democracy in Sri Lanka* (11 December 2013) <<https://web.archive.org/web/20231203171917/http://www.jdslanka.org/index.php/news-features/human-rights/426-sri-lanka-guilty-of-genocide-against-tamils-with-uk-us-complicity-ppt-rules>> accessed 22 May 2026; ‘Canada’s Parliament Recognises Tamil Genocide in Landmark Motion’ *Tamil Guardian* (18 May 2022) <<https://web.archive.org/web/20240611105229/https://www.tamilguardian.com/content/canadas-parliament-recognises-tamil-genocide-landmark-motion>>; People for Equality and Relief in Lanka (PEARL) (n 131).

4 A Minority Rights-Based Approach to International Interventions and Domestic Transitional Justice Mechanisms in Sri Lanka

After the Sri Lankan government militarily ended the conflict in May 2009, calls increased for justice and accountability processes to reckon with the mass atrocities and human rights violations, mostly targeting minority groups, that had occurred throughout the previous decades, and to address the root causes of the violence to prevent recurrence. Sri Lanka has thus been in a process of transitional justice since.

This chapter sets out to analyse the transitional justice process and involvement by the UN system, to assess its responsiveness to the Muslim minority and victims. Although the responsibility to carry out a transitional justice process and ensure the fulfilment of the rights it is based on lies with the state of Sri Lanka, the international community has been involved in advocating for a genuine process, collecting accounts and evidence, and monitoring progress. First, as transitional justice depends on the socio-political context it is implemented in, an overview of the political trajectory after the conflict ended is provided. Second, Sri Lanka's international commitments and the UN system's involvement in the transitional justice process along with Sri Lanka's responses to recommendations are analysed from a victim-centred minority rights-based approach. Third, domestic measures and mechanisms under each of the five pillars of transitional justice—truth, justice, reparation, memorialisation, and guarantees of non-recurrence—are explored and analysed as transitional justice mechanisms in general as well as from a victim-centred minority rights-based approach. Finally, the transitional justice process as a whole is assessed, with clear conclusions for each of the five pillars and international involvement, ultimately determining its progress and the degree of adherence to a victim-centred human rights-based approach.

4.1 Political Context

The Mahinda Rajapaksa government, whose military tactics ended the conflict at enormous human cost, remained in power until 2015. During these six years, the Rajapaksa government succeeded in blocking and preventing international intervention and accountability, both through UN Security Council (UNSC) and Human Rights Council (HRC) resolutions. Domestically, President Rajapaksa passed the 18th amendment to the constitution, extending the powers of the executive presidency by removing the Constitutional Council

(established in 2000) and the two-term limit. The amendment moved Sri Lankas democracy further towards authoritarianism¹³⁷

President Sirisena took office in 2015, promising both domestically and internationally to ensure a transitional justice process that would take place within the first two years of his term. President Sirisena introduced the 19th amendment which dissolved the extended executive powers—for example the ability to fast-track bills, dissolve Parliament at their discretion, and appoint individuals for important positions in the judiciary and security forces—re-establishing the Constitutional Council for increased checks and balances, and reintroducing the two-term limit.¹³⁸ The HRC commended the amendment for ‘promoting democratic governance and oversight of key institutions.’¹³⁹

In 2019, Gotabaya Rajapaksa—Permanent Secretary of the Ministry of Defence during his brother’s presidency—was elected President after an election campaign built on fear and division. President Rajapaksa appointed former President Mahinda Rajapaksa as Prime Minister. Together, they backtracked on all previous commitments to transitional justice and introduced the 20th amendment that essentially removed the checks and balances re-established by the 19th amendment.¹⁴⁰ The Rajapaksas’ economic mismanagement led the country to an economic crisis and massive protests—dubbed the *Aragalaya* protest movement—calling for system change and the removal of the political elite followed. President Rajapaksa appointed Wickremesinghe as Prime Minister in 2022 after his brother resigned and resigned himself on 14 July after fleeing the country. Wickremesinghe was instated as President for the rest of Rajapaksa’s term. His first move was to violently repress to protesters, resulting in many arrests, and he refused to hold local elections.¹⁴¹ He subsequently lost the general elections in 2024.

In 2024, President Dissanayake of the National People’s Power coalition was elected on a platform of constitutional reform, anti-corruption, and social welfare, resulting in his party receiving a historic supermajority in Parliament

¹³⁷ Rohan Edrisinha and Aruni Jayakody (eds), *The Eighteenth Amendment to the Constitution - Substance and Process* (Centre for Policy Alternatives 2011).

¹³⁸ Centre for Policy Alternatives, ‘A Brief Guide to the Nineteenth Amendment to the Constitution’ (2015).

¹³⁹ Asser Khattab, ‘Sri Lanka: Parliament Should Reject Government’s Move to Repeal and Replace 19th Amendment to the Constitution’ (*International Commission of Jurists*, 14 September 2020) <<https://www.icj.org/sri-lanka-parliament-should-reject-governments-move-to-repeal-and-replace-19th-amendment-to-the-constitution/>> accessed 11 May 2026.

¹⁴⁰ *ibid.*

¹⁴¹ David G Timberman, ‘The Aragalaya Protest Movement and the Struggle for Political Change in Sri Lanka’ (Carnegie Endowment for International Peace 2025) <<https://carnegieendowment.org/research/2025/08/sri-lanka-aragalaya-protest-movement-oust-wickremesinghe-rajapaksa>> accessed 11 May 2026.

based on support from both Sinhalese and Tamil constituents.¹⁴² President Dissanayake, a former youth revolutionary and subsequent parliamentarian and party leader of the JVP, is the first president not from the political elite, instead hailing from a farmer family.¹⁴³ A vast majority of the elected parliamentarians from his coalition are first-timers, and the number of parliamentary seats held by women have nearly doubled since the previous elections.¹⁴⁴ Although his pre-election promises brought hope for the Sri Lankan transitional justice process, the President's first year in office showed no significant progress in moving the process forward.¹⁴⁵

4.2 International Interventions and Commitments

The Sri Lankan conflict was not subject of substantive action by the UNSC. After a series of informal briefings, the UNSC issued a toothless Press Statement on 13 May 2009. It expressed 'grave concern over the worsening humanitarian crisis', strongly condemned the LTTE, acknowledged the government's right to 'combat terrorism', demanded that the LTTE disarm, and expected the government to fulfil its obligations to not shell civilians and instead further facilitate evacuation.¹⁴⁶

In the week after the genocidal end to the conflict in May 2009—the UNSC statement having had little to no impact on the parties' actions—UN Secretary-General Ban Ki-moon praised Sri Lanka's government for 'doing its utmost' and its 'tremendous efforts' in its fight against the Tamil separatists during his visit to the island.¹⁴⁷ Shortly thereafter, the HRC passed a resolution, after successful lobbying by Sri Lanka, commending the Sri Lankan government for its commitments and efforts, and reaffirming the principle of non-interference in the domestic jurisdiction of states.¹⁴⁸ The council ignored the UN High Commissioner for Human Rights' calls for accountability and

¹⁴² Pitasanna Shanmugathas, 'Sri Lanka Seeks to Implement a New Constitution: This Is What It Must Contain' *Jurist news* (27 April 2025) <<https://www.jurist.org/features/2025/04/27/sri-lanka-seeks-to-implement-a-new-constitution-this-is-what-it-must-contain/>> accessed 11 May 2026.

¹⁴³ Sudipto Ganguly and Uditha Jayasinghe, 'New Sri Lankan President Anura Dissanayake Breaks Tradition of Political Lineage' *Reuters* (23 September 2024) <<https://www.reuters.com/world/asia-pacific/sri-lankas-marxist-leaning-dissanayake-promises-change-his-popularity-soars-2024-09-20/>> accessed 11 May 2026.

¹⁴⁴ Neil DeVotta, 'Sri Lanka in 2024: Political Realignment and the Road Ahead' (*South Asian Voices*, 16 December 2024) <<https://southasianvoices.org/pol-m-sl-r-sri-lanka-2024-12-16-2024/>> accessed 11 May 2026.

¹⁴⁵ 'Sri Lanka: UN Rights Report Details Security Force Abuses' (*Human Rights Watch*, 15 August 2025) <<https://www.hrw.org/news/2025/08/15/sri-lanka-un-rights-report-details-security-force-abuses>> accessed 12 May 2026.

¹⁴⁶ UNSC, 'Security Council Press Statement on Sri Lanka' (2009) UN Doc SC/9659.

¹⁴⁷ 'Sri Lanka: UN Rights Council Fails Victims - Member States Ignore Need for Inquiry Into Wartime Violations' (*Human Rights Watch*, 27 May 2009) <<https://www.hrw.org/news/2009/05/27/sri-lanka-un-rights-council-fails-victims>> accessed 15 May 2026.

¹⁴⁸ UNHRC, 'Res. S-11/1 Assistance to Sri Lanka in the Promotion and Protection of Human Rights' (2009) UN Doc A/HRC/RES/S-11/1.

justice for the victims of the conflict and the establishment of an independent international investigation into violations.¹⁴⁹

After the HRC special session in 2009, the council saw no movement on the issue of Sri Lanka's history of human rights violations. To remedy this situation, the Secretary-General established a Panel of Experts to undertake a preliminary investigation (see chapter 4.2.1.1). Sri Lanka next featured at the HRC's 22nd session in 2013. The HRC passed a resolution encouraging the government to fulfil its public commitment to devolution, urged the government to end continuous human rights abuses, and ensure that a process of transitional justice commences in line with the recommendations of the LLRC (see chapter 4.3.2.1). The Office of the High Commissioner for Human Rights (OHCHR) was tasked with presenting a report on the progression of the situation at the HRC's 25th session.¹⁵⁰ The HRC again ignored the High Commissioner for Human Rights' call for 'an independent and credible international investigation.'¹⁵¹ This call was answered, however, at the 25th session in 2014 after additional reports of the lack of accountability and continuous violations,¹⁵² with the establishment of the OHCHR Investigation on Sri Lanka.

4.2.1 International Truth-Seeking

4.2.1.1 *UN Secretary-General's Panel of Experts on Accountability in Sri Lanka*

In 2010, over a year after the conflict ended, the Secretary-General decided to investigate the allegations of violations of international humanitarian and human rights law arising from Sri Lanka. In April 2011, the *UN Secretary-General's Panel of Experts on Accountability in Sri Lanka* (the Panel or Panel of Experts) issued a report on the final nine months of the Sri Lankan conflict. The Panel reported that both the government and the LTTE had committed violations of international humanitarian and human rights law, some of which amount to crimes against humanity and war crimes.¹⁵³ The government killed civilians through widespread indiscriminate shelling (including in government-designated No Fire Zones); targeted hospitals and other civilian and humanitarian infrastructure; denied humanitarian assistance; inflicted human rights violations on victims and survivors of the conflict (including unlawful

¹⁴⁹ 'Sri Lanka: UN Rights Council Fails Victims - Member States Ignore Need for Inquiry Into Wartime Violations' (n 147).

¹⁵⁰ UNHRC, 'Res. 22/1 Promoting Reconciliation and Accountability in Sri Lanka' (2013) UN Doc A/HRC/RES/22/1.

¹⁵¹ UNHCHR, 'Report of the Office of the United Nations High Commissioner for Human Rights on Advice and Technical Assistance for the Government of Sri Lanka on Promoting Reconciliation and Accountability in Sri Lanka' (2013) UN Doc A/HRC/22/38 para 64.

¹⁵² UNHCHR, 'Promoting Reconciliation and Accountability in Sri Lanka: Report of the Office of the United Nations High Commissioner for Human Rights' (2014) UN Doc A/HRC/25/23.

¹⁵³ 'Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka' (2011) ii-iii.

detention, sexual abuse, torture, execution, and disappearances) as well as outside the conflict zone (including intimidation and abductions of journalists and critics). The LTTE used civilians as a human buffer; killed civilians attempting to flee the conflict zone; used military equipment in proximity of civilians; forcibly recruited children; used forced labour (blurring the lines between combatants and civilians); and killed civilians through suicide attacks outside the conflict zone.¹⁵⁴ The Panel found it to be credible that most of the civilian deaths at this stage were the responsibility of the government.¹⁵⁵ The specific mentions of how Muslims were affected by the conflict were limited to descriptions of how the LTTE expelled all Muslims from the Northern Province in 1990 and massacred Muslims living in border villages along its controlled area.¹⁵⁶

The Panel identified several significant obstacles to transitional justice, concluding that the Lessons Learned and Reconciliation Commission (LLRC), like previous COIs, was deeply flawed and unable to satisfy the Sri Lankan government and Secretary-General's commitment to an accountability process. The justice system was incapacitated by impunity, several acts contributed to violations, established human rights bodies lacked resources, exclusionary policies remained implemented, militarisation was widespread. The Tamil diaspora refused to recognise the LTTE's role in human suffering and the government was triumphant of the defeat of the Tamil separatists and denied the lives lost in the conflict. Most importantly, there was a general lack of political will and a great resistance towards transitional justice.¹⁵⁷ Independent investigation and accountability mechanisms, with a domestic reparations programme, were thus recommended,¹⁵⁸ and so was an end to alienating policies continuously introduced by the government.¹⁵⁹

The Rajapaksa government opposed the report and attempted to discredit it, repeating that they had followed a policy of 'zero civilian casualties' and claiming that the report was biased towards the LTTE.¹⁶⁰ It did not implement any of the report's recommendations, nor the recommendations of the subsequent 2012 HRC resolution, which also called for the implementation of the LLRC's recommendations.¹⁶¹

¹⁵⁴ 'Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka' (n 153) 49–50.

¹⁵⁵ Moira Lynch, "'A Showpiece Gesture': Strategic Legitimation and Commissions of Inquiry in Sri Lanka' (2023) 11 *Asian Journal of Peacebuilding* 213, 19 <<https://doi.org/10.18588/202305.00a315>>.

¹⁵⁶ 'Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka' (n 153) para 32.

¹⁵⁷ *ibid* v–vi.

¹⁵⁸ *ibid* vii–viii.

¹⁵⁹ *ibid* 404–405.

¹⁶⁰ Rohini Hensman, 'The UN Report on Accountability in Sri Lanka: Substance and Reactions' (2011) *XLVI Economic & Political Weekly* 35–36.

¹⁶¹ Lynch (n 155) 19.

4.2.1.2 OHCHR Investigation on Sri Lanka

The *OHCHR Investigation on Sri Lanka (OISL)* was subsequently established by the HRC in 2014, after the determined failure of the LLRC, and tasked with establishing the facts and circumstances of serious human rights violations and crimes committed by the Sri Lankan government and the LTTE in the same period covered by the LLRC.¹⁶² The OISL took a witness and victim protection approach to its work.¹⁶³ The report concurred with the findings of the Panel of Experts. Additionally, it mentions various events that involved or targeted the Muslim minority group specifically: the expulsion of all Muslims from the Northern Province in 1990; the attempted ethnic cleansing of Muslims from the Eastern Province; the unlawful killings of Muslims—including families, mosque visitors, workers, civilian dissenters, and humanitarian workers—by the LTTE and the Karuna group, as well as the security forces; and one instance when Muslims attacked Tamils.¹⁶⁴ Muslims were also among individuals disappeared during and after the conflict, by the LTTE or the Sri Lankan security forces. Searching families were subjected to reprisals, harassment, and detention.¹⁶⁵ The OISL thus made some use of its opportunity to create a diversified record of the conflict, somewhat highlighting the experiences and needs of the Muslim community. Ultimately, the OISL outlines severe and institutionalised oppressive and discriminatory state policies along with a deep entrenchment of impunity in the state that has led to a divided society distrustful in its institutions.¹⁶⁶

The OISL recommends victim-responsive measures under each pillar of transitional justice, highlighting measures that address patterns of violations and abuses and with international involvement.¹⁶⁷ For reparations, the OISL noted that land restitution is vital to the thousands of Muslims displaced from the Northern Province in 1990.¹⁶⁸ The importance of adequate psychosocial support,¹⁶⁹ the repeal of the PTA, and the demilitarisation of the northeast were also highlighted,¹⁷⁰ all issues important to the Muslim minority. The report calls for an oversight mechanism to monitor progress on the recommendations of the OISL and previous reports.¹⁷¹

¹⁶² UNHRC, ‘Promoting Reconciliation, Accountability and Human Rights in Sri Lanka’ (2014) UN Doc A/HRC/RES/25/1.

¹⁶³ ‘OHCHR Investigation on Sri Lanka’ (*OHCHR*) <<https://www.ohchr.org/en/hr-bodies/hrc/oisl>> accessed 1 May 2026.

¹⁶⁴ OISL (n 105) 234, 269–271, 1118.

¹⁶⁵ *ibid* 469, 1127.

¹⁶⁶ *ibid* 1265–1281.

¹⁶⁷ *ibid* 1181.

¹⁶⁸ *ibid* 1257.

¹⁶⁹ *ibid* 30–33.

¹⁷⁰ *ibid* 6–16, 24.

¹⁷¹ *ibid* 1–5.

4.2.1.3 *Assessment*

The Panel of Experts and the OISL were the first independent and the only international truth-commissions related to the Sri Lankan conflict; the only other international involvement on the ground was the 2007-2008 International Independent Group of Eminent Persons monitoring the Udalgama Commission (see chapter 4.3.2.1). As such, they had an opportunity to foreground non-dominant groups and narratives, including the Muslims, map how they were specifically affected along with the connections between their group identity and the crimes, and contribute to guaranteeing their rights throughout the process. Neither mechanism took the full opportunity to do so, although the OISL made a better attempt than the Panel of Experts. Some explanations for this missed opportunity are the narrow and short-term mandates they acted under, their lack of resources (including language competency and connections) to meaningfully reach the Muslim communities, and, finally, that the Muslim minority group was simply deprioritised in the face of the massive violations committed by and against Sinhala and Tamil groups.¹⁷² The disparity in advocacy levels between the less organised Muslim civil society organisations and the assertive Tamil organisations may, unfortunately, also have played a role. Regardless of the reason for their marginalisation in these reports, the lack of full inclusion of how the Muslims were affected by the conflict may have been a contributing factor to the socio-political developments after its end, or at the very least their omission from subsequent domestic Commissions of Inquiry.

4.2.2 International Commitments

After years of no accountability for human rights violations, the change in government in Sri Lanka in 2015, along with the report of the OISL,¹⁷³ pushed action at the HRC. On 14 October 2015, Sri Lanka co-sponsored **resolution 30/1** at the HRC, which called for reconciliation, accountability, and human rights in Sri Lanka.¹⁷⁴ President Sirisena's government in Sri Lanka made clear commitment to good governance, the rule of law, and transitional justice. The commitment included the establishment of four mechanisms:

1. a commission for truth, justice, reconciliation and non-recurrence;
2. an office for missing persons;
3. an office for reparations; and

¹⁷² Deprioritisation was likely the case for the Panel of Experts as it investigated a short period of time when the violence was concentrated in the Northern Province from whence the Muslims had been ethnically cleansed.

¹⁷³ UNHCHR, 'Comprehensive Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka' (2015) UN Doc A/HRC/30/61; OISL (n 105).

¹⁷⁴ UNHRC, 'Res. 30/1' (n 17).

4. a judicial mechanism with international involvement.

Sri Lanka also committed to carrying out meaningful and comprehensive consultations with civil society and members of the public, acceding to the ICPED, review and repeal the PTA and Public Security Ordinance Act, as well as judicial, security sector, and political reforms.

4.2.3 The Human Rights Council, the OHCHR, and Special Procedures

4.2.3.1 *The High Commissioner for Human Rights*

Since Sri Lanka's undertaking in 2015, the OHCHR and various other mechanisms have continued to monitor the human rights situation and transitional justice progress in the country. In its yearly reports to the HRC, the *High Commissioner for Human Rights* has described the developing human rights situation in Sri Lanka and commended any progress made by the government while recommending progress on a holistic transitional justice approach involving all mechanisms as indicated in resolution 30/1. The reports have repeated the need for victim involvement in all stages of the transitional justice process, required an end to impunity, and highlighted the need for political will to achieve meaningful results. Subsequent HRC resolutions have mirrored the High Commissioner's recommendations.¹⁷⁵

4.2.3.2 *Special Rapporteurs*

In 2017, the *Special Rapporteur on minority issues*, Rita Izsák-Ndiaye, outlined how Muslims were specifically and differently impacted by and involved in the conflict as well as their systemic marginalisation and discrimination. She highlights how post-conflict issues in the Northern and Eastern provinces are often understood as predominantly Tamil issues, neglecting the tremendous and distinct challenges faced by the Muslims during the conflict.¹⁷⁶ Muslims contend with issues of psychosocial disorders and consequences of internal displacement to a large extent. Like the Consultation Task Force on Reconciliation Mechanisms (CTF) (see chapter 4.3.1.2), the Special Rapporteur recommended the establishment of a Minorities Commission and measures to counter incitement to violence.¹⁷⁷ She stated that violence and mistrust in the state arises from 'inadequate levels of minority participation

¹⁷⁵ See for example UNHRC, 'Promoting Reconciliation, Accountability and Human Rights in Sri Lanka - Report of the United Nations High Commissioner for Human Rights' (2021) UN Doc A/HRC/46/20; UNHRC, 'Res. 46/1 Promoting Reconciliation, Accountability and Human Rights in Sri Lanka' UN Doc A/HRC/RES/46/1; 'Oral Update on the Human Rights Situation in Sri Lanka' (*OHCHR*, 13 September 2021) <<https://www.ohchr.org/en/statements-and-speeches/2021/09/oral-update-human-rights-situation-sri-lanka>> accessed 12 May 2026; UNHRC, 'Res. 51/1 Promoting Reconciliation, Accountability and Human Rights in Sri Lanka' (2022) UN Doc A/HRC/RES/51/1.

¹⁷⁶ SR Minorities, 'Report of the Special Rapporteur on Minority Issues on Her Mission to Sri Lanka' (2017) UN Doc A/HRC/34/53/Add.3 para 34.

¹⁷⁷ *ibid* 66–84.

and representation in major institutions and decision-making bodies and the resultant frustration with systemic social and political marginalization.’¹⁷⁸ The Special Rapporteur’s report is thus an example of the application of a minority rights-based approach to transitional justice.

Three years later, the *Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence* noted the same tendency to discuss the conflict as a Sinhala-Tamil issue, excluding other minority groups.¹⁷⁹ He then proceeded to mention the experiences of only those same groups, except for the 1990 ethnic cleansing of Muslims from Jaffna. The report is thus an example of the UN’s holistic approach to transitional justice, but it fails to live up to the demands of a minority rights-based approach. Describing the ‘conflict-inducing nature of unaddressed massive violations,’¹⁸⁰ the Special Rapporteur determined that none of the transitional justice measures implemented by 2020 had been successful ‘as demonstrated by continued incidents of inter-ethnic violence.’¹⁸¹ He advised against additional ad hoc truth-seeking initiatives, and stated that the Sri Lankan government must cease any claims that ‘war heroes will never be brought to trial’ and commit to a significant and all-encompassing restructuring of official functions and institutions in collaboration with the public and with support from the international community.¹⁸² The Special Rapporteur concluded that ‘[t]he promotion and enforcement of human rights is at the core of transitional justice. That means that the rights of all, independently of all other considerations, including ethnicity, religion, politics and gender, must be strengthened. Having misunderstood these foundational principles, Sri Lanka, which could have been an example for the world about how sustainable peace ought to be achieved, appears to have missed a historic opportunity.’¹⁸³

4.2.3.3 *The Human Rights Council and the OHCHR Sri Lanka Accountability Project*

Following President Rajapaksa’s repudiation of Sri Lanka’s international commitments in resolution 30/1, the HRC passed **resolution 46/1** in March 2021 introducing the *OHCHR Sri Lanka accountability project (OSLap)*. Through the OSLap, the OHCHR was granted powers to ‘collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka.’ In October 2022, the HRC passed **resolution 51/1** that reiterated concerns for the

¹⁷⁸ SR Minorities (n 176) 18.

¹⁷⁹ SR Truth, justice, reparation, ‘Visit to Sri Lanka’ (2020) UN Doc A/HRC/45/45/Add.1 para 10.

¹⁸⁰ *ibid* 14.

¹⁸¹ *ibid* 29.

¹⁸² *ibid* 44–53.

¹⁸³ *ibid* 80.

human rights situation and recognised the link between human rights violations, economic crimes, and impunity in Sri Lanka.¹⁸⁴ The resolution also calls for measures addressing the grievances, demands, marginalisation and discrimination of Muslims and ensure they, and all other religious minorities, are able to practice their religious rites; actions initially raised in resolution 46/1.¹⁸⁵ The mandate of the OSLap has been extended until the HRC's 66th session in October 2026.¹⁸⁶ Various non-governmental organisations have contributed to the work of preserving evidence and mapping abuses.¹⁸⁷ The loss of specific direction in its calls for transitional justice measures in Sri Lanka in the subsequent resolutions by the HRC is notable.

At its latest session on Sri Lanka in 2025, the *HRC resolution 60/1* did not include any recommendations or specifications related to the mechanisms promised and recommended in resolution 30/1. No encouragement for a judicial mechanism with international involvement remained. The resolution instead encourages 'prompt, thorough and impartial investigations' with prosecutions where warranted, placing undue faith in the Sri Lankan government in ending systemic impunity for human rights violations and allowing institutionalised violence to continue.¹⁸⁸ Calls from victims belonging to minority groups for international involvement in the transitional justice process remain firm.¹⁸⁹ Failing to elevate these voices is incongruent with a minority rights-based approach to transitional justice and contrary to the solutions to the root causes of conflict outlined by the victims.¹⁹⁰

¹⁸⁴ UNHRC, 'Res. 51/1' (n 175); 'Does Sri Lanka Need a Truth and Reconciliation Commission? – A Comment on the Latest Proposal & Ground Realities' (*Centre for Policy Alternatives*, 8 March 2024) <<https://www.cpalanka.org/does-sri-lanka-need-a-truth-and-reconciliation-commission-a-comment-on-the-latest-proposal-ground-realities/>> accessed 11 May 2026.

¹⁸⁵ UNHRC, 'Res. 46/1' (n 175) paras 7–8; UNHRC, 'Res. 51/1' (n 175) paras 5, 11.

¹⁸⁶ UNHRC, 'Res. 60/1 Promoting Reconciliation, Accountability and Human Rights in Sri Lanka' (2025) UN Doc A/HRC/60/1 para 14.

¹⁸⁷ See for example 'Ground-Breaking Sri Lankan Conflict Map Supports UN Work on Accountability' (*Justice and Equity Centre*, 6 September 2022) <<https://jec.org.au/projects/international-truth-and-accountability/ground-breaking-sri-lankan-conflict-map-supports-un-work-on-accountability/>> accessed 12 May 2026.

¹⁸⁸ UNHRC, 'Res. 60/1' (n 186); Anji Manivannan Yamamoto Alyssa, 'Faith in Sri Lanka's Government Risks Extending Impunity' (*Just Security*, 17 November 2025) <<https://www.justsecurity.org/124545/sri-lanka-government-risk-impunity/>> accessed 15 May 2026.

¹⁸⁹ Yamamoto (n 188); 'Why Aren't We Talking About Sri Lanka Anymore? "Sri Lanka Solution" Followers Face Justice, but Not Sri Lanka' (n 1).

¹⁹⁰ See eg. chapter 4.3.1.2; 'Joint Statement: Sri Lanka's Flawed Plans for a "Truth Commission"' (*International Commission of Jurists*, 4 September 2023) <<https://www.icj.org/joint-statement-sri-lankas-flawed-plans-for-a-truth-commission/>> accessed 12 May 2026; 'Joint Statement: On the Inadequacy of a "Truth and Reconciliation Mechanism" to Achieve Post-War Transitional Justice' (*Adayaalam Centre for Policy Research*, 19 July 2023) <<https://adayaalam.org/joint-statement-on-the-inadequacy-of-a-truth-and-reconciliation-mechanism-to-achieve-post-war-transitional-justice/>> accessed 12 May 2026.

4.3 Domestic Mechanisms and Processes

Over the years, Sri Lanka has carried out a series of transitional justice measures. This chapter analyses the adherence to a victim-centred minority rights-based approach by measures and mechanisms under the five pillars of transitional justice along with the consultation requirement of resolution 30/1.

4.3.1 Coordination and Consultation

4.3.1.1 *Office for National Unity and Reconciliation*

In 2015, the *Office for National Unity and Reconciliation* (ONUR) was established by President Sirisena to oversee affairs pertaining to national reconciliation, chaired by former President Chandrika Bandaranaike Kumaratunga (1994-2005). Its mandate includes making recommendations to the government on measures to resolve issues causing ‘stress and conflicts’ among different communities as well as formulate programmes for reconciliation that build ‘awareness, peace and unity’, and oversee their implementation and follow-up. The ONUR has implemented projects and programmes relating to psychosocial support, arts and culture, and socialisation.¹⁹¹ ONUR’s impact has been minimal, and it has been rejected by victims who see it as a disingenuous transitional justice mechanism.¹⁹² As such, although the programmes cover important themes, there is little indication of tangible contribution to a holistic minority rights-based transitional justice process.

4.3.1.2 *Consultation Task Force on Reconciliation Mechanisms*

The *Consultation Task Force on Reconciliation Mechanisms* (CTF)—comprising 11 civil society members—commenced its work in 2016, releasing its final report in 2017. The CTF gathered insight on the four transitional justice mechanisms through citizen consultations, carried out by Zonal Task Forces to ensure equal representation (50 percent women, 50 percent men), local knowledge, language competencies, and trust. It received a total of 7,306 submissions.¹⁹³ Public frustration with past initiatives mixed with hope for tangible results. The public wanted truth, command accountability, and non-recurrence.¹⁹⁴ Security forces preferred restorative justice without international involvement,¹⁹⁵ denying any criminal activity, including sexual violence as a

¹⁹¹ ‘Office for National Unity and Reconciliation’ <<https://www.moj.gov.lk/index.php/en/departments-institutes/institutions/office-for-national-unity-and-reconciliation>> accessed 11 May 2026.

¹⁹² Amnesty International, ‘Flickering Hope’ (n 10); ‘Joint Statement: Sri Lanka’s Flawed Plans for a “Truth Commission”’ (n 190).

¹⁹³ Consultation Task Force on Reconciliation Mechanisms, ‘Final Report of the Consultation Task Force on Reconciliation Mechanisms’ (2016) vii–viii.

¹⁹⁴ *ibid* B.2.

¹⁹⁵ *ibid* B.3.

method of war, and rejecting amnesties.¹⁹⁶ The CTF concluded that a meaningful transitional justice process and sustainable peace requires reducing ethno-religious divisions, celebrating diversity, accountability for identity-based violence, and a secular constitution.¹⁹⁷ Ending impunity, ensuring adequate witness protection, demilitarisation, land restitution, repealing the PTA and releasing detainees, and psychosocial support are also essential.¹⁹⁸ The following are a selection of the CTF's notes and recommendations:

For **truth-seeking**, the main objectives included addressing root causes, accountability, equal rights, multiple narratives of history, and redress and non-recurrence. New attempts must be fundamentally different to previous failed commissions, build on their work and follow through with concrete action. No amnesties should be provided for international crimes.¹⁹⁹

For the **Office on Missing Persons (OMP)**, the most important goal was to establish whether missing persons were still held in detention, in Sri Lanka or abroad. Representation, victim involvement, language, and accessibility were main issues.²⁰⁰

Justice requires accountability for 'past crimes committed in the context of the war and its aftermath, violation of group rights and acts of violence against ethnic and/or religious groups, crimes committed during the southern insurrection, "everyday violence" and as recognition of the need to end impunity.' Judicial restructuring, solutions for collective rights violated and denied, non-recurrence, and foundation for reconciliation are needed. A judicial mechanism with a (hybrid) Special Court and a Special Council could restore confidence in the judicial process.²⁰¹

Reparations must centre justice, state recognition of civilian suffering—not only stemming from war and ethnicity but also class-based and socioeconomic structural violence and marginalisation—accountability for said suffering, memorialisation and remembrance. A victim-centred approach to reparations with an active participation in programme design, where compensation does not preclude legal justice, was emphasised.²⁰²

In terms of **memorialisation**, the erection of Sinhalese monuments in the north were a point of pride for Sinhalese participants but were seen as remind-

¹⁹⁶ Consultation Task Force on Reconciliation Mechanisms (n 193) B.4.

¹⁹⁷ *ibid* B.5-6.

¹⁹⁸ *ibid* B. 7-9, 12.

¹⁹⁹ *ibid* C.15-17.

²⁰⁰ *ibid* C.2.

²⁰¹ *ibid* C.22-24.

²⁰² *ibid* C.3-9.

ers of the people's defeat and the lives lost for Tamils. Calls for new monuments and memorialisation days commemorating civilian lives lost and the disappeared were elevated.²⁰³

In addition to approaches to the four mechanisms of HRC Res. 30/1, the CTF recommended the establishment of a **Minority Rights Commission** with commissioners from civil society. It would be tasked with filing an annual report on the situation of minorities in Sri Lanka and could make recommendations on legislative reform to safeguard the rights of minorities.²⁰⁴

The CTF was praised internationally for its comprehensiveness, reflecting 'the most thorough representation up to now of the voices of those affected,'²⁰⁵ creating a victim- and minority-responsive design and doing its best to ensure a safe and comfortable process for those engaging with it. Its purpose was not to map how different groups were affected by the conflict and other prior violence, and as such it could not establish any identity-based connections to violations and crimes. The CTF fulfilled five of the criteria established for a victim-centred minority rights-based approach. It remained victim centred throughout the process, consulting victims in its design and implementing their recommendations. It guaranteed minorities' rights throughout its process, recognising that they were not equally protected under law and in practice. It also foregrounded the experiences, circumstances, and needs of the minority groups—including the Muslims—equalling their input with that of the Sinhala majority. Lastly, it highlighted how the specific impact on minorities depended on their identity and how their needs and demands for the transitional justice process differed because of this.

Although a successful mechanism in its design and output, a significant majority of the CTF's recommendations had yet to be implemented in 2025, thus falling short of the victims' needs and expectations.²⁰⁶ This is perhaps unsurprising, as its report was virtually disowned domestically by the receiving Sirisena government.²⁰⁷ Implementing the recommendations and thus responding to the needs of the public is vital in restoring trust and confidence in the public system.²⁰⁸

²⁰³ Consultation Task Force on Reconciliation Mechanisms (n 193) C.10-13.

²⁰⁴ *ibid* C.36.

²⁰⁵ 'Observations by the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Mr. Pablo de Greiff, on the Conclusion of His Recent Visit to Sri Lanka' (*OHCHR*, 23 October 2017) <<https://www.ohchr.org/en/statements-and-speeches/2017/10/observations-special-rapporteur-promotion-truth-justice-reparation>> accessed 9 May 2026.

²⁰⁶ Mohamed Marzook Aznee Ahamed, 'Assessing the Implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in Sri Lanka: Challenges, Progress, and Prospects' (2025) 5 *KDU Law Journal* 20, 32.

²⁰⁷ Amnesty International, 'Flickering Hope' (n 10) s 2.1.

²⁰⁸ Nikhil Narayan, 'Sri Lanka: Implement Task Force Recommendations to Deliver Justice for Victims of Human Rights Abuse' (International Commission of Jurists 2017).

4.3.2 Truth-seeking

Truth-seeking as part of a transitional justice process can include Commissions of Inquiry, mapping inquiries, and evidence gathering for judicial proceedings. Measures intend to establish a common history, the causes and conditions of violations, and the identity of perpetrators and whereabouts of disappeared persons. This section analyses truth-seeking measures undertaken by Sri Lanka.

4.3.2.1 *National Commissions of Inquiry*

Sri Lanka has seen a staggering number of ad hoc COI (up to 17 depending on the definition) established by subsequent Presidents since the first in 1977. Nine of these focused specifically on disappearances and extrajudicial executions, practices that were systematised within the Sri Lankan security forces.²⁰⁹ A few produced adequately comprehensive accounts—some including the names of alleged perpetrators—and provided thorough recommendations, albeit never resulting in any sustained accountability or political reforms. The others' reports were never made public.²¹⁰ In general, these commissions have been criticised for their lack of independence, manipulation of evidence, inadequate linguistic competence, and lack of witness protection programmes.²¹¹ They have been tools to deflect international criticism of state complicity and increase state legitimacy—sometimes described as 'showpiece gestures'²¹²—and to 'launch partisan attacks against opponents.'²¹³ They have endangered witnesses and victims and delayed criminal investigations by the police and judiciary rather than supplementing them.²¹⁴ Few have considered the specific experiences of minorities and connected crimes and violations to their group identities. Ultimately, the failure of truth commissions to deliver justice has led to a lack of demand for accountability in Sri Lanka, a country riddled with impunity for repeated violations, due to their inability to inspire confidence among the different communities and restore the rights of victims.²¹⁵

The most significant truth commissions to Sri Lanka's transitional justice endeavour are the following:

- Three *Zonal Commissions of Inquiry* into disappearances taking place since 1988 were established in 1994, tasked with investigating disappearances occurring during the government crackdown of the JVP in-

²⁰⁹ SR Truth, justice, reparation (n 179) para 37.

²¹⁰ Lynch (n 155).

²¹¹ SR Truth, justice, reparation (n 179) para 37.

²¹² Lynch (n 155) 21.

²¹³ Amnesty International, 'Twenty Years of Make-Believe: Sri Lanka's Commissions of Inquiry' (Amnesty International Publications 2009) ASA 37/005/2009 3; SR Truth, justice, reparation (n 179) paras 35–42.

²¹⁴ Amnesty International, 'Twenty Years of Make-Believe' (n 213) 4.

²¹⁵ SR Truth, justice, reparation (n 179) para 36.

surrection from mid-1987 to 1990, and the conflict between the government and the LTTE from June 1990 onwards. The Zonal Commissions received 27,526 complaints and determined that 16,800 amounted to enforced disappearances. In their final report, the commissions stated that government officials and senior politicians were involved and that they had determined the identities of several perpetrators, recommending their prosecutions. Only very few such prosecutions moved forward, as the government protected implicated state officials.²¹⁶ The reports of these commissions were some of the most extensive documentations of human rights abuses produced by Sri Lankan COIs, potentially made possible by the fact that they examined abuses committed by previous, not the current, governments.²¹⁷

- The *All-Island Disappearance Commission* was established in 1998 to complete the work of the Zonal Commissions. This commission registered an additional 10,400 cases of disappearances.²¹⁸ Its report was published in 2001.²¹⁹ The commission identified state agents and government affiliated paramilitaries as the perpetrators in 4,473 cases, recommending legal proceedings against them and others identified. Legal proceedings were undertaken in only a handful of cases, however, and the thorough recommendations made for other actions were likewise ignored.²²⁰

- The *Udalagama Commission*, established in 2006, as President Rajapaksa resisted demands for an international monitoring body, to investigate 16 cases of assassinations, killings of aid workers and civilians, and enforced disappearances during the internal conflict.²²¹ In a majority of the cases, Sri Lankan security forces were alleged perpetrators.²²² In other cases the LTTE were implicated.²²³ The progress of the commission was incredibly slow and lacked public outreach, prompting many civil society organisations to withdraw from the process. The 11 members of the International Independent Group of Eminent Persons monitoring the commission's work resigned in 2008 in protest, citing severe shortcomings of the commission and an inability to carry out their work in the face of political interference, obstruction, and lack of access to materials.²²⁴ Less than half of the cases received

²¹⁶ SR Truth, justice, reparation (n 179) 38(c).

²¹⁷ Lynch (n 155) 13–14.

²¹⁸ SR Truth, justice, reparation (n 179) para 38(d).

²¹⁹ Lynch (n 155) 8.

²²⁰ *ibid* 15.

²²¹ SR Truth, justice, reparation (n 179) para 38(e).

²²² Amnesty International, 'Twenty Years of Make-Believe' (n 213) 3.

²²³ Lynch (n 155) 9.

²²⁴ International Independent Group of Eminent Persons, 'Public Statement: The Presidential Commission's Public Inquiry Process So Far Falls Short of International Norms and Standards' (6 March 2008).

public hearings and the commission determined that humanitarian organisation *Action contra la Faim* was responsible for the deaths of 17 aid workers by permitting them to work in conflict areas. Blame was placed on the LTTE and security forces were exonerated despite evidence proving their guilt.²²⁵

- The *Lessons Learned and Reconciliation Commission* (LLRC) was the first post-conflict COI, established in 2010 to examine the failure of the 2002 ceasefire agreement and the subsequent events, investigating occurrences between 21 February 2002 and 19 May 2009. It was also mandated to determine responsibilities and recommend actions on restitution and institutional reform to guarantee non-recurrence.²²⁶ The establishment of this commission dissuaded international demands for a war crimes tribunal, but important international human rights organisations refused to partake in the disingenuous process. It lacked independence, with some of its members having ‘deep-seated conflicts of interest,’²²⁷ and proper representation.²²⁸ It also failed to provide adequate protections for witnesses and victims.²²⁹

The LLRC published its final report in December 2011, presenting 189 actionable recommendations grouped into eleven categories: i) Extra-judicial killings and enforced disappearances, ii) Demilitarisation, iii) Land dispute resolution, iv) Detention Policy, v) Civil institutions, vi) Devolution of power, vii) Freedom of expression, viii) Rule of law, ix) Language, social integration and reconciliation, x) Return, restitution and development and xi) Vulnerable groups. Although hearing thousands of people, the commission did not hold perpetrators, affiliated either with the government or the LTTE, accountable. Its report was greatly lacking. It only recommended prosecutions in a few cases and concluded that the security forces had not systematically targeted civilians.²³⁰ It did not examine the root causes of the conflict, and was thus unable to recommend adequate transitional justice measures.²³¹ Discrepancies have been reported between the information provided to the LLRC and its final report, especially related to sexual violence and torture.

Progress reporting by the state of the implementation of the LLRC’s recommendation is also unreliable. An independent study in 2014

²²⁵ Lynch (n 155) 17.

²²⁶ SR Truth, justice, reparation (n 179) para 38(f).

²²⁷ ‘Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka’ (n 153) v.

²²⁸ *ibid* 309.

²²⁹ Lynch (n 155) 18.

²³⁰ *ibid*.

²³¹ ‘Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka’ (n 153) v.

showed that of the 55 recommendations the government recorded as ‘completed’, 13 had actually been completed, eight had seen ‘partial progress’, 30 had seen ‘poor progress’, and four had seen ‘no progress’ according to the researchers’ assessment.²³²

- The *Paranagama Commission* was established in 2013 to investigate disappearances in the northeast between 1990-2009, as well as the loss of civilian life between 2 January 2009-19 May 2009.²³³ The commission investigated 24,000 cases of disappearances and war crime allegations. It found, according to its final report published in August 2015, that some of the LTTE members who had surrendered to the security forces in 2009 had disappeared. Many of the investigated cases remain unsolved. Part of its report was dedicated to countering conclusions made by the Panel of Experts. Led by Paranagama, who was a member of the LLRC, the commission was heavily criticised for its dependence on the executive for financing, appointments, and follow-up actions, along with a lack of linguistic abilities and protection for witnesses and victims in the face of persistent interference, intimidation, and surveillance, sometimes by the commissioners themselves. The commission was also biased in favour of the security forces, ending statements at indications that officials may be the perpetrators of disappearances or killings. The commission was used by the government as the only mechanism for addressing violations from the conflict period and utterly overwhelmed by its monumental task.²³⁴
- The *Presidential Commission of Inquiry on Political Victimisation* was established by President Rajapaksa in 2020 to examine political victimisation during the former President Sirisena’s term (2015-2019). The commission was criticised for being unfair, attempting to bypass the judiciary by recommending its own judgements, and being dangerous to the individuals involved. The commission interfered in criminal cases as well as agencies’ work, interrupting some proceedings in front of the ordinary courts.²³⁵
- In January 2021, President Rajapaksa established the *Presidential Commission of Inquiry to Investigate the Findings of Preceding Com-*

²³² Rehana Mohammed, Aloka Kumarage and Gehan Gunatilleke, ‘Sri Lanka: LLRC Implementation Monitor - Statistical and Analytical Review No. 3’ [2014] Verité Research 20.

²³³ Maxwell Paranagama and others, ‘Report of the Second Mandate of the Presidential Commission of Inquiry into Complaints of Abductions and Disappearances’ (2015) 16.

²³⁴ Centre for Policy Alternatives, ‘The Presidential Commission to Investigate into Complaints Regarding Missing Persons: Trends, Practices and Implications’ (2014).

²³⁵ Centre for Policy Alternatives, ‘A Commentary on the Presidential Commission of Inquiry and the Special Presidential Commission of Inquiry on Political Victimization’ (2021).

missions and Committees. A new COI consisting of three commissioners was established and tasked with examining the findings of previous domestic COIs. This was a welcomed idea. The commission submitted a draft final report to the President in 2023, but it has not been made public. The executive summary contained over 25 recommendations, emphasising the need for enhanced institutional capabilities and political independence of the established transitional justice mechanisms: the OMP, Office for Reparations, and ONUR. Other institutional reforms as well as implementing a policy of zero tolerance towards violations of international human rights and humanitarian law were required to ensure guarantees of non-recurrence. The commission also proposed the establishment of a permanent Truth and Reconciliation Commission for the fulfilment of Sri Lanka's obligations relating to the right to truth. Few of the recommendations have been implemented by the Sri Lankan government.²³⁶

- In 2023, the Wickremesinghe government proposed, without any meaningful consultation of affected communities or prior confidence-building, the establishment of a *National Unity and Reconciliation Commission*, replicating previous endeavours to force reconciliation with no intention to act on its evidence, findings, or recommendations.²³⁷ In January 2024, President Wickremesinghe proposed a new COI—the *Commission for Truth, Unity and Reconciliation*—to investigate human rights violations during 1983-2009, excluding during the JVP insurrection in 1988-1990. The proposal seemed to be another attempt to deflect international attention and pressure for accountability, as well as persuade the HRC to end its scrutiny of Sri Lanka through the OSLaP.²³⁸ Neither the National Unity and Reconciliation Commission nor the Commission for Truth, Unity and Reconciliation were established.
- President Dissanayake has maintained the aspirations to establish a new commission, with discussions for the formulation of a *Truth and Reconciliation Commission* underway in 2026. The Sri Lankan gov-

²³⁶ Ahamed (n 206) 32–33.

²³⁷ 'Joint Statement: Sri Lanka's Flawed Plans for a "Truth Commission"' (n 190).

²³⁸ 'Sri Lanka: New Transitional Justice Process Lacks Credibility' (*Human Rights Watch*, 29 January 2024) <<https://www.hrw.org/news/2024/01/29/sri-lanka-new-transitional-justice-process-lacks-credibility>> accessed 11 May 2026; 'Joint Statement: On the Inadequacy of a "Truth and Reconciliation Mechanism" to Achieve Post-War Transitional Justice' (n 190).

ernment remains opposed to international involvement beyond support in its transitional justice process.²³⁹ It is uncertain how this process is proceeding, and how victims and minorities are and will be involved.

This is but a selection of COI that have repeatedly failed to deliver justice and accountability as well as truth, as their lack of independence has undermined trust in the commissions' findings and reports and records remain unpublished. Although some commissions have made important contributions, it is clear that domestic truth-seeking has systematically failed to ascertain how different groups were affected by violations and crimes and how these crimes were connected to their group identity. Further evidence of this is seen in the constant dispute over the number of dead and disappeared due to the conflict, with the government maintaining that only 7,000 LTTE cadres (and no civilians) were killed in the Vanni in 2009 while other sources estimate civilian deaths of over 169,000.²⁴⁰ The COI show a pattern of disregard for the safety of minorities and victims and have been unable to guarantee their rights throughout the transitional justice process. The COI have not efficiently and consistently foregrounded non-dominant groups beyond the Tamil protagonists, established how Muslims and other minorities were impacted specifically and differently. Instead, the most comprehensive mapping of the conflict, including the involvement of Muslims, has been carried out by non-governmental organisations abroad.²⁴¹ Their work has not been recognised by the Sri Lankan government. Additionally, the COI have failed to recognise and consider that Muslims' rights are not protected on the same basis as Sinhala Buddhists beyond some recommendations regarding a restructuring of the legal system. Without clear centring of victims' voices²⁴² and the accompaniment of accountability, yet another COI in the long line of unsafe and retraumatising truth-commissions will not fulfil Sri Lanka's duties of a minority rights-based approach to transitional justice.

4.3.2.2 *The Office on Missing Persons*

The Office on Missing Persons (OMP) was operationalised by the government in 2018 following its establishment through the 2016 OMP Act. It constitutes the first permanent body to address the issue of enforced disappearances and missing persons in Sri Lanka, replacing the long line of COIs.²⁴³ Although a celebrated step in the right direction as enforced disappearance is a form of torture and may constitute torture or inhumane treatment for the

²³⁹ Sumith Dassanayake, Permanent Representative, 'Statement by His Excellency Sumith Dassanayake, Ambassador & Permanent Representative of Sri Lanka to the United Nations in Geneva' (61st Session of the UNHRC, 25 February 2026).

²⁴⁰ International Truth and Justice Project (n 133).

²⁴¹ Public Interest Advocacy Centre (n 6).

²⁴² For example through the implementation of the CTF's recommendations and additional consultations.

²⁴³ International Center for Transitional Justice, 'Sri Lanka' (*International Center for Transitional Justice*) <<https://www.ictj.org/where-we-work/sri-lanka>> accessed 7 May 2026.

victims' relatives,²⁴⁴ the OMP Act was adopted without meaningful consultation with victims and civil society or regard of the CTF's recommendations.²⁴⁵ Instead, Sinhala-Buddhist ethnonationalist politicians and civil society organisations' calls for no prosecution of their 'war heroes', referring to the security forces who they considered had saved their country from the "most brutal terrorists" the world had ever seen,²⁴⁶ led to a dilution of the prospects of the mechanism.²⁴⁷

The OMP is a truth-seeking rather than judicial mechanism. It investigates into the whereabouts of any missing person indicated by previous COI or individual complaints. The OMP can apply for exhumations at the court and refer any case to the police for criminal investigation. At the conclusion of an investigation, the OMP can issue Certificates of Death or Absence and must provide a written report to the missing person's relatives. Witness and victim protection and support is provided by a specialised unit.²⁴⁸ Protests by opponents to the OMP's work have prohibited complainants from participating in inquiries, inhibiting trust-building with affected communities. The OMP has faced long-term resource shortages, including a lack of competent staff, preventing it from fulfilling its purpose.²⁴⁹ Contrary to official figures released by the OMP, the UN Committee on Enforced Disappearances noted in September 2025 that the OMP had only traced 23 disappeared persons out of the 16,966 cases it had received. No progress had been made in criminal investigations and prosecutions.²⁵⁰

In 2020, President Rajapaksa—who oversaw the 2009 genocide against the Tamils—stated that all missing persons are deceased, adding that 'after necessary investigations, steps would be taken to issue a death certificate to these missing persons. Afterwards their families would be given the support they need to continue with their lives.'²⁵¹ The Minister of Justice revealed in 2021

²⁴⁴ CAT, 'Communication No. 456/2011 Decision Adopted by the Committee at Its Fifty-Fourth Session (20 April to 15 May 2015)' (2015) UN Doc CAT/C/54/D/456/2011 para 6.4.

²⁴⁵ Amnesty International, 'Flickering Hope' (n 10) 11.

²⁴⁶ Chulani Kodikara, 'The Office on Missing Persons in Sri Lanka: Why Truth Is a Radical Proposition' (2023) 17 *International Journal of Transitional Justice* 157, 158 <<https://doi.org/10.1093/ijtj/ijad005>>.

²⁴⁷ MCM Iqbal, 'The OMP and the Aspirations of Families of the Missing and Disappeared' *Groundviews* (17 May 2018) <<https://groundviews.org/2018/05/17/the-office-of-missing-persons-and-the-aspirations-of-affected-families-in-sri-lanka/>> accessed 9 May 2026.

²⁴⁸ Parliament of the Democratic Socialist Republic of Sri Lanka, Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act (OMP Act) 2016 [No 14 of 2016] ss 12, 13, 14, 18; 'Office on Missing Persons Annual Report (Draft) 2023' (Office on Missing Persons) para 10.

²⁴⁹ 'Office on Missing Persons Annual Report (Draft) 2023' (n 248) para 8.4.

²⁵⁰ 'Human Rights in Sri Lanka' (*Amnesty International*) <<https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>> accessed 10 May 2026.

²⁵¹ Justice Minister Ali Sabry PC, OMP Webinar, 30/08/2021, in Chulani Kodikara, 'The Office on Missing Persons Post-2020: Who and What Is It For?' (2024) 10 *Polity* 82, 84.

that President Rajapaksa had repeatedly told him that the OMP would no longer investigate the circumstances around or ascertain responsibility for disappearances, but instead simply establish that the person is missing or disappeared and compensate the families economically as ‘collective reparation’.²⁵² There have since been efforts to award some compensation and thus force ‘closure’ on the families of the missing without full resolution of the circumstances of their family members’ disappearances. These efforts have been resisted by the families in pursuit of truth and justice.²⁵³

Commissioner appointments have been questioned by victims from the beginning. President Rajapaksa appointed two new commissioners in 2020: the Chair of the Presidential COI on Political Victimisation that interfered in several court cases regarding enforced disappearances and a former police officer implicated in mass disappearances and derailing a journalist’s murder investigation.²⁵⁴ The OMP’s impartiality and ability to safeguard and consider victims and witnesses has been questioned repeatedly.²⁵⁵ Non-Sinhalese families have refused to work with the OMP due to a lack of international involvement, not trusting state institutions after decades of seeking redress.²⁵⁶

In an attempt to overcome some of the OMP’s shortcomings, the Dissanayake government announced in August 2025 that over 10,000 complaints would be re-investigated, providing increased funding and additional mechanisms to reinforce the office.²⁵⁷

The OMP has made some progress and contributions toward the transitional justice process in Sri Lanka. However, its impact has been limited by the rampant political interference in its work, insufficient resources, and a lack of trust in the institution. The current government’s pledges are welcome, but the effectiveness of the OMP and its ability to meaningfully engage with and centre victims and foreground minorities remains in doubt. The OMP was designed without meaningful consultations, established before the conclusion of the CTF and not reconceptualised based on its recommendations. The OMP appears extremely limited in its abilities and process, indicated by the limitation of human resources and the low number of investigations finalised. The OMP remains unable to ensure the protection of victims’, including Muslims’, rights. Additionally, it has had limited impact on the Muslim minority, not only because of its general lack of progress, but also because of its lack

²⁵² Justice Minister Ali Sabry PC, OMP Webinar, 30/08/2021, in *ibid*.

²⁵³ *ibid*; Kodikara (n 246) 172.

²⁵⁴ ‘One Year On: Independent Institutions under the 20th Amendment’ (*Sri Lanka Campaign*, 22 October 2021) <<https://srilankacampaign.org/one-year-on-independent-institutions-under-the-20th-amendment/>> accessed 9 May 2026.

²⁵⁵ Amnesty International, ‘Flickering Hope’ (n 10) 11; Ahamed (n 206) 30.

²⁵⁶ Kodikara (n 251) 84.

²⁵⁷ ‘Sri Lanka to Reopen 10,000 Enforced Disappearance Cases’ *The Morning* (30 August 2025) <<https://themorning.lk//articles/pGqPEB6LTuDt2cwmQaSU>> accessed 12 May 2026.

of consideration of the Muslim's specific and differential needs and experiences. As such, it is significant that the most comprehensive mapping of instances of enforced disappearances, including of Muslims, has been carried out by non-governmental organisations abroad.²⁵⁸ Their work is not recognised or built upon by the OMP. In its current design and functioning, the OMP is insufficient as a transitional justice mechanism.

4.3.3 Justice

The right to justice includes protection and vindication of rights and accountability for violations, while respecting fair trial rights, the interests of victims, and the well-being of the society. Measures that can be applied include formal justice mechanisms and institutions, traditional dispute resolution, legal system reconceptualization, and measures against impunity. This chapter discusses justice measures employed in Sri Lanka.

4.3.3.1 Prosecutions and Amnesties

The Transitional Justice Evaluation Tool registered 66 domestic prosecutions between 1991 and 2020, of which five were considered transitional human rights prosecutions, convicting five persons of crimes, 35 were regular human rights prosecutions of state agents in which 20 persons were convicted, 25 were intrastate conflict prosecutions of state agents resulting in 14 persons convicted, one was an intrastate conflict prosecution of opposition members in which two persons were convicted, and two opposition prosecutions of state agents in which two persons were convicted. The database noted that in two trials regarding high-ranking state agents no one was convicted. In 50 of the 66 trials, police officers or security forces personnel were prosecuted. Many of the rest were prosecutions of politicians at various levels of local and central government.²⁵⁹ One trial was initiated in Brazil under universal jurisdiction in 2017.²⁶⁰ Beyond this Brazilian case, there has been no international justice procedures initiated relating to Sri Lanka's genocide, at the International Criminal Court, the International Court of Justice, or domestic courts,²⁶¹ despite years of calls by victims and civil society organisations for Sri Lanka to be referred to the international courts.²⁶²

Between 1982 and 2024, Sri Lanka issued amnesties on 14 occasions: seven in the 1980s, three in the 1990s, three between 2007-2010, and one in 2021. Ten were passed during the conflict, two after. One was part of the Indo-Sri Lanka Accord, providing a general amnesty to political prisoners, criminals

²⁵⁸ Public Interest Advocacy Centre (n 6).

²⁵⁹ 'Sri Lanka' (*Transitional Justice Evaluation Tool*) <<https://transitionaljustice-data.org/en/Asia/SriLanka.html>> accessed 5 May 2026.

²⁶⁰ *ibid.*

²⁶¹ 'Why Aren't We Talking About Sri Lanka Anymore? "Sri Lanka Solution" Followers Face Justice, but Not Sri Lanka' (n 1).

²⁶² 'TNPf Calls for Sri Lanka to Be Referred to the ICC in Letter to Core Group' *Tamil Guardian* (6 March 2025) <<https://tamilguardian.com/content/tnpf-calls-sri-lanka-be-referred-icc>> accessed 20 May 2026.

and combatants for acts criminalised under emergency laws, including the PTA. One was granted to a journalist imprisoned as a political prisoner. Three provided amnesties to state agents, while nine were granted to the LTTE. Two were granted to Sinhalese JVP militants active in the 1970s.²⁶³ Amnesties can form an important tool for reconciliation efforts, as part of a larger justice mechanism, for example preconditioned on the disclosure of any wrongdoing in front of a truth-seeking mechanism.²⁶⁴ The lack of prosecutions or even recognition of war crimes and gross human rights violations by Sinhalese governments and civilians as well as Tamils residing in Sri Lanka and abroad imply that the amnesties provided for LTTE members have done little to advance reconciliation efforts, and none are required for government officials and security forces as the state considers all violations to be on the part of the LTTE.

4.3.3.2 *A Judicial Mechanism and Other Measures*

No dedicated judicial mechanism has been established. In 2025, the government initiated a drafting and consultation process to establish a Public Prosecutors office.²⁶⁵ There is also progress toward repealing the PTA with consultations underway on the first draft.²⁶⁶ Nonetheless, the current government has continued to increasingly apply the PTA to prevent memorialisation activities and protests, arbitrarily detaining and arresting predominantly Tamil and Muslim individuals, while long-term PTA prisoners remain imprisoned decades after their initial arrest.²⁶⁷ President Dissanayake has started tackling corruption and reopened 400 corruption cases from a 2015 Central Bank of Sri Lanka financial scandal and the 2019 Easter Sunday attacks to investigate state involvement.²⁶⁸

No meaningful security sector reform has taken place. A persistent pattern of intimidation and harassment targeting civil society, especially human rights defenders working on accountability for enforced disappearances, land dis-

²⁶³ 'Sri Lanka' (n 259).

²⁶⁴ Patrick Lenta, 'Amnesties, Transitional Justice and the Rule of Law' (2023) 15 Hague Journal on the Rule of Law 441 <<https://doi.org/10.1007/s40803-023-00199-9>>.

²⁶⁵ UNHCHR, 'Situation of Human Rights in Sri Lanka: Comprehensive Report of the United Nations High Commissioner for Human Rights - Advance Unedited Version' (n 10) para 44.

²⁶⁶ Dassanayake, Permanent Representative (n 239).

²⁶⁷ UNHCHR, 'Situation of Human Rights in Sri Lanka: Comprehensive Report of the United Nations High Commissioner for Human Rights - Advance Unedited Version' (n 10) para 21.

²⁶⁸ Anuradha Indrajith, 'President Stated the Government Has Reopened 400 Corruption Cases' *Zira Daily* (20 October 2024) <<https://ziradaily.com/news/95001>> accessed 12 May 2026.

putes, and environmental issues remains. So does the intimidation and surveillance of the families of the disappeared, which includes a significant number of Muslims.²⁶⁹

4.3.3.3 *Assessment*

Successive OHCHR reports to the HRC have emphasised the role of impunity and lack of accountability in access to human rights in Sri Lanka, while justice remains the most important issue to victims. Many of those implicated in international crimes, such as government and security forces officials named in reports as identified perpetrators, remain stationed in post-conflict areas, continue to hold senior official positions, and receive major promotions, entrenching the system of impunity.²⁷⁰ The justice pillar of transitional justice has been utterly untouched by successive Sri Lankan governments, as exemplified by the Wickremesinghe government rejecting a recommendation to end impunity for human rights abuses during its 2023 Universal Periodic Review²⁷¹. Only recently have small steps toward implementing measures under the justice pillar been taken. As evident in the outline of measures, no victim-centred minority rights-based approach has been implemented in the justice sector so far.

4.3.4 *Reparations*

Under the right to reparation, which requires returning victims to at least the circumstances they were in before violations occurred, lie material and symbolic benefits in the form of restitution, compensation, rehabilitation, and satisfaction. Examples of measures include restoration of liberty and return of property, economic compensation for any damages, medical and psychosocial services, and ceasing continuing violations, search for disappeared persons, recovery and reburial of remains, public apologies, and sanctions.

4.3.4.1 *The Office for Reparations*

The Office for Reparations (OR) was operationalised by the government in 2019 following its establishment through the 2018 OR Act, enacted without incorporation of recommendations from the CTF, civil society, and victims.²⁷² The OR was created to assess the needs of aggrieved persons. This includes any individual who suffered damage due to violence and other circumstances, including enforced disappearances,²⁷³ as identified by the OMP,

²⁶⁹ UNHCHR, ‘Situation of Human Rights in Sri Lanka: Comprehensive Report of the United Nations High Commissioner for Human Rights - Advance Unedited Version’ (n 10) 25–29.

²⁷⁰ ‘Joint Statement: Sri Lanka’s Flawed Plans for a “Truth Commission”’ (n 190).

²⁷¹ *ibid.*

²⁷² Amnesty International, ‘Flickering Hope’ (n 10) 18.

²⁷³ Parliament of the Democratic Socialist Republic of Sri Lanka, Office for Reparations Act 2018 [No 34 of 2018] s 27.

the OR, or individuals themselves.²⁷⁴ Reparations include collective reparations, thereby recognising the rights of communities and groups, including through memorialisation, infrastructure, education, and community development programmes, and individual reparations, which focus on individuals' rights, including through monetary payments, micro-finance loans, education, and welfare services.²⁷⁵ Accepting reparation does not preclude the pursuit of legal remedy.²⁷⁶

The OR formulated its 2021 working guidelines in consultation with victims, organisations, and agencies, and established a specific psychosocial support unit in 2022.²⁷⁷ By 2024, the OR had carried out 12 livelihood support programmes, provided monetary relief related to the internal conflict, the 2019 Easter Sunday attacks, and the 2022 *Aragalaya* protests, as well as expanded trauma awareness and psycho-social support measures through community-based initiatives. It had also undertaken a mapping study on the collective need of conflict affected communities in the northern part of Sri Lanka.²⁷⁸

The progress of the OR has been hampered by economic crises, persistent underfunding and lack of experienced staff, bureaucratic inefficiencies, public distrust of state reparations efforts, and a lack of outreach, resulting in them having to pause memorialisation efforts until 2024 due to the political climate. The most salient criticism of the OR has concerned the appointment of commissioners.²⁷⁹ In 2021, President Rajapaksa appointed a retired military officer accused of weapons trafficking and misappropriation of government funds after dropping criminal charges against him.²⁸⁰ In 2025, President Dissanayake proposed the appointment of a retired naval officer and a former additional secretary at the Ministry of Defence. A Tamil association presented their dissent to the appointment of these nominees, stating that additional representation of former security personnel in transitional justice mechanisms will further erode trust in state initiatives and political will.²⁸¹ In addition to these three members, the Office currently consists of one commissioner with

²⁷⁴ Office for Reparations Act 2018 (n 273) 11.

²⁷⁵ *ibid* 27.

²⁷⁶ *ibid* 12(2).

²⁷⁷ Maleeka Salih and others, 'Integration of MHPSS in Post-War Transitional Justice: A Case Study of Sri Lanka's 2016 Public Consultations on and Implementation of Reconciliation Mechanisms' (2025) 7 *SSM - Mental Health* 100396, 6 <<https://doi.org/10.1016/j.ssmmh.2025.100396>>.

²⁷⁸ 'Annual Report 2024' (Office for Reparations 2024) 40 s 4.

²⁷⁹ Salih and others (n 277) 6–7.

²⁸⁰ 'One Year On: Independent Institutions under the 20th Amendment' (n 254).

²⁸¹ 'ITAK Objects to Appointment of Former Defence Officials to the Office of Reparations' *Tamil Guardian* (9 November 2025) <<https://www.tamilguardian.com/content/itak-expresses-opposition-appointment-ex-military-officials-office-reparations>> accessed 9 May 2026.

sociology and psycho-social expertise and two commissioners with managerial backgrounds.²⁸² In August 2025, the government announced new mechanisms and funding to strengthen the OR.²⁸³

The OR was established without regard of the critiques, recommendations, and needs of victims and minorities. However, the OR's attempt to carry out its mandate with consultation and involvement of victims is a positive aspect. It had also carried out a mapping of the needs of affected communities, including Muslim communities, which is progress towards the first requirement of a victim-centred minority rights-based approach outlined in chapter 2.3. This mapping exercise has informed targeted collective reparations measures, outlining how groups were differently impacted and have different needs for the protection of their human rights. The OR has faced a variety of built-in obstacles and been hindered by a lack of political will and a general lack of trust in state institutions. The appointment of commissioners perceived as or implicated in human rights violations risks eroding the victim-centredness of the OR and its work and is contrary to an approach foregrounding victims' and minorities' rights. As such, the OR has undertaken important work under the reparations pillar to advance the rights of Sri Lanka's Muslims, but procedural and bureaucratic obstacles along with a lack of public confidence has impeded its potential.

4.3.4.2 *Other Measures*

Since his election in 2024, President Dissanayake has started undertaking a variety of measures under the category of reparations. The President has pledged demilitarisation and vowed to replace the PTA, under which many Muslims remain detained.²⁸⁴ He has vowed to restore all militarily occupied land to their rightful owners and the first such promise was realised in November 2024.²⁸⁵ As much of the Muslim population has been displaced and their land currently held by the military, this is significant for the Muslims. The November 2025 cyclone has put strain on the island and the 25 percent of its population that lives in poverty (a figure 10 percentages higher than before COVID-19), and tested the function of the inexperienced government, who on some instances have unduly involved and prioritised wealthy business

²⁸² 'Members & CEO' (*Office for Reparations*) <https://reparations.gov.lk/web/index.php?option=com_content&view=article&id=145&Itemid=265&lang=en> accessed 9 May 2026.

²⁸³ 'Sri Lanka to Reopen 10,000 Enforced Disappearance Cases' (n 257).

²⁸⁴ 'Sri Lanka to Shrink Army over 50-Pct by 2030, to Strengthen Navy: State Defence Minister' (*EconomyNext*, 2 May 2024) <<https://economynext.com/sri-lanka-to-shrink-army-over-50-pct-by-2030-to-strengthen-navy-state-defence-minister-163372>> accessed 11 May 2026; 'President AKD Vows Civilised Sri Lanka, Professional Armed Forces' *Daily FT* (1 March 2025) <<https://www.ft.lk/top-story/President-AKD-vows-civilised-Sri-Lanka-professional-armed-forces/26-773636>> accessed 11 May 2026.

²⁸⁵ 'President Anura Kumara Vows to Return Land to Rightful Owners in North' *adaderana.lk* (31 January 2025) <<https://www.adaderana.lk/news.php?nid=105424>> accessed 11 May 2026.

leaders in policy and implementation instead of affected communities.²⁸⁶ Such actions are contrary to a victim-centred minority rights based approach. The other measures listed, however, form important steps toward effective remedy for the minority communities affected by the conflict. These actions might indicate the application of a more minority rights-based approach to reparation. Similar promises by previous governments have gone unfulfilled, however, and it remains to be seen if they are transformed into action by the current government.

4.3.5 Memorialisation

Memorialisation attempts to ensure memory of the past, creating a shared history of events and their causes. Measures may include public memorials, cultural events, museums, public commemoration dates, education programmes, opening of archives, and publishing reports of COI.

Between 2010 and 2015, the end of the conflict—the ‘triumph of the security forces’—was celebrated with military parades and speeches by President Mahinda Rajapaksa as ‘Victory Day’ on 18 May.²⁸⁷ In 2015, President Sirisena moved the celebrations to 19 May and renamed the occasion ‘Remembrance Day’ to commemorate civilian casualties and ‘National War heroes Commemoration Day’ to ‘mark the sacrifices made by all those, who irrespective of their ethnicity, safeguarded the unity and territorial integrity of the country.’²⁸⁸ A memorial event for dead civilians in the northeast was allowed for the first time in 2015, and Tamil Remembrance Week has been held annually since, albeit with heavy surveillance and strict restrictions on commemorating members of the LTTE.²⁸⁹ After the Rajapaksas’ return to power in 2020, the 2021 commemoration was marked by arrests of Tamil politicians and vandalization of memorials.²⁹⁰

For years after the conflict ended, memorialisation was only allowed if undertaken by the government—which placed statues of high-ranking state officers in areas where large numbers of civilians were killed by state forces in the north—while civilian initiatives in the northeast faced violence and repressive measures.²⁹¹ Memorialisation efforts have increased recently, with

²⁸⁶ Rajni Gamage Dassanayake Harindra, ‘Sri Lanka in 2025: Navigating Systemic Change, a Natural Disaster, and a Political Test for the NPP Government’ (*South Asian Voices*, 11 December 2025) <<https://southasianvoices.org/pol-co-sl-r-2025-sri-lanka-12-11-2025/>> accessed 11 May 2026.

²⁸⁷ ‘Sri Lanka Shift on Civil War Anniversary’ *BBC News* (19 May 2015) <<https://www.bbc.com/news/world-asia-32805544>> accessed 20 May 2026.

²⁸⁸ ‘May 19th – No More Victory Day, Only “Remembrance Day”’ *Asian Tribune* (16 May 2015).

²⁸⁹ ‘Sri Lanka Shift on Civil War Anniversary’ (n 287); Prateek Raj, ‘Remembrance and Reconciliation: One Can’t Happen Without the Other’ *Groundviews* (18 May 2023) <<https://groundviews.org/2023/05/18/remembrance-and-reconciliation-one-cant-happen-without-the-other/>> accessed 20 May 2026.

²⁹⁰ Raj (n 289).

²⁹¹ SR Truth, justice, reparation (n 179) paras 54–66.

the government allowing communities in the north to commemorate and memorialise their dead and disappeared outside the bounds of Remembrance Day.²⁹² This is an important step towards recognising how they were impacted specifically and differently by violations due to their group identity. Overall, however, it is evident that the government has inadequately highlighted and considered the needs and perspectives of minorities, including Muslims, in their public memorialisation practices and policies on private memorialisation. The repeated suppression of and attacks on memorialisation activities over time has further alienated minority groups from the majority, and deepened rifts between groups, making reconciliation more difficult to achieve. Sri Lanka's efforts under the pillar of memorialisation are insufficient from a minority rights standpoint.

4.3.6 Guarantees of non-recurrence

Guarantees of non-recurrence include institutional reform and sociocultural measures for communities and individuals. These may include, decreasing armed forces and ensuring civilian control, ensuring judiciary independence, protecting human rights defenders, providing human rights education, promoting prevention mechanisms, and reviewing legislation.

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted in his 2020 report that the constitutional reforms undertaken by the Sri Lankan governments since the conflict had not concerned human rights nor contributed to guarantees for non-recurrence. Rather they focused on abolition (and subsequent reinstalment) of the executive presidency, the adoption of a new electoral system, and the strengthening (and subsequent weakening) of provincial devolution. Judicial independence remains weak, and the security sector is riddled with human rights violations and utterly unable to fulfil its function.²⁹³ Additionally, the OHCHR noted in its 2025 report to the HRC that 'impunity remains entrenched, and the structural conditions that led to past violations persist',²⁹⁴ indicating a lack of preventative measures.

Unnecessary roadblocks in the Northern Province were removed in 2024 after 30 years. Several military checkpoints have been closed or transferred to the police, and individuals belonging to Tamil-speaking minority groups have been encouraged to seek employment with the police and public administration, increasing minority representation in these sectors.²⁹⁵ These are steps that, if fully implemented, could help prevent future violations and safeguard

²⁹² DeVotta (n 144).

²⁹³ SR Truth, justice, reparation (n 179) paras 67–76.

²⁹⁴ UNHCHR, 'Situation of Human Rights in Sri Lanka: Comprehensive Report of the United Nations High Commissioner for Human Rights - Advance Unedited Version' (n 10) para 30.

²⁹⁵ 'President Anura Kumara Vows to Return Land to Rightful Owners in North' (n 285).

the rights of Muslims. As indicated above (see 4.3.3.2 and 4.3.4.2), no meaningful review of legislation has taken place, and problematic legislation continues to be applied. The military is in a period of decrease, but many areas remain under military control. The actions taken under the other pillars of transitional justice have not contributed significantly to guarantees of non-recurrence, mainly due to a lack of political will and limited engagement from civil society (here in relation to the lack of minorities in the security forces). As such, very little progress has been made under this pillar, which is incongruent with the criteria of the victim-centred minority rights-based approach outlined in chapter 2.3.

4.4 Summary Assessment of the Domestic Process and International Interventions

As outlined in chapter 2.1, transitional justice requires a holistic approach to achieve its goals of accountability, rule of law, healing, reconciliation/social cohesion, sustainable/lasting peace, peacebuilding, sustainable development, and prevention. The state is responsible for ensuring respect, protection, and fulfilment of the rights encompassed by transitional justice, while other actors can advocate for and assist in the national process. In Sri Lanka, the process is framed by its international obligations undertaken through HRC resolution 30/1, demanding institutional mechanisms in the form of a commission for truth, justice, reconciliation and non-recurrence, an office for missing persons, an office for reparations, and a judicial mechanism with international involvement. Only the OMP and the OR have been established. In addition to the mechanisms listed, transitional justice processes must be victim-centred and -responsive, adding necessary measures and adapting state-based ones to fit their needs and requirements.

Under the pillar of **truth-seeking**—gathering evidence of past events to establish a common history along with causes and conditions of violations and their perpetrators and establishing the whereabouts of disappeared persons—Sri Lanka has carried out COI and established the OMP. The OMP has failed to achieve tangible results, tracing only 23 missing persons, and meet the expectations of victims and other stakeholders, including Muslims. The staggering number of COI show an extraordinary dichotomy of rejecting the truth (dismissing or not publishing the reports, or both) and simultaneously elevating it to the only desirable transitional justice pillar. COI have acted as smokescreens for the government to retain legitimacy both domestically and abroad, and dissuade opposition voices alleging complacency, complicity, and impunity, disqualifying them as transitional justice measures. Ultimately, none of the undertaken truth-seeking measures have resulted in meaningful accountability and justice processes or projects that address the root causes of violence. They also prevent reconciliation and unity between groups in Sri Lanka as these measures do not fulfil the requirements of victims, sometimes

endangering them in their interaction with the mechanisms. Victims consistently advocate for accountability and justice based on the findings and evidence of previous commissions where inconsistencies or gaps can be supplemented by complementary hearings, rather than continued re-traumatisation through additional truth-seeking processes promoting restorative justice. No such mechanisms have been implemented successfully to date. The COI have failed on all criteria of the victim-centred minority rights-based approach.

The pillar of **justice** demands formal judicial mechanisms or traditional dispute resolution, or a combination of both, to achieve accountability, a sense of justice for victims, and prevention of further violations. In Sri Lanka, entrenched impunity and lack of accountability prevent any practical impact and implementation of commitments. Although the current president pledged almost two years ago to repeal the PTA, it remains in force and is often implemented against Muslims today. Steps toward an independent justice mechanism for transitional justice have been delayed, and only recently have a first minute step been taken. Victims' calls for international involvement remain ignored, with even international pressure on the issue ceasing. Officials implicated in violations continue to be part of state mechanisms for transitional justice rather than held accountable for their actions. This not only indicates to victims that they are insignificant, it also indicates that their needs and wants will remain unmet. Political will for justice is simply absent. No meaningful progress toward the justice pillar of transitional justice has thus been achieved.

Under the pillar of **reparation**—to return victims to at least their circumstances before violations occurred or sufficiently compensate them—Sri Lanka has established the OR and initiated a variety of other measures. The OR, although facing significant political interference and prevention by groups of the public, has made some significant achievements. Notably, it carried out a needs mapping of communities in the north, with the specific needs of minority groups, including Muslims, increasingly identified for the purpose of targeted collective measures, and ensured consultations in structuring the general work of the OR. Although attempting to centre victims and respond to their needs, the OR has failed to meet the expectations of victims and other stakeholders due to its lack of funding and competent staff. Additional measures, such as the restoration of land after 17 years of demands from victims, are important for Muslims but remain to be fulfilled on a large scale. Under the pillar of reparation, some significant progress has been made. However, actions contrary to a victim-centred minority rights-based approach to reparation decrease the overall progress assessment under this pillar.

Memorialisation, in the form of public memorials, performances, exhibits, public commemorations, and education, has been one dimensional and severely lacking in its victim-centredness and -responsiveness. Some opportunity for memorialisation has been provided to the non-Sinhalese since 2015,

but political and security forces interference and vandalism have remained over the years. Memorialisation policies have improved recently, but with security forces and general Sinhalese dissent. However, no collective memory of the conflict has been established, including the fate and involvement of the Muslims, nor the underlying causes of the violence. As such, the demands of a victim-centred minority rights-based approach remain unsatisfied.

Guarantees of non-recurrence require structural changes on a state and societal level. In Sri Lanka, no real institutional change has been undertaken, and structural conditions—the root causes—of the previous violations remain. Furthermore, human rights violations have continued since the end of the conflict in the form of structural discrimination and violence against minority groups, especially against the Muslim population (see chapter 5). Although a small number of actions have been taken recently to initiate structural change in some state functions, the general permanence of structures of violations along with the minute progress in the pursuit of truth, justice, reparation and memorialisation, lead to the conclusion that the pillar of guarantees of non-recurrence remains unfulfilled from a victim and minority perspective.

Overall, it is evident that the transitional justice process in Sri Lanka is inadequate. It has inadequately centred the voices of victims and highlighted and considered the needs and perspectives of minorities, including Muslims. How the conflict impacted the Muslim minority both specifically and differently to the majority Buddhist-Sinhalese group has not been a foregrounded issue, neither has the historic marginalisation and systemic discrimination of the Muslim community. It is clear that identity-based differential justice needs, patterns and cycles of violations, historic marginalisation, and structural violence and discrimination have not been recognised by the Sri Lankan government, and thus also remain unaddressed. The demands and recommendations of victims are systematically ignored, leaving their needs and expectations of the process unmet.

Applying the criteria outlined in chapter 2.3, it can be concluded that at the start of the process, Sri Lanka a) failed to map the specific ways Muslims were affected by the conflict and adjacent human rights violations; b) failed to draw connections between Muslims' group identities and the violations against them; and c) although the CTF was carried out, the recommendations of victims were not implemented in the design of the transitional justice process. Additionally, throughout the process, Sri Lanka has d) failed to guarantee the rights of victims and minorities; e) failed to foreground non-dominant (non-Sinhalese) groups, equalling them to the majority (Sinhalese); f) established mechanisms that, in most cases, have failed to examine how Muslims were impacted specifically and differently because of their status; g) failed to acknowledge and consider that Muslims were and are not legally and practically protected equally to the majority; and h), overall failed to produce results in line with victims' expectations and needs. Ultimately, the Sri Lankan

domestic transitional justice process in its entirety has failed to fulfil the demands of a victim-centred minority-rights based approach.

International interventions and contributions to the Sri Lankan transitional justice process have been consistent after the initial weak response. The Panel of Experts' 2011 report, while falling short of a minority rights-based approach, led to increased calls for transitional justice and accountability in Sri Lanka. After the government consistently blocked action at the HRC, the OHCHR was finally mandated to carry out its investigation in 2014. Its OISL report took some account of Muslims' differential and specific experiences of the conflict in an attempt to map violations against them, within the limitations of its mandate. Along with a change in Sri Lanka's government, the OISL prompted the HRC adoption of resolution 30/1 the following year. The resolution, co-sponsored by Sri Lanka, forms the basis of the calls for transitional justice that extend to this day. The OHCHR has since the end of the conflict advocated for a holistic transitional justice process, including an end to impunity, that remains centred on and responsive to victims' circumstances, needs, and recommendations. This advocacy was echoed by the Special Rapporteur for the promotion of truth, justice, reparation, and guarantees of non-recurrence who, in his 2020 report, advised against measures consistently rejected by victims and the guarantee of minorities' rights. Additionally, the Special Rapporteur for minority issues provided a leading example of the application of a victim-centred minority rights-based approach to transitional justice in her 2017 report—which examined victims' experiences throughout the conflict as well as the periods before and after—fulfilling all applicable criteria from chapter 2.3. Importantly, the Special Rapporteur echoed the CTF's recommendation for a Minority Rights Commission to ensure the protection of minorities' rights in Sri Lanka throughout the transitional justice process and in general. This call, however, was not echoed by other UN bodies. Subsequent HRC resolutions have weakened and calls for international involvement in especially the justice mechanism have ceased. However, the OSLap, established by the HRC in 2021, is set to safeguard the possibility for the achievement of the pillars of truth and, potentially, justice for the Sri Lankan people through its information and evidence collection and preservation. The HRC continues to place trust in the Sri Lankan government to carry out a sufficient transitional justice process, even after almost two decades of proof to the contrary.

Assessing the international involvement in the Sri Lankan transitional justice mechanism against the criteria of a victim-centred minority rights-based approach from chapter 2.3, the following can be concluded: a) the specific ways Muslims were affected by the conflict and adjacent human rights violations was mapped by some functions within the UN (for example the Special Rapporteur on minority issues and partially by the OISL) but that ultimately the mapping is both incomplete and insufficiently referred to by other UN bodies and mechanisms; b) the Special Rapporteur for minority issues drew clear

connections between Muslims' group identities and the violations against them, while other mechanisms such as various OHCHR reports and HRC resolutions made, at most, ambiguous implications of possible connections; and c) although various mechanisms have been undertaken on an international level to consult with victims in Sri Lanka, their recommendations are selectively and decreasingly brought up in the recommendations of various UN bodies, most notably the HRC. Additionally, throughout the process, the UN system has d) advocated for the guarantee of the rights of victims and minorities and attempted to carry out its work with victim protection methods; e) included measures that have, in general, failed to foreground non-dominant groups—particularly the Muslim minority not considered party to the conflict—in favour of the larger group of Tamil victims; f) established mechanisms that, in most cases, have failed to examine how Muslims were impacted specifically and differently because of their status; g) acknowledged and considered that Muslims were and are not legally and practically protected equally to the majority, urging a change in legislation and practice to ensure their rights; and, finally, h), overall failed to produce results—in this case a change in domestic policy and action of the Sri Lankan government(s)—in line with victims' expectations and needs. On its own, the international process has fulfilled three of the eight criteria of the victim-centred minority rights-based approach, with some progress in regards to the other five.

Ultimately, the international involvement has attempted to influence Sri Lanka and ensure a swift and holistic victim-centred transitional justice process. The outcome, in the face of political stonewalling and majoritarian dissent, has been less than favourable from a victim perspective. Additionally, many of the specific demands of a minority rights-based approach have not been fully realised; the importance of the Muslim minority in the process not sufficiently highlighted and their voices elevated. As such, both the international involvement and the Sri Lankan domestic transitional justice process have lacked a victim-centred minority rights-based approach along with meaningful progress.

5 The Role of Transitional Justice in Advancing Muslim Minority Rights in Sri Lanka

As shown in the previous chapter, the transitional justice process in Sri Lanka has severely lacked a victim-centred Muslim minority rights-based approach. Although lacking and delayed in general, there is significant evidence of the potential socio-political impact the omission of such an approach may have had in Sri Lanka. The years after the end of the internal conflict saw a sharp increase in anti-Muslim rhetoric and violence, reframing the Muslim ‘model minority’ as a violent and rebellious threat.²⁹⁶ This shift has been attributed to the constitutionally enshrined Sinhala-Buddhist supremacism, the same group’s sense of existential threat, and Buddhist monks’ exceptionalism, as well as the spread of mass media.²⁹⁷ Many instances of human rights violations have been included in the OHCHR’s annual reports to the HRC, but not all. Instances that have been both included and excluded in these reports reveal a widespread pattern of human rights violations increasingly targeting the Muslim minority group. A selection of violations is highlighted below.

The Bodu Bala Sena (BBS), an organisation led by extremist supremacist Buddhist monks, was founded in 2012. The BBS enjoys impunity for criminalised advocacy of religious hatred that constitutes incitement to discrimination, hostility, and violence,²⁹⁸ and has close ties with Myanmar’s Buddhist extremist groups that have similarly attacked the Rohingya Muslims.²⁹⁹ The group has been a driver of violence through its anti-Muslim rhetoric since its foundation.³⁰⁰ At a 16,000 people rally in 2013, their leader warned about the threat of so-called Muslim extremists who are ‘destroying the Sinhala race.’³⁰¹ He demanded a ban of halal certification and food in supermarkets, investigations into all funds transferred from West Asia, and the ban of the abaya, which is Muslim women’s traditional attire.³⁰² These demands violate both individual and group rights, including the Muslim minority’s rights to

²⁹⁶ Wahid, Hareed and Mansoorally (n 12).

²⁹⁷ See re disproportionate targeting of Muslims in online hate speech: Farah Mihlar, ‘Islamophobia and Anti-Muslim Hate in Sri Lanka’ <<https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/FarahMihlar.pdf>>.

²⁹⁸ See ICCPR art 20.2; SR Minorities (n 176) 31.

²⁹⁹ Amresh Gunasingham, ‘Buddhist Extremism in Sri Lanka and Myanmar: An Examination’ (2019) 11 Counter Terrorist Trends and Analyses 1, 5.

³⁰⁰ Mihlar, ‘Islamophobia and Anti-Muslim Hate in Sri Lanka’ (n 297).

³⁰¹ Wahid, Hareed and Mansoorally (n 12).

³⁰² *ibid.*

enjoy their own culture and to profess and practise their own religion.³⁰³ They also violate individuals' rights to privacy and property.³⁰⁴

After a speech by the same BBS monk in 2014 that accused Muslim youth of attacking a monk, multiple Sinhalese mobs attacked Muslim communities around Aluthgama. The mobs destroyed over 120 businesses and 200 homes in what was described as a concerted attack on Muslim businesses and economy.³⁰⁵ Over 6,000 people were trapped without food in mosques for over six days.³⁰⁶ Four Muslims were killed—one man hacked to death—80 injured, and around 10,000 displaced. No prosecutions followed the arrests made. The government blamed the local Muslims for the violence, refusing responsibility for the security forces' complicity. The violence and the government rhetoric were similar to the attacks on Tamils during *Black July* in 1983.³⁰⁷ After this violence, boycotts of Muslim businesses were encouraged by Buddhist extremist groups.³⁰⁸ This sequence violated multiple human rights, including rights to property, life and security of person, food, and movement.³⁰⁹ Continued impunity for the violence impede the victims' access and right to justice.³¹⁰

In 2018, a Sinhalese youth group in Ampara alleged online that a Muslim restaurant owner had put sterilisation pills in their food. The restaurant and Muslim-owned businesses and hotels nearby were attacked.³¹¹ The next month, attacks were incited and planned over social media following the death of a Sinhalese man after an altercation with four Muslim youth. Anti-Muslim mobs were initiated on the day of his funeral that damaged 20 mosques across the island and several hundred businesses and properties in the Kandy district. One senior citizen was beaten to death. A 10-day state of emergency was imposed nationwide with a curfew in Kandy, which police neglected to enforce.³¹² Additional incidents of mob violence against Muslims occurred in 2018.³¹³ Again, Muslims' rights to property, life and security of person, movement, religion, and reputation were violated.³¹⁴

³⁰³ See eg. ICCPR arts 18, 27, UDHR arts 18, 27.

³⁰⁴ See eg. ICCPR art 17, UDHR arts 12, 17.

³⁰⁵ Law & Society Trust, 'Where Have All the Neighbours Gone? Aluthgama Riots and Its Aftermath: A Fact Finding Mission to Aluthgama, Dharga Town, Valipanna and Beruwela' (2014).

³⁰⁶ SR Minorities (n 176) para 30.

³⁰⁷ Law & Society Trust (n 305).

³⁰⁸ Amnesty International, 'From Burning Houses' (n 11) 56.

³⁰⁹ UDHR arts 3, 17, 25, ICCPR arts 6, 12, ICESCR art 11.

³¹⁰ UDHR arts 7, 8.

³¹¹ Amnesty International, 'From Burning Houses' (n 11) 6.2.

³¹² Law & Society Trust, 'Fact-Finding Report on the Anti-Muslim Violence in the Kandy District March 2018' (2021).

³¹³ Amnesty International, 'From Burning Houses' (n 11) s 6.2-6.3.

³¹⁴ UDHR arts 3, 17, ICCPR arts 6, 12, 17.

On Easter Sunday 2019, six suicide attacks were carried out by a small network of Islamist extremists against three churches in Negombo, Colombo, and Batticaloa, and three hotels in Colombo, killing over 260 people and injuring many more.³¹⁵ Local Muslims and international intelligence agencies had reported the likelihood of attack to the government multiple times before the bombings, but it failed to act.³¹⁶ All Sri Lanka's Muslims were blamed for the attacks, their allegedly violent nature and hate towards all other groups validated by the attacks.³¹⁷ Violent riots, fuelled by Sinhala-Buddhist nationalist extremists, erupted in the North Western Province that burned down mosques and businesses during which the government shut down access to social media and communications platforms.³¹⁸ Muslims all over the island were attacked, the government imposed temporary bans on the niqab and burqa,³¹⁹ and rumours and intentional falsehoods about Muslims stockpiling weapons spread.³²⁰ Several Islamic schools (madrasas) were closed following reports of extremist teachings.³²¹ Over 1,800 Muslim men and boys, primarily from the Eastern Province, were detained under the PTA on vague connections with the bombers—including for sewing clothes for their families, tutoring their children, or buying a bike from one of them.³²² Allegations of a high-level political conspiracy to incite violence and fear to reinstate the Rajapaksas into power emerged in 2024, and in 2026 former military intelligence chief Sallay (appointed by President Rajapaksa after his 2020 victory) was arrested for conspiracy and aiding and abetting the bombings.³²³ In mid-2025, indications of former President Gotabaya Rajapaksa's involvement in funding and planning the attacks emerged. The circumstances surrounding the Easter Sunday attacks remain uncertain even after three fact finding missions and involvement by various international intelligence services.³²⁴ The

³¹⁵ Wahid, Hareed and Mansoorally (n 12); International Crisis Group, 'After Sri Lanka's Easter Bombings: Reducing Risks of Future Violence' (2019) Asia Report No 302 s II.A.

³¹⁶ Amnesty International, 'From Burning Houses' (n 11) s 7.1; International Crisis Group, 'After Sri Lanka's Easter Bombings' (n 315) s II.A.

³¹⁷ Mihlar, 'Islamophobia and Anti-Muslim Hate in Sri Lanka' (n 297).

³¹⁸ Amnesty International, 'From Burning Houses' (n 11) s 7.2; International Crisis Group, 'After Sri Lanka's Easter Bombings' (n 315).

³¹⁹ Amnesty International, 'From Burning Houses' (n 11) s 7.1.

³²⁰ Wahid, Hareed and Mansoorally (n 12).

³²¹ Amnesty International, 'From Burning Houses' (n 11).

³²² 'Report of the Fact Finding Visit Batticaloa To Study the Impact of the Easter Sunday Bombings' (*Minor Matters*, 23 August 2024) <https://minormatters.org/report_policy_briefs/report-of-the-fact-finding-visit-batticaloa-to-study-the-impact-of-the-easter-sunday-bombings/> accessed 12 May 2026; Amnesty International, 'From Burning Houses' (n 11) s 7.1.

³²³ 'Seven Years After the Easter Bombings, Sri Lanka Still Owes Victims Justice' (*Sri Lanka Campaign*, 21 April 2026) <<https://srilankacampaign.org/seven-years-after-the-easter-bombings-sri-lanka-still-owes-victims-justice/>> accessed 10 May 2026; 'Sri Lanka's Former Intelligence Chief Arrested over 2019 Easter Attacks' *Al Jazeera* (25 February 2026) <<https://www.aljazeera.com/news/2026/2/25/sri-lankas-former-intelligence-chief-arrested-over-2019-easter-attacks>> accessed 10 May 2026.

³²⁴ 'Six Years Since the Easter Sunday Bombings: Is Justice Still Elusive?' (*Sri Lanka Campaign*, 17 April 2015) <<https://srilankacampaign.org/six-years-since-the-easter-sunday-bombings-is-justice-still-elusive/>> accessed 10 May 2026.

rights to security of person, reputation, property, practice their religion, freedom from arbitrary arrest and torture, and political interference were all violated.³²⁵

Sterilisation lies re-emerged in May 2019, as a newspaper alleged a prominent Muslim doctor had secretly sterilised over 4,000 Sinhala-Buddhist women after delivery, leading to his arrest under terrorist charges. This false claim prompted the BBS leader to call for the doctor's stoning and purported the theory that Sri Lanka's Muslims were using their higher birth rate to supersede the Sinhala-Buddhist majority.³²⁶

President Rajapaksa campaigned in 2019 on a policy of national security, using the marginalisation and fear of the Muslims to attract Sinhalese, Tamil, and Christian voters.³²⁷ His term was signified by several anti-Muslim policies, for example the establishment of a presidential Task Force headed by an extremist monk to eradicate the legal 'privileges' afforded to the Muslim minority³²⁸ as well as the almost year-long enforced cremation of COVID-19 victims targeting Muslims' religious right to their burial rites.³²⁹ Muslims were also blamed for the introduction and spread of the virus on the island, and disproportionately affected by arbitrary lockdowns and 'inflammatory media coverage'.³³⁰ Additionally, President Rajapaksa initiated redesignation projects in the Eastern Province, reappropriating Muslim cemeteries and other lands for forestry, military purposes, or as Buddhist sites.³³¹ All Islamic reli-

³²⁵ UDHR arts 2, 3, 5, 9, 12, 17, 18, 26.3, ICCPR arts 1.1, 7, 9, 17, 18, 27, 26, ICESCR arts 1.1, 13.3.

³²⁶ These actions violated the doctor's rights as enshrined in UDHR arts 12, 3, ICCPR arts 17, 9; Lukman Harees, 'End To Dr Shafi Saga Meaningless; If "Business As Usual" For The Conspirators!' (*Colombo Telegraph*, 29 March 2022) <<https://www.colombotelegraph.com/index.php/end-to-dr-shafi-saga-meaningless-if-business-as-usual-for-the-conspirators/>> accessed 12 May 2026; Amnesty International, 'From Burning Houses' (n 11) 57.

³²⁷ Roshni Kapur, 'Covid-19 in India and Sri Lanka: New Forms of Islamophobia' (*Middle East Institute*, 12 December 2020) <<https://mei.edu/ar/publication/covid-19-india-and-sri-lanka-new-forms-islamophobia/>> accessed 10 May 2026.

³²⁸ UNHCHR, 'Promoting Reconciliation, Accountability and Human Rights in Sri Lanka: Report of the United Nations High Commissioner for Human Rights' (n 106) 21; Wahid, Hareed and Mansoorally (n 12).

³²⁹ UNHCHR, 'Promoting Reconciliation, Accountability and Human Rights in Sri Lanka: Report of the United Nations High Commissioner for Human Rights' (n 106) para 25; 'Press Release: Sri Lanka: Compulsory Cremation of COVID-19 Bodies Cannot Continue, Say UN Experts' (*OHCHR*, 25 February 2021) <<https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-compulsory-cremation-covid-19-bodies-cannot-continue-say-un>> accessed 12 May 2026.

³³⁰ 'Six Years Since the Easter Sunday Bombings: Is Justice Still Elusive?' (n 324).

³³¹ Human Rights Watch, 'World Report 2026 - Sri Lanka: Events of 2025' (2026) <<https://www.hrw.org/world-report/2026/country-chapters/sri-lanka>> accessed 12 May 2026.

gious books entering the country were confiscated and screened, and all arrests under the PTA for violent extremist religious ideology mandated rehabilitation in centres previously ripe with human rights violations.³³²

In 2021, President Rajapaksa announced a proposal to ban the burqa and other Muslim religious clothing, as well as close down over 1,000 madrasas, often constituting the only educational institution for Muslim children from economically marginalised families and complementing others' formal education, alleging security concerns.³³³ The rights to practice their religion, religious education, reputation, property, security of person, freedom of movement, and freedom from arbitrary arrest and torture or inhumane treatment were all violated.³³⁴

More recently, in 2024, school authorities decided to withhold exam results of 70 Muslim college students for wearing a hijab due to a policy mandating uncovered ears during exams despite the examiners allowing the students to sit the exam without comment. In 2023, 13 Muslim women's exam results were withheld for wearing hijabs even though the ear visibility policy was complied with.³³⁵ This action indicates a climate of intolerance and discrimination not based in policies with legitimate aims, and violate the students' right to education and religious expression.³³⁶ In 2025, the government renewed the designation of several Muslim organisations after hundreds of individuals and organisations were arbitrarily listed and designated in 2021 under counter-terrorism claims, some of which are community-based and not credibly linked to violence, thus violating the communities' freedom of religion and association.³³⁷

As these events and policies show, the Muslim minority group is increasingly marginalised and targeted by the Sri Lankan society—with anti-Muslim sentiments common in both Sinhala and Tamil communities—and politicians. Used as a convenient target for ethno-nationalist extremists after the end of

³³² Amnesty International, 'From Burning Houses' (n 11); CAT, 'Concluding Observations on the Fifth Periodic Report of Sri Lanka' (2017) UN Doc CAT/C/LKA/CO/5.

³³³ ARM Intiyaz, 'Rajapaksa Steps up Sri Lanka's Anti-Muslim Measures' *East Asia Forum* (22 May 2021) <<https://eastasiaforum.org/2021/05/22/rajapaksa-steps-up-sri-lankas-anti-muslim-measures/>> accessed 10 May 2026.

³³⁴ UDHR arts 3, 5, 9, 12, 13, 17, 18, 26.3, ICCPR arts 7, 9, 12, 17, 18, 27, ICESCR arts 1.1, 13.3.

³³⁵ UNHCHR, 'Situation of Human Rights in Sri Lanka: Comprehensive Report of the United Nations High Commissioner for Human Rights' (2024) UN Doc A/HRC/57/19 para 43; 'Statement: Sri Lanka's Examination Rules Discriminate against Muslims' (*Justice For All*, 11 July 2024) <<https://www.justiceforall.org/resources/statements/statement-sri-lankas-examination-rules-discriminate-against-muslims/>> accessed 10 May 2026; 'Sri Lanka Blocks Exam Results over Muslim Head Coverings' (*Human Rights Watch*, 26 June 2024) <<https://www.hrw.org/news/2024/06/26/sri-lanka-blocks-exam-results-over-muslim-head-coverings>> accessed 10 May 2026.

³³⁶ UDHR arts 18, 26, ICCPR arts 18, 27, ICESCR art 2.2.

³³⁷ UDHR arts 18, 20, ICCPR arts 18, 22, 27; 'Renewed Concerns Amid Anti-Muslim Repression in Sri Lanka' (n 12).

the conflict, the demonisation and ostracism of the Muslim community, along with the continuous violation of their individual and group rights, is an established fact. Their experiences after the conflict ended as well as their changed position in the Sri Lankan society must be considered and their rights protected in any future activities within the transitional justice process. It is clear that the transitional justice process so far has been unable to advance the Muslim's minority rights: they are increasingly targeted by structural and institutionalised anti-Muslim rhetoric and violence.

6 Conclusion

This thesis aimed to answer the following question: How has transitional justice advanced the rights of the Muslim minority in Sri Lanka? It did so by answering the following sub-questions:

- 1) What are the root causes of the conflict and how was the Muslim minority impacted by and involved in it?
- 2) To what extent have transitional justice measures considered and included Muslims, their perspectives and needs?
- 3) How has the protection and fulfilment of Muslims' minority rights developed after the end of the conflict?

The root causes of the conflict were shown to be deep ethno-religious divisions along with structural discrimination and marginalisation of minority groups that originated in colonial times and have been perpetuated by the political elite and Buddhist clergy. An overview of the conflict revealed that the Muslim minority was differently and specifically impacted as both victims and perpetrators of violence and human rights violations; mostly in relation to the LTTE and Tamil communities, respectively, but also as targeted by the Sinhalese.

The analysis of the transitional justice process in Sri Lanka showed severe delays and a consistent lack of victim-centredness and Muslim minority perspective, consideration, and inclusion. The process is characterised by a lack of political will and an entrenched system of impunity, based on the structural discrimination and marginalisation of minority groups. The UN through its Special Rapporteurs, OHCHR, and the HRC has pushed for a thorough, holistic, and sufficient transitional justice process in Sri Lanka, but with a general lack of a minority rights-based approach. The calls for transitional justice have weakened over time to exclude important factors called for by victims and minorities, although their specific circumstances, impacts, and needs have been established by the Special Rapporteur for minority issues and others, although not in sufficient detail. The process highlighted how transitional justice is politically volatile and depend deeply on the socio-political context in which it is applied.

Developments in Sri Lanka after the conflict in relation to the Muslim minority specifically showed how the lack of immediate, effective, and holistic transitional justice processes that leave no group behind can shift the target of violence from one minority group to another. Ultimately, the thesis has shown that the Sri Lankan process of transitional justice has thus far failed to advance the rights of the Muslim minority in Sri Lanka.

Not sufficiently including Muslims in the transitional justice process and its resultant measures—and the fact that the process has been utterly insufficient overall—has likely contributed to their ostracism and targeting by growing portions of the Sri Lankan society. The majoritarian machinery that once targeted Tamils has been recalibrated against Muslims with stark efficiency, all within a society that has learned that impunity can be permanent. Only through a transformative transitional justice process that includes the experiences and needs of victims and the Muslim population, as well as addresses root causes of conflict in the country, can Sri Lanka achieve the long-term goals of transitional justice: accountability, rule of law, healing, reconciliation and social cohesion, sustained peace, peacebuilding, sustainable development, and prevention. To achieve these goals, focusing on minority victims—including the Muslims—and resolving root causes is essential.

Based on the findings in this thesis, the following overarching recommendations have been identified:

1. Issue a public apology regarding the state's role in civilian suffering during the conflict as well as other violent episodes, along with recognition of Muslims and other excluded groups as involved in and victimised by the violence;
2. Ensure continuous consultation and involvement of victims, minorities, and civil society in all stages of the transitional justice process, for example by appointing them commissioners to the various mechanisms, implementing their recommendations for change or new measures, and appointing them to the ONUR to oversee the implementation of the transitional justice process;
3. Strengthen the capacity of the OMP and the OR by ensuring sufficient resources and independence, undertaking restructuring in consultation with victims, minorities, civil society organisations, and other stakeholders, and accepting international technical assistance and training;
4. Establish a hybrid justice mechanism with a special counsel for mass atrocity and conflict crimes, with a combination of domestic judges and staff from all ethnic, religious, and linguistic groups along with international judges and staff to ensure impartiality and independence;
5. Establish an independent public prosecutor with international support for the prosecution of human rights and humanitarian law violations;
6. Establish a permanent truth and reconciliation commission to review evidence and reports of previous COI, establish a joint multidimensional history of the conflict and the periods before and after, including root causes of human rights violations, make recommendations for

policy and institutional reform and other measures necessary to address root causes and ensure protection of all minority groups, including Muslims, analyse and compile evidence to aid accountability procedures, carry out new hearings if necessary, and monitor the progress of implementation of recommendations;

7. Immediately reverse the executive power of the President, devolve power to the provinces while ensuring sufficient funding, and repeal the PTA and other emergency legislation while releasing all currently held in detention, which includes a significant number of Muslims, and reexamine all convictions with sentences currently being served in accordance with international obligations;
8. Undertake complete institutional reform, including at least halving the capacity of the army, removing military presence in civilian areas, and ending its involvement in civilian activities, and ensure accountability for human rights violations, corruption, mishandling of public funds, and incitement to violence by state officials and agents;
9. Ensure full land restitution and restoration, and sufficiently resourced resettlement of all IDPs, including the over 200,000 Muslims displaced long-term;
10. Establish a minority rights commission to assess the fulfilment of minority rights, make recommendations on policy and institutional change, and monitor implementation of its recommendations in the pursuit of full protection and enjoyment of minority rights;
11. Establish an inter-religious council to provide a neutral space for religious representatives and the public to discuss grievances and agree on less violent solutions, make recommendations on policy and institutional change, and monitor implementation of its recommendations;
12. Ensure equitable investment and development policies to ensure equal access to economic, social, and cultural rights for all groups across the island, including Muslims, and ensure accurate multidimensional statistics regarding themes such as poverty, education, employment, and public services;
13. Ensure adequate and sufficient medical and psychosocial support to all victims and minorities, including Muslims in post-conflict areas;
14. Ensure equal access to memorialisation, including monuments, cultural performances, and exhibitions and educational museums based on a joint multidimensional history, including previously excluded minorities such as Muslims;

15. Implement a variety of measures and policies for reconciliation, including joint schools for the different groups, public human rights education and education about the conflict and its circumstances, and communal reintegration programmes centred around cooking or other activities, alongside other non-state-centred measures.

Due to a general lack of political will among all factions of the political elite, a victim-centred minority rights-based development seems unlikely to happen in the near future. Transitional justice requires accountability for their violations of international law and a restructuring of the system that ensures them power and benefits. The marginalisation of Muslims and other minorities will thus likely continue. However, as evidenced by the 2022 *Aragalaya* protests calling for system change that led to the resignation of President Rajapaksa, the people of Sri Lanka can bring about foundational change when united in pursuit of a common goal. It remains unclear whether grassroots movements for reconciliation can create a persistent and widespread movement that crosses group divides amongst the people. If such unity can be achieved, the political elite (old and new) might be persuaded to adhere to the voices of victims and minorities for meaningful change. In the meantime, continued international pressure on the government to fight impunity and centre victim and minority voices and international law is vital for the prevention of further escalation of the situation leading to further protracted violent conflict and additional suffering for the people of Sri Lanka.

Supplement A³³⁸



Map No. 4172 Rev.3 UNITED NATIONS
March 2008

Department of Field Support
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