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இலங்கை தேசிய சமாதானப் பேரவை  
National Peace Council of Sri Lanka

# Paths To Peace

January 2016

## NPC Projects Support Process Of Transitional Justice

The issue of transitional justice (TJ), which covers the broad areas of truth, justice, reparations and guarantees of non-recurrence, has become a vital one for Sri Lanka in light of the Geneva Resolution focusing on what happened during the war. The resolution, co-sponsored by the Sri Lankan government, addresses the four pillars of TJ designed to take the country from its post-conflict period to a state of reconciliation and harmony.

NPC is playing a leading role in taking the message of TJ across the country and explaining its significance at the grassroots level. NPC will deliver responses from the people on what they would like to see implemented to policy makers at the national level.

NPC's Reconciling Inter Religious and Inter Ethnic Differences project, funded by USAID through its SPICE project for another year, will carry the message through its religious leaders, while a separate project funded by the Canadian High Commission, GIZ FLICT and the British High Commission will train civil society members, media, public servants, legal experts and academics on TJ. With funding from FOKUS, NPC will prepare war-affected women to appear before TJ mechanisms.

Last year NPC conducted a series of TJ training workshops for high ranking military and police officers, civil society leaders and government officials.

The workshop was funded by the EU under NPC's project Promoting Accountability and Preventing Torture by Strengthening Survivors of Torture in Asia. Asia Rights and Justice, a human rights NGO based in Indonesia, chose NPC as partner to implement the project in Sri Lanka.

TJ expert and trainer Patrick Burgess, who has been involved in helping countries establish Truth and Reconciliation Commissions (TRCs) around the world, gave participants an extensive grounding on what TJ means and how it could be administered. He will be conducting workshops in Colombo, Jaffna and Trincomalee in the upcoming projects.

*Transitional justice is a response to systematic or widespread violations of human rights. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy.*

**International Center for  
Transitional Justice**

# Transitional Justice Process Should Include All Sri Lankans

NPC's expansion of its inter-religious engagement with the support of Misereor to promote reconciliation through the transitional justice process took it to Badulla to meet with community leaders of the area.

Over 50 participants from different walks of life, including university academics, government officials, local authority members, journalists attended the meeting, along with religious clergy from all four religions. The current focus of interest in transitional justice revolves around what happened in the north of the country in the last phase of the war.



During the Badulla discussion another dimension came into focus. This was the sense of neglect of the other ethnic and religious minorities who felt that the entirety of attention is being given the problems of the Tamils of the north and east, to their neglect.

A representative of the Indian-origin Tamil community said that they too needed to be beneficiaries of the transitional justice process, as they too had suffered mass violation of their human rights, which had yet to be remedied. In 1947-48, at the dawn of the country's independence, nearly all the Indian-origin Tamils who were working on the tea plantations in the central highlands were denied citizenship rights and disenfranchised. This was a blow from which they have yet to recover.

Representatives of the Muslim community have likewise expressed their sense of neglect and being marginalised from the discussion of the UNHRC resolution, which needs to include them too as victims of mass violation of their human rights. This is on account of both the mass expulsion they were subjected to from the north in 1990 at the hands of the LTTE, and also the numerous massacres they were subjected to in the east of the country at the hands of the LTTE for which an accountability process is necessary.

At a time when they find themselves once again being targeted by Sinhalese nationalist groups such as "Sinha Le" they find it dismaying to be relegated to the periphery of the discussions on transitional justice.

At the Badulla discussion there was also a representative of the Sinhalese, a Buddhist monk, who spoke of the people who lived poverty-stricken lives in Uva Wellassa where the massacres of the colonial period took place. The message from Badulla was that the transitional justice process needed to include all the Sri Lankan communities because each one of them had been victimised in the past, and the memories continue to be living ones in need of truth, justice, healing and reparation with a guarantee of non-recurrence.

# RIID Project Promotes Trust Between Different Communities

Phase Two of NPC's Reconciling Inter-religious and Inter-ethnic Differences (RIID) project was completed, resulting in the strengthening of nine District Inter Religious Committees (DIRCs) in Matara, Jaffna, Mannar, Puttalam, Kandy, Nuwara Eliya, Galle, Ampara and Batticaloa. They were capacitated to address different issues that could threaten inter-religious and inter-ethnic harmony in their districts, building on lessons learned during Phase I. The project is funded by USAID through its SPICE project.



The multi-ethnic and multi-religious memberships of the DIRCs have developed a degree of trust and commitment that addressed polarisation between communities experienced since the end of the war. Through various capacity building training programmes and interactive engagement activities, DIRCs have improved their knowledge and skills enough to respect other religions and ethnicities. They have also worked together to pass on this change of attitude to the society they lived in. As in Phase I, Phase II was also implemented by NPC with selected partner organisations that collaborated with DIRCs at the district level.

Throughout the project, members of DIRCs and partner organisations were able to experience, appreciate and address inter-religious and inter-ethnic harmony through many activities. They included knowledge on and involvement in inter-religious and inter-ethnic activities, and collaboration and dialogue at the district level. The DIRCs organised events that saw the involvement of all religious groups in each other's religious activities.

The DIRCs created a forum for discussions to diffuse points of possible tension and stop individual issues from becoming larger issues as a result of racially biased elements in society.

At the end of the 13-month period, one of the most significant changes observed among the target beneficiary group was the level of trust developed between members of DIRCs and a significant improvement in their ability to work together as a multi-religious and multi-ethnic group.

During the project period, DIRCs identified and prioritized 22 issues that had potential to flare up into full scale hostilities, and intervened to find solutions for them and completely solved five issues while partly solving one problem. There are 11 issues for which the DIRCs are attempting to bring solutions. Those issues were addressed and dealt with in a manner that promoted healing of relationships, and the relevant DIRC is continuing to monitor them to avoid incidents of reoccurrence.

*“When we went to school, Sinhalese and Muslims studied together. We become good friends. Now it seems that some extremists are trying to create divisions among communities. Therefore it is necessary to build relationships among different communities.”*

**Mosque Secretary  
Isadeen Town**

# “Sinha Le” Hate Campaign Must Be Reined In By The Government

The sudden display of “Sinha Le” posters and stickers in public places, private motor vehicles including buses and three wheelers, and on social media, gives the appearance of being part of an organised political campaign that seeks to exploit nationalist emotions. The term “Sinhale” was used during the period of Western colonial invasion that began in the 16th century to represent that part of the country that remained free of colonial rule.



However, today it being given the meaning of “Sinhala blood” by being broken into two parts as “Sinha Le” with the second part being depicted in red. While the word “Sinhale” is part of the country’s historical tradition, its current usage through posters, sticker, social media and on properties of ethnic and religious minorities is a form of severe intimidation to them. When these words are spray painted on their properties it constitutes hate speech which is prohibited in international law to which Sri Lanka is signatory.

The National Peace Council is mindful of the aggressive campaign against the ethnic and religious minorities, in particular the Muslims in the period immediately prior to 2015. In some instances it resulted in extreme violence where sections of towns were subjected to arson attacks. This hate campaign was led by Buddhist clergy belonging to the Bodhu Bala Sena (BBS) and supported by a section of the former government, which ensured that they obtained impunity. However, racism and intolerance based on blood ties are not part of the Buddhist ethos. Therefore the motivating force behind the “Sinha Le” campaign has to be partisan politics that seeks to use narrow ethnic nationalism to its advantage.

NPC holds that it is the role of the government to maintain peace between individuals, and that this is a key role of the State. The State must act to prevent hate speech as it provokes violence. Society cannot tolerate hate speech on the ground of free speech. Hate speech is speech that offends, threatens, or insults groups, based on race, colour, religion, national origin, sexual orientation, disability, or other trait. We may have ideas of hate but cannot express them because they offend other people who are the victims of such speech. We understand the need to tread carefully on the banning of hate speech as it can be used to stymie legitimate political opinion. The Code of Criminal Procedure (Amendment) Bill and the Penal Code (Amendment) Bill which were proposed to ban hate speech were withdrawn, due to public protests as key provisions in them were drawn from the draconian Prevention of Terrorism Act.

NPC emphasises the need for new legislation as the “Sinha Le” campaign demonstrates intolerance and denial of the rights of religious minorities and could potentially lead to violence and disrupt the building of a tolerant and peaceful society, if not nipped in the bud forthwith. There are currently a number of different religious and inter-religious efforts that are attempting to create and promote post-war reconciliation in Sri Lanka. Religious groups could spread the message of peace in effective and sustainable ways. In addition to tackling this problem of hate speech by means of legislation, inter-religious initiatives which aim to bridge ethno-religious divides and establish a discourse of understanding will provide concrete evidence that the national commitment to reconciliation is strong.

January  
2016

*Our Vision: A just and peaceful Sri Lanka, in which the freedom, human rights and democratic rights of all peoples are assured.*

*Our Mission: To work in partnership with different target groups with an aim to educate, mobilize and advocate the building of a rights conscious society of people that work towards a political solution to the ethnic conflict, reconciliation and equal opportunities for all.*

## President's Pardon In Spirit Of Transitional Process

President Maithripala Sirisena gave concrete expression to his ideals of healing Sri Lanka's post war wounds when he utilised his presidential powers to pardon a former member of the LTTE Sivarajah Jeneevan who had been convicted and imprisoned for having attempted to assassinate him in 2005 when he was Minister of Mahaweli Development. This symbolic and healing gesture coincided with the first year anniversary of his becoming President.

Jeneevan was arrested on April 23, 2006 and sentenced to 10 years rigorous imprisonment by Polonnaruwa High Court over nine years later on July 3, 2015. The National Peace Council is of the view that the State has the right to charge those who indulge in crimes irrespective of how long the time since the commission of the crime. However, it is not necessary that persons who are accused should be remanded for an indefinite period because they are alleged to have committed a crime unless they are a continuing threat to others. We note in this context that there has been great controversy for the past several years over the continued detention without charge or without trial of over two hundred alleged LTTE members. We urge that they be either charged and subjected to the legal process, or released without further delay.

As a co-signatory to the resolution of the UN Human Rights in Geneva in October last year, Sri Lanka is required to ensure accountability for serious human rights violations and war crimes. The government is presently supporting a consultation process with the general population in regard to its proposed four-fold mechanism to ensure truth seeking, judicial accountability, reparations and to clarify the issue of missing persons. We believe that the legal process needs to be followed with regard to the country's past and present, as in the case of Sivarajah Jeneevan though in a more expedited manner in the spirit of the President's healing gesture.

NPC believes that these are not only political issues, but are also human issues of the heart and of people's lives where there is no closure and families cannot move on. The anguish of family members of disappeared persons and those held in custody for several years has become a common sight mainly in the former conflict affected areas and elsewhere. The government needs to take meaningful steps to ensure these cases are concluded expeditiously. This would enable those long term detainees and their families, and those of missing persons, to rebuild their lives and ensure that good governance is meaningful to them.

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