



May 16, 2022

The Honourable Joseph R. Biden Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

Re: Crisis in Sri Lanka – Appeal for Urgent US Assistance to Facilitate a Permanent Political Resolution to the National Problems of Sri Lanka

The people of Sri Lanka are facing a catastrophic situation, amongst repeated declarations of a State of Emergency and rapidly escalating violence that is being unleashed on innocent civilians who are conducting peaceful protests to highlight grave sufferings experienced under the deep crisis afflicting the country.

Even with the death toll mounting due to the violence and people continuing to suffer without food, electricity and medicines, the people are turning up in unprecedented numbers to protest vehemently against authoritarian President Gotabaya Rajapaksa and his government who have taken the country to the brink of collapse. While this has forced the resignation of his brother Mahinda Rajapaksa as the Prime Minister, the President himself is hanging on to power with political manoeuvrings, completely disregarding the voice of the people and mobilising the security forces with orders of shoot to kill.

Deep-seated Problems of Sri Lanka

Sri Lanka has many deep-seated problems, ranging from ethnic conflict caused by Sinhala-Buddhist nationalism, gross economic mismanagement, corrupt politicians exploiting the people to feather their own nests, manipulation of constitutional provisions by autocratic rulers and dilution of the separation of powers by the ruling family for political gain. In parallel to that, there are serious human rights violations being conducted against the Tamils with rampant impunity. The current political leadership of the Rajapaksa family and many high-ranking officials of the armed forces have been credibly accused of atrocity crimes by reputed international organisations.

While the country has currently been driven to the edge of bankruptcy and the current focus is on obtaining financial assistance to assist economic recovery, it is also true that the disunity and devastation caused by the ethnic conflict under successive governments has been the major underlying factor that has undoubtedly contributed in the longer term to the national problems of Sri Lanka.

Opportunity to Find a Lasting Solution

While the problems faced by Sri Lanka are deep rooted and challenging, there is an opportunity now to find a lasting solution, with a permanent political resolution to end the ethnic conflict and put a united country on an effective road to recovery.

In this regard, we welcome the approach outlined by U.S. Ambassador Julie Chung that “The voice of peaceful citizens needs to be heard. And the very real challenges Sri Lankans are facing require long term solutions to set the country back on a path towards prosperity and opportunity for all.”

Major Underlying Factors

The following are major underlying factors which have been the root cause of the problems, which need to be addressed through a permanent political resolution in Sri Lanka:

- The longstanding ethnic conflict in the island, where Tamils have been subjected to discrimination and violent attacks under successive governments promoting Sinhala-Buddhist supremacy and the notion that the country is a sacred land belonging to Sinhalese Buddhist only.
- The decades-long war responsible for perpetrating atrocity crimes on Tamils, culminating in the mass extermination of Tamil lives through the “Mullivaikkal” massacre that marked the end of the military conflict. This war has had devastating consequences for the Tamils as well as the economy of the country through not only the staggering military spending, but also the decimation of infrastructure, industry, and the economy in the areas of the North and East of the island.
- Even after the end of the military conflict, Sri Lanka continues to have unprecedented levels of military spending, maintaining a disproportionately vast military compared to many countries (for example, the number of active personnel in the Sri Lankan military is reported to be more than even that of the Ukraine) which is used for military occupation of the North and East of the island.
- Serious human rights violations before, during and after the war, conducted through pogroms, enforced disappearances, torture, rape, destruction of cultural and religious sites, land grabs, and persecution.
- Racism and ethnic divide, with the fanning of longstanding ethnic and religious tensions for political gain, with the President claiming he could win the presidency through Sinhalese votes alone.
- Constitutional amendments brought in by the President through undemocratic manipulation of mandates for political gain, giving himself almost autocratic

power. The 20th Amendment for example makes several significant changes to the present Constitution, altering the dynamics of the separation of powers, with the balance of power overwhelmingly favouring the President.

- A President who is militarising civilian functions, relying heavily on the military to enforce policy, and passing laws to weaken independent institutions and the President's family clan maintaining a monopoly on decision making.
- Draconian laws such as the *Prevention of Terrorism (Temporary Provisions) Act* well known for its extensive powers of investigation without judicial oversight that perpetuate human rights violations mainly used against Tamils and still in existence despite the end of the armed conflict.
- Unhealthy power for the President through constitutional arrangements to give him wide powers as commander-in-chief of the armed forces and head of the cabinet, as well as the power to appoint the chief justice, police chief and others.
- A corrupt regime pushing the country irretrievably into the hands of powers employing coercive diplomacy in attempts to extend their influence across Asia, allowing heavy investments in Sri Lanka without due diligence and proper consideration of national interests.

Fundamental Principles for a Permanent Political Resolution

If Sri Lanka is to come out of the abyss that the successive governments have led us into, then meaningful and long-lasting changes are required to undertake reform and implement a permanent political resolution. Any proposed resolution should be built of the following fundamental principles:

- Address the legitimate grievances of the Tamils to end the ethnic conflict through a power sharing arrangement that will enable self-determination for the Tamils and allow them to live with peace and security in their traditional homeland areas in the North and East to fulfill the aspirations tied to their own future.
- Genuine constitutional reform should be undertaken to design and develop a suitable constitution to protect all communities and allow them to coexist in harmony through constitutional safeguards and strong demarcation of powers allocated to the constituent units for power sharing in the governance structure.
- The constitution and court systems shall provide a strong framework for delineating powers.
- The constitutional framework should guarantee personal freedom and have strong provisions for upholding the human rights of all individuals in accordance with international law and human rights conventions. This should include treating all citizens equally.

- The political resolution should deliver a suitable constitution designed and developed with international collaboration to provide a just resolution to the Tamil national question and a lasting solution for harmony in Sri Lanka.
- The political system and constitutional provisions to be put in place should ideally follow the model of federalism, designed, and developed with international collaboration to provide a just resolution for Tamils in a plurinational country of Sri Lanka.

Transitional Justice and Accountability

It is also vitally important that transitional justice and accountability is advanced with the support of the US and through the auspices of international bodies, to ensure that perpetrators of heinous crimes can be brought to justice and the country can move forward through healing. The culture of impunity that has been rampant in Sri Lanka should be ended and safeguards should ensure that atrocities never happen again.

We also appeal to you to form a task force through the US Department of Justice to pursue the perpetrators in Sri Lanka who have committed atrocity crimes and other serious financial crimes in Sri Lanka. It is highlighted that there are credible allegations against the President and other senior officials in Sri Lanka and that the President himself is/or was a citizen of the United States.

For any serious and genuine attempt by the government to pursue transitional justice and to help find a lasting solution, there are critical issues need to be addressed immediately, to not only demonstrate their commitment, but to also build trust and confidence about its desire to uphold human rights and enable a path towards recovery and harmony in Sri Lanka. These critical issues are:

- Immediate demilitarisation of the North and East areas of the island.
- Land Grabs and illegal confiscation to stop immediately.
- Abolishing the *Prevention of Terrorism (Temporary Provisions) Act* and Releasing Political Prisoners.
- Preventing Enforced Disappearances and Releasing Details About Missing Persons.

Appeal to the President

Mr. President, we firmly believe that American leadership would be indispensable to find a lasting solution to address the long-term problems faced by Sri Lanka and appeal to you fervently, to facilitate a permanent and sustainable political resolution as outlined in this letter, with the support of QUAD nations and other like-minded countries who have a stake in the region.



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We are also heartened by your leadership on defending human rights and note with hope your promise to revitalize America's national commitment to advancing human rights and democracy around the world. In this context, we also seek your help to facilitate international investigation including by the U.S. State Department to address the atrocity crimes and human rights violations committed in Sri Lanka, to end the impunity and bring perpetrators to justice to facilitate transitional justice and accountability in Sri Lanka.

Yours sincerely,

Navaratnam Srinarayanathas

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President

cc. The Honourable Antony J. Blinken, Secretary of State
Ambassador Victoria Nuland, Under Secretary of State for Political Affairs
Donald Lu, Assistant Secretary, Bureau of South and Central Asian Affairs
Julie J. Chung, United States Ambassador to Sri Lanka and the Maldives