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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. RES.

Recognizing 14 years since the end of the war in Sri Lanka on May 18, 2009, honoring the lives lost, and expressing support for justice, accountability, reconciliation, reconstruction, reparation, and reform in Sri Lanka to ensure a lasting peaceful political solution and a prosperous future for all people of Sri Lanka.

IN THE HOUSE OF REPRESENTATIVES

Ms. Ross submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Recognizing 14 years since the end of the war in Sri Lanka on May 18, 2009, honoring the lives lost, and expressing support for justice, accountability, reconciliation, reconstruction, reparation, and reform in Sri Lanka to ensure a lasting peaceful political solution and a prosperous future for all people of Sri Lanka.

Whereas May 18, 2023, marks the 14-year anniversary of the end of the 26-year armed conflict between the Government of Sri Lanka and various armed Tamil independence organizations, including the Liberation Tigers of Tamil Eelam;

Whereas all communities suffered from violence and counter-violence during the ethnic war;

Whereas the Tamil people of Sri Lanka suffered tens of thousands of deaths, disappearances, abuses, and displacements;

Whereas the ethnic war was marked by credible allegations of war crimes, crimes against humanity, and acts of violence committed by the Sri Lankan Government, including through the military's deliberate shelling of civilians in government-designated no fire zones during the war's final months in 2009, in which 40,000 to 170,000 Tamils were presumed to have been killed;

Whereas in the absence of Sri Lanka implementing the recommendations of its own Lessons Learned and Reconciliation Commission or instituting a credible justice mechanism to investigate serious crimes committed during and after the war, the United States sponsored resolutions in the United Nations Human Rights Council (UNHRC) in 2012, 2013, and 2014 calling in ever stronger terms for domestic action and reconciliation;

Whereas the United Nation's Office of the High Commissioner for Human Rights issued a report in 2015 (the OISL Report) that outlined the occurrence of war crimes and crimes against humanity and violations of international humanitarian law during the war in Sri Lanka;

Whereas following a change in government in Sri Lanka, the release of the OISL Report, and the recommendations of the High Commissioner for Human Rights, the United States cosponsored with Sri Lanka a UNHRC resolution in 2015, HRC 30/1, which was reaffirmed in 2017;

Whereas under HRC 30/1, the Sri Lankan government made transitional justice commitments for postwar reconciliation including—

- (1) an accountability mechanism with a special court inclusive of Commonwealth and foreign judges, prosecutors, lawyers, and investigators;
- (2) a truth commission;
- (3) an office of missing persons;
- (4) an office of reparations and institutional reforms aimed at nonrecurrence; and
- (5) a number of confidence-building measures;

Whereas, in continued demonstration of impunity for human rights violations and despite serving as a cosponsor of the resolution, Sri Lanka withdrew from HRC 30/1 in 2020;

Whereas the northeastern region of the country, the traditional Tamil homeland, remains heavily militarized with up to one soldier for every two civilians in the most war-affected regions;

Whereas Sri Lanka has passed laws aimed at limiting the freedom of expression of the Eelam Tamil community;

Whereas, in 2018, the Northern Provincial Council of Sri Lanka adopted resolutions calling for an international investigation into alleged war crimes committed during the armed conflict and for a United Nations-monitored referendum in the northeastern region of the island to support the development of a permanent political solution;

Whereas the Government of Sri Lanka has postponed provincial elections for multiple years, denying all Sri Lankans, including the Tamil people in the Northern Province and the Eastern Province, their democratic right to local representation;

Whereas Richard Boucher, Assistant Secretary of State for South and Central Asian Affairs, said during a visit to Sri Lanka on June 1, 2006, that “There are legitimate issues that are raised by the Tamil community and they have a very legitimate desire, as anybody would, to be able to control their own lives, to rule their own destinies and to govern themselves in their homeland; in the areas they’ve traditionally inhabited.”;

Whereas a 2021 report from the United Nations High Commissioner for Human Rights found that the Government of Sri Lanka has, over the past year—

- (1) elevated individuals implicated in war crimes to senior governmental positions;
- (2) pardoned a convicted war criminal;
- (3) reversed key democratic reforms and consolidated power behind the office of the President;
- (4) obstructed efforts to investigate and prosecute perpetrators of war crimes;
- (5) promoted majoritarian and exclusionary rhetoric;
- (6) engaged in surveillance and harassment of civil society organizations and human rights advocates; and
- (7) allegedly employed security forces to abduct and torture dissidents;

Whereas the report warns that “Sri Lanka’s current trajectory sets the scene for the recurrence of the policies and practices that gave rise to grave human rights violations”;

Whereas the United States cosponsored a UNHRC resolution, HRC 46/1 (2021), led by the United Kingdom, which recognizes the lack of accountability for past violations of human rights and international humanitarian law in Sri Lanka and directs the Office of the High Commis-

sioner for Human Rights to collect, analyze, and preserve information and evidence for future accountability processes for gross violations of human rights;

Whereas the United States cosponsored UNHRC resolution, HRC 51/1 (2022), which—

(1) underscores the importance of addressing deepening militarization, lack of accountability in governance, and impunity for serious human rights violations and abuses;

(2) recognizes the importance of peaceful protests to the effectiveness of democratic systems and democratic processes, including elections and referendums; and

(3) calls upon the Government of Sri Lanka to fulfill its commitments on the devolution of political authority and to ensure that all provincial councils, including the northern and eastern provincial councils, are able to operate effectively;

Whereas no effort has been made to bring to justice those who are alleged to have committed war crimes and crimes against humanity, no investigations have begun even on emblematic cases, evidence gathering is hindered through arbitrary arrests and threats by the state, and impunity prevails in the country with the outdated and the excessively harsh Prevention of Terrorism Act, which does not comply with international standards and has still not been repealed despite repeated promises by the government;

Whereas the former United Nations High Commissioner for Human Rights, Michelle Bachelet, stated in January 2021, “Given the demonstrated inability and unwillingness of the Government to advance accountability at the national level, it is time for international action to ensure

justice for international crimes. States should also pursue investigations and prosecution in their national courts—under accepted principles of extraterritorial or universal jurisdiction—of international crimes committed by all parties in Sri Lanka.”;

Whereas Sri Lankan President Ranil Wickremesinghe has continued the damaging policies of the Rajapaksas, including state-sponsored land appropriation, occupation and destruction of Tamil religious and cultural sites, subjugation of and violence against largely peaceful protests, imprisonment of activists, and disregard for calls for justice for past violations;

Whereas families of individuals who disappeared during and following the armed conflict still have no information regarding the whereabouts of their loved ones, and no lists of persons who surrendered to the government after the end of the armed conflict have been published; and

Whereas progress on domestic and international investigations into reports of war crimes and human rights during the conflict and the promotion of reconciliation would facilitate United States engagement and investment in Sri Lanka and demonstrate support for the international rule of law: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) acknowledges the 14th anniversary of the
3 end of the war in Sri Lanka and offers its deepest
4 condolences to all those affected by the conflict;

5 (2) honors the memory of those who died and
6 reaffirms its solidarity with the people of all commu-

1 nities in Sri Lanka in their search for reconciliation,
2 reconstruction, reparation, and reform;

3 (3) commends the United Nations Human
4 Rights Council for prioritizing the collection and
5 preservation of evidence related to human rights vio-
6 lations, a process that must not be interfered with
7 by the Government of Sri Lanka;

8 (4) recognizes the bravery and commitment of
9 advocates for justice across all communities in Sri
10 Lanka, including the Tamil families of the dis-
11 appeared, whose protests and demands for answers
12 have at times been met with threats, intimidation,
13 and harassment by government security forces;

14 (5) urges the international community to advo-
15 cate for and protect the political rights and rep-
16 resentation of the historically oppressed northeastern
17 region of Sri Lanka and work towards a permanent
18 political solution to address the underlying issues
19 that led to ethnic conflict and ensure nonrecurrence
20 of violence;

21 (6) encourages the promotion of universally ac-
22 cepted democratic principles and systems on the is-
23 land of Sri Lanka, including through the use of the
24 referendum process to ensure that peoples of all
25 ethnicities, including the Eelam Tamil people, are

1 democratically and equitably represented on the is-
2 land;

3 (7) recommends the United States explore in-
4 vestigations and prosecutions pursuant to the rec-
5 ommendations of the United Nations High Commis-
6 sioner for Human Rights;

7 (8) urges the United States to work with the
8 United Nations General Assembly, the United Na-
9 tions Security Council, and the United Nations
10 Human Rights Council to establish a credible and
11 effective international mechanism for accountability
12 for the grave crimes committed during the war in
13 Sri Lanka; and

14 (9) encourages the Secretary of State to lever-
15 age the United States position on the United Na-
16 tions Security Council to pursue a referral of Sri
17 Lanka to the International Criminal Court, as out-
18 lined in the February 2021 report on Sri Lanka
19 from the United Nations High Commissioner for
20 Human Rights, which describes “the referral of the
21 situation in Sri Lanka to the International Criminal
22 Court” as one option to “advance criminal account-
23 ability and provide measures of redress for victims”.