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S. RES. 493

Expressing the sense of the Senate in support of the peaceful, democratic,
and economic aspirations of the people of Sri Lanka.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2023

Mr. CARDIN (for himself and Mr. RISCH) submitted the following resolution;
which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate in support of the peaceful, democratic, and economic aspirations of the people of Sri Lanka.

Whereas, in recent years, Sri Lanka has undergone a political, economic, and humanitarian crisis causing millions of Sri Lankans to live in dire conditions, with the World Food Program estimating that 17 percent of the population is experiencing food insecurity and severe shortages of medicine and fuel;

Whereas the crisis in Sri Lanka stems from factors such as corruption, financial mismanagement, and failures in the rule of law, further exacerbated by the Government of Sri Lanka entering into expensive projects involving predatory lending by entities associated with the People's Republic of China;

Whereas, beginning in March 2022, tens of thousands of Sri Lankans participated in largely peaceful protests lasting more than 100 days, leading to the resignation of President Gotabaya Rajapaksa and the appointment of Ranil Wickremesinghe as the new President of Sri Lanka;

Whereas the Wickremesinghe government, citing economic constraints, indefinitely postponed local elections scheduled for March 9, 2023, in violation of the Constitution of Sri Lanka;

Whereas, on February 20, 2023, thousands of largely peaceful protestors demonstrated against the decision to postpone local elections, to which the Sri Lankan police responded by firing tear gas and water cannons;

Whereas the Government of Sri Lanka continues to repress dissent and protest, conduct surveillance and harass members of civil society, and use the Prevention of Terrorism Act to target political opposition members of ethnic and religious minority groups, activists, and journalists;

Whereas the Government of Sri Lanka continues to participate in and facilitate the illegal appropriation of land in the North and East, areas of historical habitation of Tamil speaking peoples and various ethnic and religious groups;

Whereas the Government of Sri Lanka refuses to conduct transparent and independent investigations into credible allegations of corruption, historic atrocities, and other gross violations of human rights against Sinhalese, Tamil, and Muslim communities, and the United Nations and others have recognized that longstanding impunity for corruption and other human rights violations and

abuses is a root cause of the current crisis and that many actors responsible for the current crisis have been implicated in abuses dating back to the civil war and the JVP insurrection;

Whereas, for more than 30 years, Sri Lanka was enveloped in a civil war in which, according to United Nations reports, tens of thousands of Sri Lankans died and thousands more were raped, tortured, forcibly disappeared, or went missing;

Whereas United Nations reports maintain that members of the Liberation Tigers of Tamil Eelam (LTTE) and members of the Government and security services of Sri Lanka were implicated in horrific atrocities and human rights violations and abuses against Sri Lankan civilians during the civil war;

Whereas, on multiple occasions, the Government of Sri Lanka has publicly committed to pursuing meaningful justice and accountability for conflict-related crimes and grievances, including in President Mahinda Rajapaksa's May 2009 joint statement with United Nations Secretary-General Ban Ki-Moon and in the government of then-Prime Minister Ranil Wickremesinghe's cosponsoring of United Nations Human Rights Council resolution 30/1, committing to a holistic transitional justice strategy, including a commission for truth, justice, reconciliation, and non-recurrence and a judicial mechanism to prosecute violations and abuses of human rights and violations of international humanitarian law;

Whereas, in January 2016, under then-Prime Minister Wickremesinghe, the Government of Sri Lanka established a Consultation Task Force on Reconciliation Mechanisms led by respected members of Sri Lankan civil so-

ciety, which spoke to more than 7,000 Sri Lankans and issued a 700-page report with findings and recommendations about what the Sri Lankan people wanted from the Sri Lankan government in relation to justice and reconciliation, including recommendations supporting international involvement in certain transitional justice mechanisms;

Whereas successive Sri Lankan governments have failed to live up to those commitments and address the desire of Sri Lankan victims and survivors for meaningful justice and accountability for the atrocities, and in March 2020, President Gotabaya Rajapaksa's administration withdrew the Government of Sri Lanka's commitment to implement Human Rights Council resolution 30/1;

Whereas the majority of the LTTE leadership were killed or disappeared during the civil war and therefore cannot stand trial for their crimes, and despite evidence implicating Sri Lankan government officials and security forces in atrocity crimes committed against Sri Lankan civilians during the war, no such officials or forces have faced justice for their crimes;

Whereas, in 2020, 2021, and 2022, the Department of State imposed visa restrictions against Sri Lankan officials for their involvement in gross violations of human rights, including torture and inhumane punishment during the civil war, but successive Sri Lankan governments have promoted and empowered those same individuals;

Whereas, in 2021 and 2022, the United States cosponsored United Nations Human Rights Council resolutions 46/1 and 51/1, mandating that the United Nations collect, analyze, and preserve information and evidence of gross violations of human rights and serious violations of inter-

national humanitarian law in Sri Lanka for future accountability processes; and

Whereas, in September 2023, the United Nations High Commissioner for Human Rights, Volker Turk, issued a report that noted, “The 2022 economic crisis is a demonstration of the indivisibility of human rights and how impunity, corruption and the weakening of democratic and rule of law institutions ultimately impacted the economic situation. In order to achieve a path to recovery and sustainable development Sri Lanka will need to address the longer-term serious governance and accountability deficits, as well as the continuing legacy of the armed conflict.”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) supports the peaceful, democratic, and economic aspirations of the people of Sri Lanka;

3 (2) urges the Government of Sri Lanka to hold free and fair local and provincial elections without further delay;

4 (3) urges the Government and security forces of Sri Lanka to respect the rights of all Sri Lankans, including the right to protest peacefully, associate freely, and commemorate their dead;

5 (4) urges the Government of Sri Lanka to institute meaningful security sector reform, including by reducing the deployment of security forces across the North and East to appropriate peacetime levels, and

1 ensure those credibly implicated in human rights
2 abuses are removed from positions of authority;

3 (5) calls on the Government of Sri Lanka to
4 promote an inclusive, pluralistic Sri Lanka through
5 structural reforms and confidence-building measures
6 to address corruption, nepotism, outsized expendi-
7 tures on the military, minority disenfranchisement,
8 impunity, and other issues that hamper the long-
9 term potential growth of Sri Lanka;

10 (6) welcomes Sri Lanka's newly passed
11 anticorruption legislation and calls on the Govern-
12 ment of Sri Lanka to ensure that investigations and
13 prosecutions of corrupt officials can move forward
14 independently and impartially;

15 (7) calls on the Government of Sri Lanka to
16 strengthen the rule of law, including by respecting
17 and reinforcing the independence of the judiciary
18 and independent institutions;

19 (8) welcomes the October 2022 passage of the
20 21st Amendment package by the Parliament of Sri
21 Lanka as an initial step toward reducing centralized
22 power and encourages further measures to alleviate
23 a lack of meaningful checks and balances;

24 (9) welcomes the initial agreement by the Inter-
25 national Monetary Fund to loan Sri Lanka

1 \$3,000,000,000 to help address the ongoing eco-
2 nomic crisis and urges the Government of Sri Lanka
3 to address the recommendations of the International
4 Monetary Fund’s September 30, 2023, staff report,
5 which notes that the “absence of visible progress on
6 addressing corruption and holding officials to ac-
7 count for past behaviour raises popular concerns
8 that officials will continue to enjoy impunity for
9 their misconduct”;

10 (10) urges the Government of Sri Lanka to im-
11 mediately repeal or amend the Prevention of Ter-
12 rorism Act and ensure that the Act or any counter-
13 terrorism laws passed to replace it are aligned with
14 international norms and reflect inclusive consultation
15 with Sri Lankan civil society;

16 (11) calls for an immediate moratorium on the
17 appropriation of land facilitated by the Government
18 of Sri Lanka in the North and East and restitution
19 of appropriated lands in a way that guarantees ef-
20 fective access and productive use;

21 (12) urges the Government of Sri Lanka to
22 fully implement the Constitution of Sri Lanka, in-
23 cluding the 13th Amendment’s commitments to de-
24 volve specified powers over land, the police, edu-

1 cation, health, agriculture, housing, and finances to
2 the provinces;

3 (13) urges the Government of Sri Lanka to
4 reach a consensus with opposition parties on behalf
5 of all Sri Lankans, including Tamils, Indian-origin
6 Tamils, Muslims, and members of other religious
7 and ethnic minority groups, to address longstanding
8 issues, including those relating to human rights vio-
9 lations and abuses, disenfranchisement, justice, and
10 accountability, and work toward a sustainable polit-
11 ical solution that promotes reconciliation;

12 (14) calls on the Government of Sri Lanka to
13 accept and use Sri Lanka's own Consultation Task
14 Force report as the basis for taking action in sup-
15 port of justice, accountability, and reconciliation,
16 and further calls on the government to design and
17 implement all justice measures, including a potential
18 truth commission, with input from, the participation
19 of, and support from victims and survivors; and

20 (15) urges the Government of Sri Lanka to en-
21 gage positively and cooperatively with the United
22 Nations' Human Rights Council, agencies, and spe-
23 cial procedure mandate holders and facilitate the im-
24 plementation of their recommendations on good gov-

- 1 ernance, rule of law, corruption, justice, account-
- 2 ability, and human rights.

