Gender and the Pursuit of Justice in Sri Lanka:
Testimonies of Peace and Conflict

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Introduction
‘Truth commissions’ have become one means through which post-war states seek to address issues of war-related atrocities and have become one of the key components of transitional justice mechanisms, alongside international and hybrid tribunals, ‘traditional’ practices like the Rwandan gacaca process, reparation programs and commemorative activities (Abu-Nimer 2001; Hayner 2011; Hinton 2012; Shaw and Waldorf 2010). In the pursuit of justice, public truth-telling is part of the process of establishing an accepted narrative of the violent past which will enable individual and societies to look forward, heal, and build sustainable peace. However, a number of studies have begun to question the idea of a uniform and one-sided positive influence of public truth-telling, by, for instance, showing how witnesses may experience psychological ill-health, retraumatisation and new insecurities (Brounéus 2008; Franke 2006; Guthrey 2015). Moreover, from a gender perspective it has been emphasized how transitional justice efforts hold potential to transform the social and political order, but also how such effort may serve to cement existing power relations. Public truth-telling may, thus, serve to either empower and give voice to women, or serve to downplay the importance of experiences of women and confirm their ‘scripted’ roles in society (Buckley-Zistel and Stanley 2012; Ross 2003). This makes institutionalized public truth telling initiatives important sites to explore. In particular, it has been recognized that the experiences of men

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and women during war are fundamentally different, but that such differences are not always recognized in public truth telling.

This paper analyses the Sri Lankan Lessons Learn and Reconciliation Commission (LLRC), with an eye on the types themes which emerge in the transcripts of witness statements by women and men. The commission was initiated by the government in 2010, in response to increasing pressure for an independent commission of inquiry into war crimes. Between 1982 and 2009, Sri Lanka experienced a civil war with the government and the separatist Liberation Tigers of Tamil Ealam (LTTE) as its main protagonists. A peace process initiated in the early 2000s brought hope that the belligerents would reach a negotiated settlement, but the ceasefire broke down and the final years of the war saw an unprecedented intensification of the violence, with major atrocities committed by both sides. The LLRC was to probe into the failure of the 2002 ceasefire, the events preceding it and with whom responsibility for these developments lie. The LLRC held hearings in Colombo and the war-torn areas, and also received written statements. The final report was issued in December 2011 and includes recommendations on wide-range institutional reforms and efforts to promote inter-ethnic reconciliation, but is silent on the issue of accountability.

The documented testimonies of the LLRC constitute a public record of stories and concerns by men and women in the immediate post-war period. While not set out as a ‘truth commission’, but rather as an effort to promote reconciliation and learn for the future, the commission received more than 5000 written submissions and 1000 oral submissions from a diverse range of individuals and organizations. This paper focuses specifically on witness statements in the war torn-areas in three districts in northern parts of Sri Lanka (in total 209 statements in Jaffna, Kilinochchi and Mullaitivu). It aims to explore the main themes which emerge from a reading of these testimonials: What type of stories surfaces? How is suffering given voice and how is it acknowledged? What experiences by women are portrayed? How are gender power relations reflected in the discourse? Who is included and excluded? Who is absent/present, silenced/given voice?

Sri Lanka is an intriguing case in which to explore the dynamics of transitional justice, public truth telling and gender. First, the post-war period has faced distinct challenges to reconciliation and justice, due to the overwhelming victory by the government which put an end to the conflict and subsequent policy choices by the Rajapaske regime. The post-war
situation has been marked by a glaring power asymmetry, where the victor came to dominate the discourse and practice on transitional justice. Second, Sri Lanka is puzzling from a gender perspective. Women scores high on many development indicators, but are politically marginalized and have very low political representation in parliament and local government. The war was clearly a gendered experience and there is substantial research which has highlighted both the suffering and agency of women during and after the war. Thus, a diverse picture of women during and after the war emerges from the Sri Lankan case, which this paper seeks to further explore and problematize.

References


