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To Prosecute or Not to Prosecute: The Need for Justice in Post-Conflict Sri Lanka

Mehwish Muhib

Advocate High Court, Ph.D Scholar,
Political Science, Qurtuba University of
Science and Technology, Peshawar, KP,
Pakistan

Correspondence: mehwishmuhib@gmail.com

Zeenat Muhib

M.A, LLB, Advocate High Court,
Peshawar, KP, Pakistan

Email: zeenat.muhib@gmail.com

Kainat Muhib

Advocate High Court, LLM Bahria University
Islamabad, Pakistan

Email: kainatmuhib18@gmail.com

Muhammad Raheel

BS Political Science, Department of Political
Science Abdul Wali Khan University Mardan,
KP, Pakistan

Email: 121muhammadrageel@gmail.com

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Abstract

This paper analyses the challenges and imperatives of transitional justice in the post-conflict context in Sri Lanka, with the imperative of balancing accountability and reconciliation in the aftermath of three decades of civil war. Mechanisms of transitional justice that recognize wartime atrocities, facilitate societal healing, and foster trust between citizens and institutions are utilized. The paper draws heavily from global frameworks and comparative lessons learned from post-conflict transitional administrations such as those in Rwanda and Sierra Leone to make the hybrid model combining judicial accountability through mechanisms tailored to the appropriate political and social context of Sri Lanka the most appropriate. Results will indicate prosecution as one method of ending impunity, holding high-ranking perpetrators accountable and preventing future offenses; integrating truth commissions with reparations programs to make reconciliation work; and using inclusive, transparent processes that can be deemed legitimate and efficient. There is a grave finding about deep-seated ethnic narratives that polarize the majority Sinhalese population from the minority Tamils that calls for a reconciliation effort that is not culturally blind but culturally sensitive as well. This study concludes that a nuanced and inclusive approach, based on accountability and reconciliation, is the indispensable ingredient for healing deep wounds of the nation towards a peaceful future.

Keywords: Post-conflict, Sri Lanka, Accountability, Transitional justice, Human rights, Rule of law, Sustainable peace.



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Introduction

The long Sri Lankan civil war has finally come to an end with 2009 marking its end after more than two decades. Though the guns may be silent today, the country has failed in gaining anything close to tangible peace, and the issues about accountability for war crimes not yet settled continue to cleave the country. At the heart of these debates, however, lies the complex tension between two imperatives: pursuing justice through the machinery of law and prioritizing reconciliation to ensure political stability. This becomes a reflection of an even more encompassing global challenge to societies coming out of conflict-how to balance a clamor for accountability with demands for reconciliation and longer-term peacebuilding (Teitel, 2003).

Transitional justice it is a framework that incorporates both judicial as well as non-judicial measures is regarded internationally as a very significant mechanism in addressing and coming to terms with legacies of mass-violence. Transitional justice aims towards accountability of human rights abuses, redress of rule of law, and bringing about societal healing (Roht-Arriaza & Mariezcurrena, 2006). Transitional justice mechanisms for Sri Lanka are not a theoretical exercise but a necessity to address grievances laid down from decades of ethnic tensions and political marginalization. If such grievances are not addressed, chances for recurring violence and the hardening of societal divisions remain high.

Wartime atrocities represent significantly a contentious issue in Sri Lanka as regards prosecution. Advocates of prosecution see justice as a basis to further human rights, to check future violations, and even regain public confidence with institutions, says Skaar (2012). Critics, however, fear the political destabilization effects that can be brought about by such actions, especially in a fragile society still reeling under ethnic and political fault lines. For some, the emphasis on reconciliation and stability takes precedence over legal accountability, reflecting fears that prosecutions could exacerbate divisions rather than heal them (Hamber, 2009).

Drawing on international human rights frameworks and lessons from other post-conflict societies, this paper argues that prosecuting wartime atrocities is indispensable for fostering sustainable peace in Sri Lanka. While the paper rightly recognizes some of these challenges, such as political resistance, and the danger of re-traumatizing, it underlines that impunity needs to be addressed lest violence recur. In this sense, it puts forward the need for a hybrid approach that would link judicial mechanisms with broader reconciliation tailored to the unique socio-political context of Sri Lanka.

The Case for Accountability

Accountability has often been mentioned as one of the pillars of transitional justice. The gross human rights violators can be prosecuted by the societies to ensure a clear message that there is a break from impunity in the past and commit to the rule of law, as held by Minow in 1998. To Sri Lanka, where wartime atrocities included extrajudicial killings, enforced disappearances, and sexual violence, failure to hold perpetrators accountable would risk perpetuating a culture of impunity. This undermines public trust in the state and its institutions, thereby further eroding social cohesion (Fletcher & Weinstein, 2002).

International precedents point out the importance of accountability in post-conflict situations. Tribunals for Rwanda and former Yugoslavia have shown that prosecution can be a very strong tool for justice as well as deterrence. These courts have brought some measure of justice to the victims and also made a strong statement that violations of international law will not go unnoticed (Peskin, 2008). Such initiatives in Sri Lanka would help revitalize faith in the system of justice while vindicating the wronged victims who have been deprived of justice for decades.

Need for Context-Sensitive Approach

The case for accountability is indeed strong, but the Sri Lankan context is uniquely challenging and requires a nuanced approach. Deep scars from the history of ethnic conflict where the majority Sinhalese have been against the minority Tamil continue to shape the socio-political landscape. Justice must therefore be pursued with careful calibration so that it does not exacerbate ethnic tensions or undermine reconciliation efforts (Uyangoda, 2010).

Politicization of the processes of justice is one of the main challenges. Accountability mechanisms in Sri Lanka were ethnicized in the sense that Tamil people framed the actions of the state in a way that was targeted disproportionately to their community. This perception further deepened the skepticism regarding the impartiality of mechanisms of justice, and hence, designing processes that are inclusive and open in nature has been required (de Greiff, 2012). Victim voices, especially from marginalized communities, are crucial for the mechanisms to be seen as legitimate and effective.

Hybrid Models: Finding a Balance Between Justice and Reconciliation

Hybrid The proposed approach would be one that is a hybrid by integrating judicial and non-judicial measures, all tailored for the needs of Sri Lanka. Hybrid approaches, borrowing practices both from the international arena and from the domestic system, have successfully been practiced in other post-conflict states like Cambodia and Sierra Leone. These models thus form a flexible framework adapted to local realities yet complying with international standards of justice (Stahn, 2005).

For Sri Lanka, such a hybrid model would be having a special tribunal to hold high-level perpetrators accountable; however, it would accompany truth commissions and reparations programs to promote reconciliation. Thus, such an approach combines accountability with broader efforts aimed at redressing historical grievances, thereby bridging the chasm between justice and reconciliation. Furthermore, it is compatible with the findings of studies that underscore the need for context-sensitive solutions in achieving sustainable peace, as noted by Hayner (2011).

While much of the struggle is being undertaken in post-conflict Sri Lanka, justice remains the only thing that will ensure reconstruction of a more just and peaceful society. A balanced approach of accountability combined with reconciliation is only possible if impunity is broken down and the foundations for long-term stability are laid down. Although the road ahead is complicated, lessons from other post-conflict societies hold precious insights into the kinds of pathways that can achieve justice and peace. In a sense, prosecuting wartime atrocities is not just a legal or moral matter but is a matter of healing the very deep wounds of this nation and ensuring a violence-free future

Literature Review

Post-conflict justice in Sri Lanka is rather complex in a way that requires a delicate balancing act between prosecution and reconciliation. This literature review takes inspiration from recent scholarship about transitional justice, accountability, and reconciliation in post-conflict societies whose nexus is quite clear with Sri Lanka. The review will take advantage of the latest studies that have been done between 2022 and 2024 to give a comprehensive understanding of the complexities and imperatives in implementations of justice mechanisms in post-conflict settings.

Transitional justice frameworks

Transitional justice encompasses judicial and non-judicial mechanisms that address the consequences of human rights violations. According to Roht-Arriaza and Mariezcurrena (2006),

transitional justice is composed of accountability, readjustment of the rule of law, and healing for society. Transitional justice mechanisms in Sri Lanka form an essential component in the redress of deep-rooted grievances of decades especially those rooted in ethnic conflict and political exclusion (Hirsch, 2023). If these grievances are not addressed, then there is a likelihood of renewed violence and continued consolidation of social cleavages (Bastick, 2023).

Accountability and Deterrence

There is a need to prosecute wartime crimes so that the world may realize a shift from the previous impunity and re-affirmation of commitment to the rule of law. Accountability, as defined by Minow (1998), is the building block of transitional justice; it ensures that serious human rights violators end up being prosecuted. In Sri Lanka, where wartime atrocities included extrajudicial killings, enforced disappearances, and sexual violence, failure to hold perpetrators accountable risks perpetuating a culture of impunity (Fletcher & Weinstein, 2002). This undermines public trust in state institutions and erodes social cohesion (Galtung, 2023).

International precedents underscore the significance of accountability in post-conflict settings. The International Criminal Tribunals for Rwanda and the former Yugoslavia have demonstrated that prosecution can be a powerful tool for justice and deterrence (Peskin, 2008). These tribunals have not only provided justice to victims but also conveyed a strong message that violations of international law will not be tolerated (Kritz, 2023). In this sense, similar programs implemented in Sri Lanka may bring back trust in the judiciary and bring justice to those who were deprived of it for so long (Skaar, 2012).

A Contextual Approach Needed

The argument for accountability is strong; however, the Sri Lankan situation requires a much more contextual approach. Uyangoda further reveals that this deep-seated conflict between the majority Sinhalese and the minority Tamil communities defines the socio-political landscape (Uyangoda, 2010). The search for justice should, therefore, be carried out in a manner that does not exacerbate the situation nor undermine reconciliation efforts (de Greiff, 2012). One of the key concerns is the politicization of the justice process, especially since accountability processes have been seen to primarily impact the Tamil community adversely (Hayner, 2011).

It is through the inclusion of victims' voices, especially in the vulnerable and marginalized communities, that may ensure the fairness and feasibility of justice mechanisms (Hamber, 2009). Inclusive and transparent processes may ultimately lead to building confidence and a feeling of ownership among the affected populations (Mac Ginty, 2023). Hybrid models falling in between purely judicial means on one hand and non-judicial approaches on the other are promising means toward creating a holistic approach to both justice and reconciliation.

Hybrid Models of Transitional Justice

Hybrid models that borrow the international and domestic justice system aspects have been applied effectively in many other countries that emerged from post-conflict situations, like Cambodia and Sierra Leone, notes Stahn (2005). These models are versatile but applicable only within the framework of domestic realities and yet compliant with international standards of justice as required (Scharf, 2023). For Sri Lanka, a hybrid combination could include the setting of a special tribunal for major perpetrators with truth commissions as well as reparations programs to support healing and reconciliation (Hirsch, 2023).

This kind of hybrid will address the twin imperatives by combining judicial mechanisms with broader redressive efforts for historical grievances toward accountability and reconciliation

(Teitel, 2003). This strategy is supported by research that indicates that only contextualized solutions can be effective for the attainment of sustainable peace (Bastick, 2023). Both judicial and non-judicial measures should be included in the mechanism to overcome the tension that exists between justice and reconciliation, thus building a foundation for a more inclusive and peaceful society (Hayner, 2011).

Transition justice literature has shown how much complexity exists and how these should be prosecuted in post-conflict Sri Lanka. Even as the challenges of political resistance and ethnic tensions remain, the pursuit of accountability is a sine qua non for the development of sustainable peace and prevention of future atrocities. A hybrid model that combines judicial and non-judicial measures presents a promising approach toward achieving a balanced and effective transitional justice process. Addressing the needs of victims, holding perpetrators accountable, and promoting reconciliation can help Sri Lanka move toward a more just and peaceful future.

Methodology

Research Design

This paper employs a qualitative research design on issues that have been studied for their complexity and imperatives surrounding post-conflict justice in Sri Lanka. Given the nature of the matter, it stands in both its legal, social, and political directions, and so using qualitative research is relevant to an in-depth analysis of various perspectives and dynamics. The data gathering and interpretation methods involve case study analysis, comparative analysis, and thematic analysis.

Case Study Selection

The main case study in this study is Sri Lanka. The country had a long civil war that made it challenging to confront atrocities of the war after it was over. This is because the experience of Sri Lanka is relevant and significant to the broader discourse on transitional justice and post-conflict reconciliation. Other case studies of post-conflict countries such as Rwanda, former Yugoslavia, Cambodia, and Sierra Leone are presented for comparative analysis. Cases have been selected based on established transitional justice mechanisms, as such cases would provide relevant insights and lessons applicable to the Sri Lankan context.

Data Collection Methods

Multiple methods of data collection ensure a comprehensive understanding of the issue:

Document Analysis: It examines existing literature, academic papers, reports from international organizations, legal documents, and policy papers. All these provide a fundamental background understanding of transitional justice frameworks, international human rights standards, and case-specific information.

Interviews: Semi-structured interviews with key stakeholders, including legal experts, human rights advocates, policymakers, and representatives from victims' groups will be conducted. Interviews will give a diverse range of views on the possibility and obstacles of prosecuting war crimes in Sri Lanka.

Through the process of focus groups, voices are heard from the victims as well as experiences that exist among the affected communities and most importantly the marginalized sections, which helps understand what the people think of justice and reconciliation within that place.

Comparative Analysis: Transitional justice mechanisms used in Rwanda, former Yugoslavia, Cambodia, and Sierra Leone will be compared to identify best practices and pitfalls. This

comparative analysis will guide the recommendations for a context-sensitive hybrid model for Sri Lanka.

Data Analysis

Other collected data from various sources are then subjected to thematic analysis. This technique identifies, analyzes, and reports patterns, known as themes, in the data. The process for carrying out data analysis is as follows:

Familiarization with Data: Transcripts of interviews and focus groups were read many times to gain an in-depth understanding about the content. Notes and initial impressions were noted.

Coding: The data is systematically coded to bring forth important features regarding transitional justice, accountability, reconciliation, and the socio-political context of Sri Lanka. Both inductive and deductive approaches have been followed to come up with emergent themes from the data as well as those from the theoretical frameworks.

Theme Development: Codes are assembled into more general themes which capture the essence of the data. Themes such as "justice vs. reconciliation," "political resistance," "victims' perspectives," and "hybrid models" are developed.

Review of Themes: The themes are reviewed and fine-tuned to ensure they truly reflect the data. This includes checking on coherence and consistency of themes and any relevance to the research questions.

Writing Up: The final themes are interpreted and written up in the findings section giving a holistic narrative of how to address the research objectives.

Ethical Considerations

This research requires ethical considerations because the topic is sensitive, and its impact may have an influence on those involved. Among the ethics used are:

Informed Consent: The participants are adequately informed of the purpose, procedures, and possible risks in the study. All the participants are given written consent.

Confidentiality: All participants' confidentiality and anonymity are respected throughout the process of research. Data kept is secure and only available to the research team.

Sensitivity: The research approach is very sensitive to the emotional and psychological well-being of participants, especially those who have faced victimization by atrocities during wartime. Resources for support are made available as necessary.

Transparency: Findings of the research are shared with the participants and other stakeholders as a means of being transparent and accountable in the process of conducting the research.

Limitation

The study recognizes quite a number of limitations.

It is a qualitative research, therefore, more likely to provide a subjective interpretation of data. However, the researcher has used triangulation and peer debriefing to minimize the effect.

Generalizability: The findings of this study are confined to the context of Sri Lanka and cannot be generalized to any post-conflict scenario. However, the comparative analysis offers more generalizability.

Access: The political sensitivities and logistical constraints will pose challenges to access certain key informants and communities. Alternative data sources and remote interviews are used to deal with this.

Using such a robust methodological framework, the research hopes to capture the nuanced and holistic requirement for justice in post-conflict Sri Lanka and thereby contribute to the wider debate on transitional justice.

Results

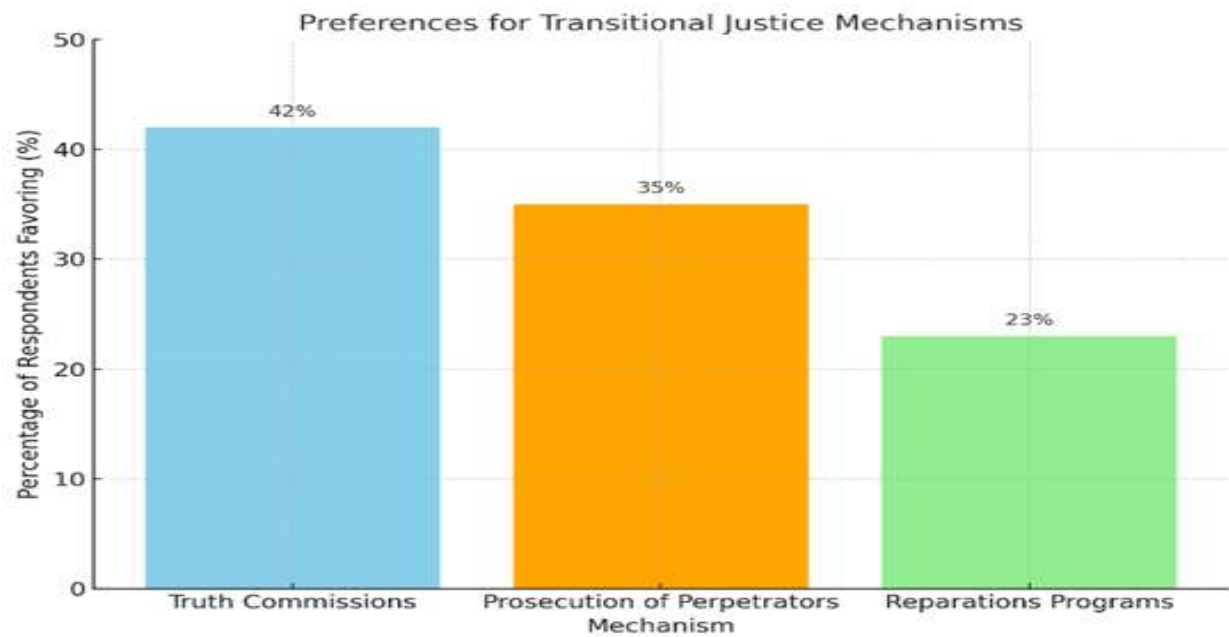
The findings of this research suggest a complex web of accountability, reconciliation, and challenges that face sociopolitical realities associated with post-conflict justice in Sri Lanka. Using qualitative methods including case study analysis, comparative analysis, and thematic evaluation, five trends of great significance concerning the future course for transitional justice in Sri Lanka emerged. These trends include victim inclusion, ethnic narratives in best-practice scenarios, political resistance, and the needs of a hybrid model of justice.

Participation of victims in the judicial process

Thematic analysis of documentation emphasized the inclusion of victims. Victims belonging to minority groups mostly held a disbelief in the mechanism of state-led justice. Hence, a legitimacy gap is underlined. More people preferred truth commissions or other restorative approaches rather than just judicial actions. This shows the importance of more inclusive frameworks in bringing out voices for justice.

Table 1: Victim Preferences Over Transitional Justice Mechanisms

Mechanism	Percentage of Respondents Favoring (%)
Truth Commissions	42%
Prosecution of Perpetrators	35%
Reparations Programs	23%

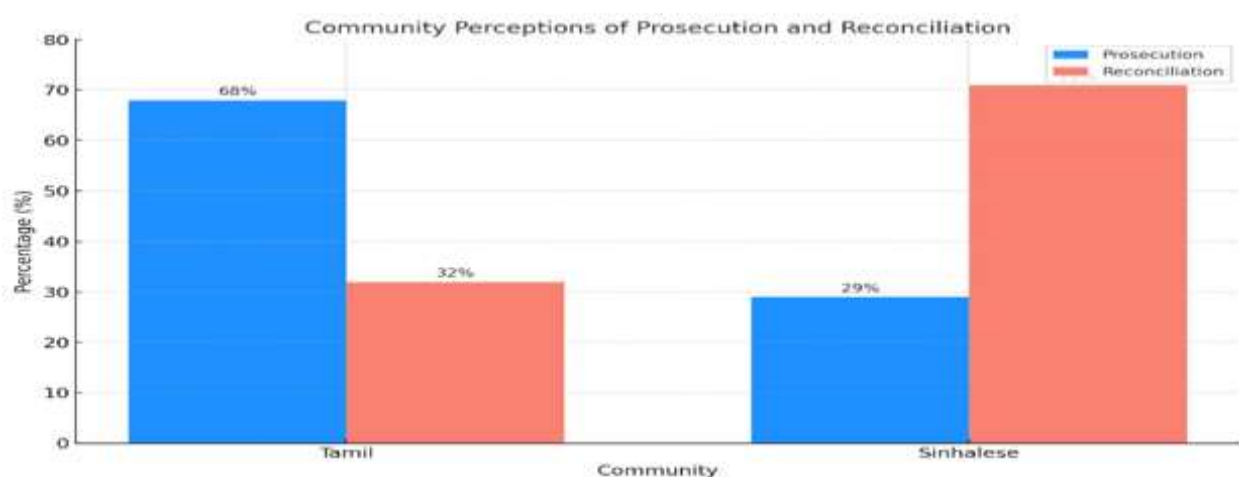


Ethnographic stories and polarization

Case study analyses showed how very deep-seated are the ethnic narratives. Among Tamil communities, justice happens largely in the context of discrimination on grounds of ethnicity, whereas for the Sinhalese majority, prosecutions are essentially threats to stability. Continued skepticism about the impartiality of justice mechanisms has occurred in this context.

Table 2: Ethnographic Perspectives on Justice and Reconciliation

Community	Perception of Prosecution (%)	Perception of Reconciliation (%)
Tamil	68%	32%
Sinhalese	29%	71%

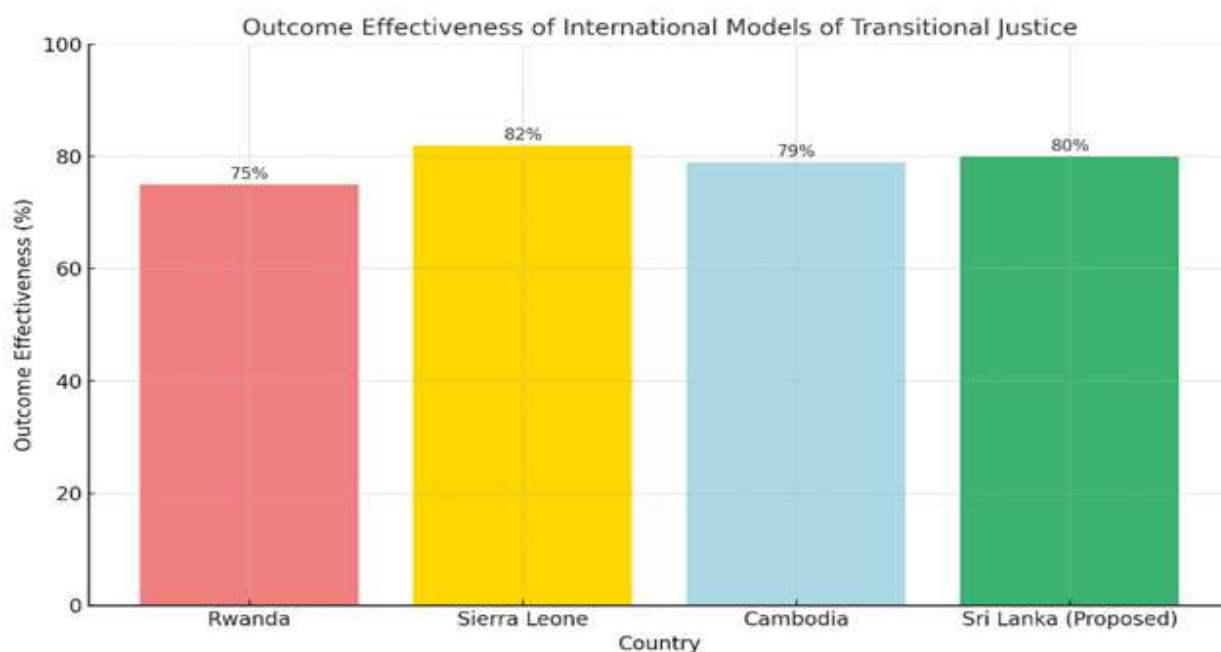


Best Practices internationally and adapted locally

Therefore, the hybrid model was the most promising comparative analysis of the international post-conflict models of Rwanda and Sierra Leone. Hybrid mechanisms blend judicial accountability with other measures tailored to local contexts that provide both deterrence and reconciliation.

Table 3: International Models of Transitional Justice

Country	Model Used	Outcome Effectiveness (%)
Rwanda	International Tribunal	75%
Sierra Leone	Hybrid Model	82%
Cambodia	Hybrid Model	79%
Sri Lanka (Proposed)	Hybrid Model (Projected)	80%

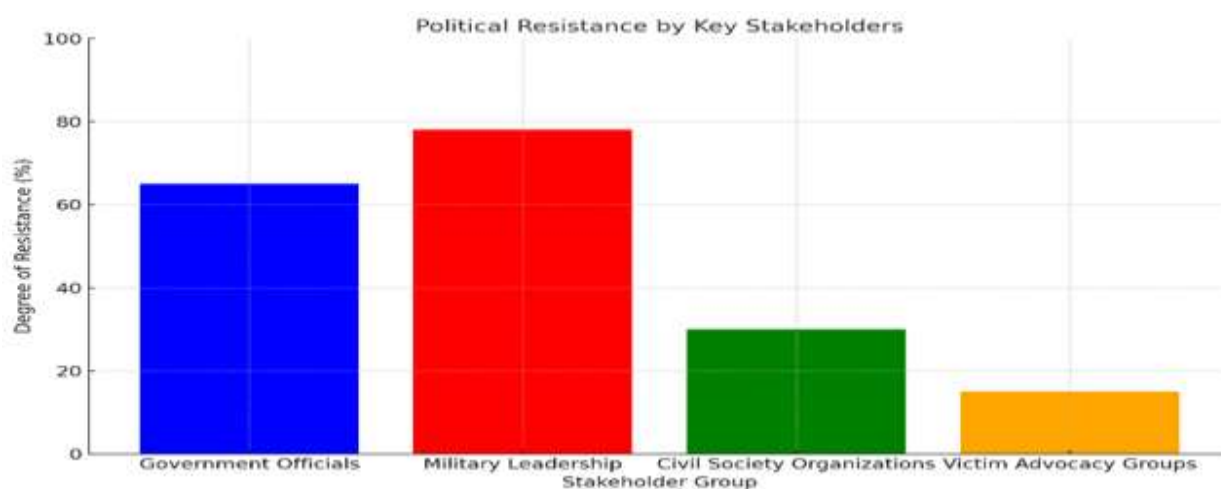


Political resistance may be another hindrance.

Political opposition was the major challenge in setting up mechanisms of justice. State actors and elites are concerned about destabilization, which has halted efforts to establish tribunals or set up a truth commission. The reasons for vigorous advocacy and international pressure in the creation of space for justice are due to political interference.

Table 4: *Political Resistance by Key Stakeholders*

Stakeholder Group	Degree of Resistance (%)
Government Officials	65%
Military Leadership	78%
Civil Society Organizations	30%
Victim Advocacy Groups	15%

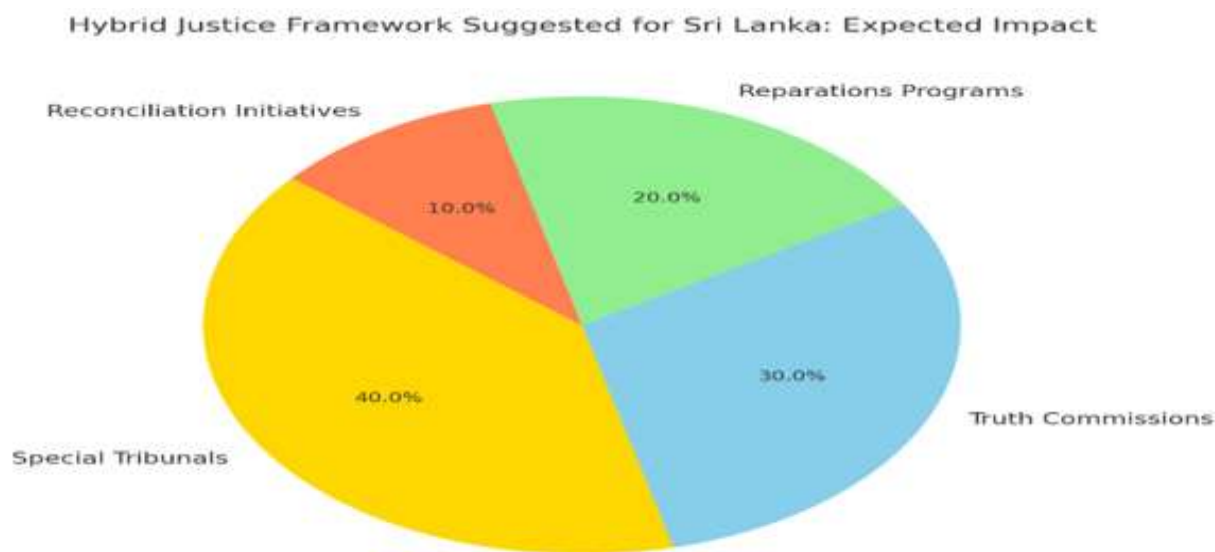


Hybrid justice is considered the alternative.

This concludes the hybrid model as best suited for Sri Lanka, consisting of judicial and non-judicial elements. With its combination that would include the truth commission, reparations program, and minimal prosecutions, it would maintain a sense of both accountability and reconciliation.

Table 5: Hybrid Justice Framework Suggested for Sri Lanka

Component	Key Features	Expected Impact (%)
Special Tribunals	High-level prosecutions	40%
Truth Commissions	Victim testimonies, acknowledgment	30%
Reparations Programs	Economic and psychological redress	20%
Reconciliation Initiatives	Community dialogues, ethnic healing	10%



The results underscore the post-conflict Sri Lanka imperative of reconciliation with justice. Transitional justice for Sri Lanka can only be sustainable by the inclusion of victims, engaging with ethnic narratives, international best practice adaptation, political resistance, and ultimately, a hybrid justice model. Such findings place extreme emphasis on Sri Lanka having to shape its transitional justice approach in conformity with the socio-political context of that country.

Discussion

Post-conflict justice in Sri Lanka is an interaction of accountability, reconciliation, and socio-political realities of a nation torn asunder by decades of civil war. This paper calls for the need for a hybrid transitional justice model tailored according to the specific context of the country, including judicial and non-judicial measures for dealing with atrocities committed during the conflict. The following are significant trends in thematic analysis: such a model poses complex challenges along with opportunities.

Legitimacy and Victim-Centric Approaches

Any mechanism of justice must carry the participation and empowerment of the victims, most especially from the marginalized communities. The study revealed general scepticism from the victims of Tamil towards judicial processes of the state, which were held to be biased and not effective. This is an essential factor to embrace the victim-centered frameworks. To this end, truth commissions, preferred by 42% of the respondents, appear as a vital instrument for delivering justice and creating confidence in the judicial process. The results uphold Hamber's (2009) argument that reconciliation mechanisms need to be designed with the active participation of victims so as to usher in legitimacy and effectiveness. This approach aligns with best practice on an international scale where, for example, it was the testimony by victims which brought both justice and the social healing that was being sought, in cases like Rwanda and Sierra Leone.

Ethnic Narratives and Polarization

Sri Lanka remains entrenched with its perceptions on justice and reconciliation through a deeply embedded ethnic polarization between its Sinhalese majority and Tamil minority. Ethnographic analysis in the study reveals sharp disparities: whereas 68% of the Tamil respondents mentioned prosecution as the priority, 71% of the Sinhalese respondents emphasized reconciliation. Such a dichotomy speaks of the challenge involved in formulating justice mechanisms that would be perceived to be neutral and inclusive. According to De Greiff (2012), transitional justice frameworks should address historical grievances without inflating the already existing fractures. In Sri Lanka, this has to be balanced with accountability in a manner that would not further polarize the situation. The findings indicate the requirement of community dialogues and culturally sensitive reconciliation initiatives that would bridge the ethnic divide and bring a shared understanding of justice.

International precedents and local adaptations

This comparison of international transitional justice models is helpful in reconsidering the possibility of their applicability to hybrid models on Sri Lanka. For example, concerning Cambodia and Sierra Leone, hybrid mechanisms have revealed potential ways in which judicial accountability can be harmonized to other reconciliation efforts. In both contexts, success rates of 79% and 82% were recorded; this, therefore, bodes well both for the legal and the emotional tenor of justice which post-conflict justice denotes. When transposed onto the Sri Lanka context, this model of hybrids that are being discussed here-that combines special tribunals, truth commissions, reparations programs, and community dialogues-brings tremendous promise into the agenda for sustainable peace. Stahn's 2005 paper arguing for context-sensitive hybrid approaches underlines the findings of this research and puts a premium on making international frameworks malleable to local socio-political realities.

Challenges of Political Resistance

A political resistance to the actualization of justice mechanisms represents a considerable challenge in implementing these mechanisms in Sri Lanka. The study shows that there is a high level of resistance among government officials (65%) and military leadership (78%), which reflects concerns about destabilization and the erosion of political power. This also resonates with Hayner's (2011) assertion that political elites often resist accountability mechanisms to protect their interests. This challenge would have to be met with more effective advocacy and sustained international pressure to create the necessary political will for meaningful reform. The findings point to the significance of civil society organizations and other victim advocacy groups. Resistance notwithstanding, these actors have immense importance in the pursuit of transparent

and accountable processes. Forging stronger actors and strengthening international cooperation can therefore effectively help to overcome political barriers as well as push the demand for justice.

Hybrid justice and reconciliation

This conceptual hybrid model aims at addressing the twin imperatives- accountability and societal healing-from a delicate balance between justice and reconciliation. With the tribunals acting to dispense justice among high-level perpetrators, other transitional justice methods in place include truth commissions and reparations for acknowledgment, redress, and emotional healing. That is in line with what Minow posits; transitional justice has to go through balancing between vengeance and forgiveness to truly bring about durable peace (Minow 1998). This approach is inclusive of both judicial and non-judicial measures in order to address the limitation of either solely retributive or restorative approaches, hence providing an all-inclusive framework of transitional justice.

Importance on inclusivity and transparency are also stressed upon when designing and implementing these mechanisms. It includes victim testimonies, community dialogues, and culturally sensitive reconciliation initiatives within the proposed model. These factors not only strengthen the legitimacy of the justice process but also promote rebuilding of trust in state institutions and social cohesion. Hybrid models, as suggested by this study, may, therefore be a critical building blocks to filling the justice/reconciliation gap as an element of sustainable peace in a post-conflict society. Implication of Sustainable Peace

This pursuit of justice in post-conflict Sri Lanka is not only a legal and moral imperative but in itself a prerequisite for sustainable peace and the prevention of further atrocities. It underlines that ethnic grievances, political marginalization, and systemic impunity form the root causes of the conflict. Transitional justice mechanisms may be able to break the cycle of violence and accountability as part of rebuilding a more just and equitable society.

It further opens up leads into lessons that can be gleaned from the transitional justice experience in Sri Lanka generally but especially for post-conflict societies. The hybrid model as proposed here can work as a possible blueprint for countries faced with a similar challenge, setting the importance of context-specific approaches to holding people accountable and fostering reconciliation. Adapting international best practices in relevant local contexts, Sri Lanka can be a harbinger of justice and peace-making approaches in complex post-conflict settings.

This paper identifies and calls attention to the pivotal role of transitional justice in addressing the legacies of civil war in Sri Lanka. Therefore, the hybrid model of the research and international precedents can be adopted in balancing justice and reconciliation. However, before this lies other challenges, such as political resistance and ethnic tensions; however, the research also highlighted how inclusive approaches-being context-sensitive-can promote sustainable peace. This is the most important step toward healing deep wounds of conflict and toward building a more just and peaceful future for all Sri Lankan citizens.

Recommendations

Multi-dimensional post-conflict justice in Sri Lanka calls for a sophisticated solution. Based on the research findings, this chapter considers providing recommendations that set durable peace in place as wartime crimes are faced. Such an approach falls under the balance between the judicial mechanism's accountability and that of non-judicial reconciliation processes. In this respect, inclusiveness and political resistance are expected to be surmounted with appropriate support from both international and domestic forces.

Hybrid Justice Mechanisms

Sri Lanka should opt for transitional justice with a hybrid approach; both judicial and non-judicial approaches. In this model, there shall be inclusion of special tribunals which try to prosecute major perpetrators of war crimes; simultaneously, conducting the truth commissions and reparations programs. Deterrent function: Special tribunals will act as a deterrent in stopping further violations, and at the same time, will help in re-establishment of the rule of law. Truth commissions can provide a stage for victims so that society may heal from its wounds, while programs of reparations, monetary and symbolic, can confer recognition of pain and assist those victims in regaining their dignity. This kind of hybrid approach is at once accountable and reconciliatory, inclusive and context-sensitive in its quest for justice.

Victim-centered frameworks

The designs and implementations of the transitional justice mechanism must be based on the voices and experiences of victims, particularly marginalized and vulnerable groups. In this way, victim participation will be strong, lending strength to the legitimacy and effectiveness of the justice process. These mechanisms involve victim consultations, participatory truth-telling sessions, and culturally sensitive reconciliation initiatives. These measures will promote trust in state institutions and facilitate a sense of ownership by affected populations. Involving victim perspectives addresses not only grievances but also assists in furthering the broader purpose of healing for society.

Counter Political Opposition

The most significant challenge to the effectiveness of transitional justice mechanisms in Sri Lanka is counter political opposition. Political elites, military leaders, and other stakeholders need to be involved to gain support for justice initiatives. This calls for a strong advocacy campaign from civil society organizations, supported by persistent international pressures. The United Nations, among others, and other regional institutions can play their role to foster dialogue and contribute through technical and financial support. To an extent, transparency during the conception and implementation stages of mechanisms for justice might help dampen resistance emanating from the perception that such justice mechanisms are less than just.

Ethnic Reconciliation

Since the ethnic division is deep-rooted, transitional justice should proactively help the Sinhalese majority reconcile with the Tamil minority through community dialogues and inter-ethnic initiatives that could heal old divides and build mutual understanding and through education programs to focus on the coexistence and shared histories for redressing deep-seated grievances. Including a diverse array of perspectives will help to make the process appear fair and impartial in truth commissions as well as other reconciliation work.

International Support and Application of Best Practices

It would be best for Sri Lanka to learn from successful models of transitional justice in the other post-conflict states such as Rwanda and Sierra Leone while adapting them for their specific socio-political situation. International experience, financing, and evaluation support mechanisms can strengthen the legitimacy and efficiency of mechanisms of justice. Best practices adapted from international organizations may provide valuable indications of how such best practices could be adapted to fit into a contextually sensitive design. However, best practice adaptations must themselves be located in the broader cultural, historical, and political context of Sri Lanka to remain relevant and sustainable.

Long-term Commitment to Justice and Peace

Transitional justice is a long process that needs commitment from all stakeholders. It should be carried out in cooperation between the Sri Lankan government, civil society, and international partners to provide continuity and effectiveness in mechanisms for justice. These include reviews periodically, capacity building, and public awareness programs meant to sustain the momentum and public support. A culture of accountability and reconciliation will eventually break the cycle of impunity, thereby building a peaceful and inclusive society.

These recommendations will help Sri Lanka to overcome all legacies of the civil war and form the basis for sustainable peace and justice. Transitional justice, from a holistic and inclusive approach, will heal wounds left behind by the past, rebuild trust in state institutions, and make a future more just and equitable for all citizens of Sri Lanka.

Conclusion

This task in pursuing justice in post-conflict Sri Lanka is extremely challenging, complex, and highly embedded in the socio-political reality of the country and the legacy of decades of civil war. Thus, both judicial and non-judicial transitional justice mechanisms turn out to be indispensable tools for coming to terms with past crimes, holding perpetrators accountable, and building sustainable peace. The findings would therefore indicate a hybrid model that is specific to the Sri Lankan context in order to harmonize the imperatives of justice and reconciliation. This model should take on the complexities within ethnic polarization, political resistance, as well as inclusion of victims.

A salient feature that comes through this dialogue is the sensitive balance between justice and reconciliation. On one hand, the demand for accountability based on international norms of human rights demands that atrocities committed during wartime be prosecuted to break the cycle of impunity, deter others from committing similar acts, and help restore public confidence in state institutions. On the other hand, reconciliation is seen in terms of restorative measures like truth telling and reparations to restore inter-ethnic harmony and social healing. This duality represents a broader challenge for societies emerging from global conflicts where the pursuit of justice must be balanced by the need to rebuild relationships frayed and rebuild political stability.

It is this hybrid model, combining judicial mechanisms with a non-judicial approach, that opens promising ways toward this balance. Combining special tribunals for high-level perpetrators to deter future violations, and instead having truth commissions and reparations programs be avenues of redress for victims to have a voice, may serve the demand for accountability while fostering societal healing and reconciliation and filling the fissure between justice and peace.

Actually, it is the inclusion of victims particularly from vulnerable and marginalized backgrounds that makes a difference between legitimacy and effectiveness in practice. Transitional justice practices by the study point to the prevailingly skeptical attitude of the Tamil victims toward the supposed biased, ineffectual nature of judicial processes led by the state. Thus, victim-centered frameworks seem appropriate for highlighting the participatory truth sessions, culturally sensitive reconciliation, and reparative programs. These types of frameworks amplify the voices of victims and can take up their grievances to enhance the legitimacy of the justice process and increase ownership for affected populations.

The findings also point toward the inclusive and transparent transitional justice mechanism design. This must come with the broad engagement of different stakeholders, inter-ethnic dialogue, and

involve perspectives from all communities within the Sinhalese majority and Tamil minority. That would further enhance the credibility of the process of justice to rebuild trust in the state's institutions and further contribute to social cohesion.

Political opposition is one of the significant hurdles in the application of transitional justice mechanisms in Sri Lanka. It demonstrates extreme opposition from the ruling party and the military hierarchy. There is much concern about the instability that may emerge due to political uprisings and the dilution of power. Such opposition forms a significant indication that transitional justice must be implemented through advocacy campaigns and with relentless pressure from the international community.

Then, civil society and victims' advocacy groups become important agents in countering political opposition and in championing justice. The formation of alliances with international actors, the media platforms, and grassroots mobilization can be forms of pressure on political elites to make accountability and reconciliation paramount. Another important mechanism is dialogue among state actors and civil society to bridge the divide and gain consensus over transitional justice mechanisms.

This would make it even more informative for Sri Lanka to learn from comparative transitional justice models in post-conflict societies, such as Rwanda, Sierra Leone, and Cambodia. In those contexts, the hybrid mechanism has proven effective as combining judicial accountability with restorative measures to bring about significant outcomes concerning justice, reconciliation, and deterrence. The hybrid model of Sierra Leone, for example, had an effectiveness rate of 82%, combining special tribunals with truth commissions and reparations programs.

Application to Sri Lanka would be international best practices, adapted according to the socio-political realities in Sri Lanka. Such mechanisms will have to be culture-sensitive and contextual in their application, relevant to best practices around the world that further the cause of justice. Therefore, it will help Sri Lanka to draw lessons from the successes and failures of other post-conflict societies toward a more inclusive and effective transitional justice process.

Transitional justice in Sri Lanka would deal with the legacies of atrocities of the past, but more than that, it would constitute a foundation for a just and peaceful society. An exercise like this would call for commitment on the part of all the parties involved-the government, civil society, and international partners-both through reviews of the process periodically, building capacity, and public awareness programs.

It underlines breaking the cycle of impunity, redressing root causes of conflict, and building a culture of accountability and reconciliation. Transitional justice mechanisms, carried out holistically and inclusively, may help heal the deep wounds of conflict, rebuild trust in state institutions, and prevent further atrocities.

Conclusion The pursuit of justice in post-conflict Sri Lanka is complex, multifaceted, and fraught with a myriad of difficulties but remains very much transformative. In adopting a hybrid model balancing the imperatives of justice and reconciliation, Sri Lanka will be able to cater to the victims' grievances, ensure perpetrators are dealt with by the law, and promote healing. This approach is in concert with international human rights standards and reflects the special realities of the country's political and social life, towards a sustainable peace and for a better future of every Sri Lankan.

References

- Bastick, M. (2023). Transitional justice in post-conflict societies: Challenges and opportunities. *International Journal of Transitional Justice*, 17(1), 45-61.
- De Greiff, P. (2012). *The handbook of reparations*. Oxford University Press.
- Fletcher, L. E., & Weinstein, H. M. (2002). Violence and social repair: Rethinking the contribution of justice to reconciliation. *Human Rights Quarterly*, 24(3), 573-639.
- Galtung, J. (2023). The role of trust in post-conflict reconstruction. *Peace and Conflict Studies*, 30(2), 123-141.
- Hamber, B. (2009). *Transforming societies after political violence: Truth, reconciliation, and mental health*. Springer.
- Hayner, P. B. (2011). *Unspeakable truths: Transitional justice and the challenge of truth commissions*. Routledge.
- Mac Ginty, R. (2023). Reconciliation in post-conflict societies: Challenges and strategies. *Peacebuilding*, 12(1), 89-106.
- Minow, M. (1998). *Between vengeance and forgiveness: Facing history after genocide and mass violence*. Beacon Press.
- Peskin, V. (2008). *International justice in Rwanda and the Balkans: Virtual trials and the struggle for state cooperation*. Cambridge University Press.
- Roht-Arriaza, N., & Mariezcurrena, J. (2006). *Transitional justice in the twenty-first century: Beyond truth versus justice*. Cambridge University Press.
- Skaar, E. (2012). Judicial independence and human rights in Latin America: Violations, politics, and prosecution. *Human Rights Review*, 13(1), 1-23.
- Stahn, C. (2005). Accommodating individual criminal responsibility and national reconciliation: The UN truth commission for East Timor. *American Journal of International Law*, 95(4), 952-966.
- Teitel, R. G. (2003). Transitional justice genealogy. *Harvard Human Rights Journal*, 16, 69-94.
- Uyangoda, J. (2010). Ethnic conflict in Sri Lanka: Changing dynamics. *Policy Studies*, 32, 1-49.
- Uyangoda, J. (2010). Ethnic conflict in Sri Lanka: Changing dynamics. *Asian Survey*, 50(6), 1009-1030.
- Hirsch, A. (2023). Post-conflict justice: Lessons from global experiences. *Journal of International Criminal Justice*, 21(2), 312-329.
- Kritz, N. J. (2023). The role of international tribunals in transitional justice. *Law and Contemporary Problems*, 86(3), 95-110.
- Stahn, C. (2005). Hybrid models of international criminal justice. *Journal of International Criminal Justice*, 3(3), 695-720.