**Post-9/11 Accountability for De Facto Genocide - Lessons Learned from Sri Lanka**

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In the post-9/11 era, Counterterrorism and Genocide methods have become complementary instruments in the national security policies of authoritarian democracies which the gruesome events of May 2009 in Sri Lanka illustrate. By 2009, the civil war between the Government and LTTE had been christened a textbook terrorism problem. Under the veil of counterterrorism and capitalizing on the collapse of international human rights protection, the Sri Lankan army intentionally killed thousands of Tamils inside No-Fire Zones. Though the pattern of discrimination and killing is characteristic of a Genocide, many factors including post-9/11 geopolitics, and the combination of structural democracy, authoritarianism, and ethnolinguistic divisions in Sri Lanka complicate Genocide Recognition.

In 2009, Sri Lanka excluded international presence in the conflict zone, preventing the UN and International NGOs from saving lives and documenting facts essential for post-genocide accountability. This exclusion created a factual and legal vacuum in which the acts of Genocide occurred. The existing lack of harmonization of international and domestic counterterrorism norms, and conflicts among international human rights law, humanitarian law, and genocide law created a “fog of law”. This allowed Sri Lanka to circumvent its human rights and humanitarian law obligations. It is a massive obstacle in proving the *dolus specialis* of Sri Lanka that harnessed the vacuum and fog to create a narrative that the killings were counterterrorism oriented with no Genocidal intent.

The Third Eye, a Canada-based NGO, believes diasporas should mobilize for justice when UN mechanisms prove inadequate. Hence, we set up a fact-finding mission to document evidence and fill the legal and factual vacuum left by the UN and the INGOs. It has brought us closer to proving *dolus specialis.* Our presentation will highlight the link between Counterterrorism and Genocide, issues in proving *dolus specialis*, and how diaspora communities can mobilize, legally and politically, to ensure Genocide Recognition.