

Briefing Notes

Sri Lanka Briefing Notes | Issue No 15 – June 2019



A Muslim fisherman in a suburb of Colombo, Sri Lanka. Their livelihoods are under dark clouds at present.
© S Deshapriya 2018

SRI LANKA POST EASTER SUNDAY ATTACKS: EMERGING HUMAN RIGHTS ISSUES



CONTENTS

Background	3
Emerging human rights concerns	3
Right to life and impunity of leaders.....	3
Emergency rule	4
Reprisals against refugees	4
Rise of communal violence.....	5
Questionable use of ICCPR Act	6
Discrimination against the Muslim community.....	6
Burka ban.....	6
Banned from using public premises.....	7
Prevented from accessing legal support	7
Refused access to public buildings.....	7
Undermining of democratic values	8
Extremism and theocracy	8
Abuse of media	9
Conclusion	9

ACKNOWLEDGEMENTS

Sri Lanka Brief thanks Sri Lanka Advocacy Group, Germany for their continuous support .

Editors: Uda Deshapriya, Sunanda Deshapriya, and Michaela Told

srilankabrief@gmail.com

<http://srilankabrief.org>



BACKGROUND

The Easter Sunday terrorist attacks have drastically changed Sri Lanka's social and political fabric. Over the existing ethnic polarization, Sri Lanka now faces polarization on the grounds of religion.

On 21st April 2019, 08 suicide bombers led explosions in Sri Lanka killing 252 people and injuring hundreds. Two Catholic churches, one Zion church, and three high-end hotels became the targets of the attacks. The plot was master minded by a local extremist Islamist group called National Thowheed Jamath (NTJ). Following the attacks, the Al-Bag Dadi, the leader of ISIS who is in hiding, claimed responsibility for the attacks. A video recorded by the suicide bombers prior to the attacks also connected the attacks to ISIS, making it evident that Sri Lanka too has become a target of the ISIS-led global terrorism. ISIS gaining a foothold in Sri Lanka poses a serious threat to Sri Lankans.

Immediately following the attacks, the Government declared State of Emergency, and launched a massive search and arrest operation in Muslim populated areas in the country. The country was on a near-war footing. Muslim community of the country came under surveillance as well as virulent hate speech. Islamophobic propaganda reached a new height in the period following Easter Attacks. Anti-Muslim messaging and false news became common on social media as well as in mainstream print and electronic media. Two months later, the country is still under Emergency Regulations with communal tensions on the rise.

Sri Lanka will have presidential elections in just 5 months' time. In the backdrop of Easter Attacks and communal violence, major socio-political issues have been tossed aside by the electioneering politicians.

EMERGING HUMAN RIGHTS CONCERNS

RIGHT TO LIFE AND IMPUNITY OF LEADERS

It has been proved without a doubt that reliable information on the impending terror attacks were received by the law enforcement agencies and the government. This information accurately stated the date of the attacks and broadly identified the targets. Giving evidence at the Parliamentary Select Committee appointed to investigate into the Easter Attacks, then Inspector General of Police (IGP) Pujitha Jayasunadara verified that he received telephone calls the night before the attacks, and again three hours before the attacks from the head of State Intelligence Agencies on the impending dangerⁱ. Information on the possible terror attacks had been available to the law enforcement agencies since 6th April 2019.

Former Defense Secretary who directly reported to the President too agreed that he was aware of the impending attacks. Chief of State Intelligence Service who sent out memos on the possible attacks, provided a weekly security briefing to the President. Evidence suggests that it is impossible that President Sirisena was unaware of the threat. Member of Parliament Harin Fernando told media that his father told him not to go to Kochchikade church for Easter Sunday mass as there could be an attack.



However, neither the law enforcement agencies nor the government took action to prevent the attacks and protect people, in a clear violation of people's right to life.

The reason given by the former IGP and the Defense Secretary was that security agencies could not piece together vital intelligence that could have possibly averted or minimized the casualties from the Easter Sunday attacks even at the eleventh hour due to systemic failure in the national security apparatusⁱⁱ. It is the political leadership of the country that is responsible for this systemic failure.

'This disaster could have been prevented because if I knew that there was an attack planned I would have closed the churches and told the people to go home', shared Cardinal Malcolm Ranjith two months after the carnageⁱⁱⁱ.

A pertinent question that needs to be asked is if the response of the political leadership and law enforcement agencies would have been the same if the information on possible targets included major Buddhist temples.

On 20th June the Attorney General's Department directed the Acting IGP to initiate criminal investigations against nine police officers, including three DIGs, with regard to lapses on their part due to which the Easter Attacks could not be prevented, or their impact minimized^{iv}. They were second and lower level officials. Officials and politicians who were directly responsible for national security have not been charged.

EMERGENCY RULE

On the day following the attacks, Sri Lanka's President issued a new set of Emergency Regulations. The Regulations give the 'Competent Authority' the power to restrict publication or transmission of something that might be prejudicial to national security, or certain other similar aims, and to require material, including news reports, editorials, articles, and cartoons, to be submitted to review before publication^v.

Any person can be detained under this Regulation for a period of ninety days before being produced before a competent court^{vi}. A person can be detained for a maximum period of one year^{vii}.

Many broad new offences and penalties have been introduced to the Emergency Regulations and one of the concerning elements is the introduction of death penalty for offences under Regulation 25 and Regulation 45- which include broad offenses such as causing destruction or damage to property, theft in a vacant premises, unlawful assembly, dishonestly receiving or retaining goods with regard to which an offence has been committed, and printing, publishing, and possessing documents containing any statement or pictorial representation that constitutes a threat of death or bodily harm to any person^{viii}.

On 22nd June the President extended the emergency rule by one month.

REPRISALS AGAINST REFUGEES

Along with Sri Lankan Muslims, the small refugee and asylum seeker population in Sri Lanka, especially those who lived around Negombo, had to face reprisals and hostilities after Easter Sunday bombings.



Some refugees were subjected to physical violence and others faced threats of violence. About two thirds of the refugee population was evicted from rooms and houses they were renting.

Appeals to the government, religious institutions, NGOs, and private individuals to find better accommodation didn't bring positive results. Two facilities run by churches and by an NGO respectively, were offered in April, but fell apart due to protests by Buddhist monks and others.

The refugees still remain in several camps and despite efforts by UNHCR and government agencies, life in the camps remains difficult. It has been reported that in addition to the camps, some refugees are also held in a detention facility^{ix}.

RISE OF COMMUNAL VIOLENCE

Immediately following the Easter Attacks, communal tensions swayed the Island. A few days after the attacks, a personal conflict between a Sinhalese Christian and a Muslim was used to unleash violence against the Muslim community living around Negombo. Curfew was imposed to contain the violence^x.

In May, communal violence fueled by anti-Muslim hatred spread in Chilaw, Minuwangoda, and in several areas surrounding Kurunegala. At least one person has been killed, over 20 others severely injured, and many families have been displaced^{xi}.

The mobs destroyed mosques and businesses owned by Muslims. In some areas mobs have broken into houses, damaged property and vehicles, and looted. Reports indicate that violence took place during the curfew and in the presence of police officers who were unable to control the situation.

In a letter to Acting IGP, Human Rights Commission of Sri Lanka provided evidence of police complicity in anti-Muslim violence.

'Upon examining the records of the Bingiriya police station, our Commission observed that, while the suspects had been taken in for engaging in communal riots (bailable only in exceptional circumstances by the High Court) they had been released on police bail for mischief, as stated above. Further, we noted that there was no record of transfer of suspects from Bingiriya to Hettipola and back. This very problematic situation is compounded by allegations of political interference...

[I]n Bandara Koswatte, the mob attacked the main mosque despite Police and Army presence. In Kottampitiya, the villagers were asked by the police to move off the main road because of possible attacks, but failed to prevent the mob from attacking the village. On the following day (14 May), we observed a lone police officer coming to Kottampitiya village to record statements...

Also, in Kuliypitiya on 13 May, the police decided to accede to the demands of the mob and released 4 people who had been taken to the station for questioning regarding attacks on four shops in Karanthipola. As soon as they were released, the mob attacked all Muslim owned shops in Kuliypitiya town during the curfew and went on to attack shops all the way to Rambawewa'.

Human Rights Commission of Sri Lanka¹

Muslim community in Sri Lanka lives in constant fear of attacks against them as even a leading Buddhist monk has now called for violence against members of the religious minority^{xii}.



QUESTIONABLE USE OF ICCPR ACT

Sri Lanka enacted the domestic legislation ‘ICCPR Act’ in compliance with obligations under ICCPR in 2007. Two recent cases of arrest under the Act raise concerns over the use of the Act which was introduced particularly to protect human rights.

A Muslim woman was arrested under ICCPR Act for wearing a kaftan depicting a ship’s helm which was mistaken by the Police as *Dharmachakra* (a Buddhist symbol). Despite the immediate public outcry that the image did not depict the said Buddhist symbol, she was detained for two weeks before being granted bail. It has been reported that while in detention, she was threatened by prisoners and jailors with assault for ‘insulting Buddhism’^{xiii}.

Post-modernist novelist Shakthika Sathkumara was arrested in early April under the allegations of inciting religious hatred and violating international human rights law under ICCPR Act: He had published on his Facebook account a short story that made references to same sex relations among Buddhist monks. However, none of the perpetrators of communal violence following the Easter Attacks have so far been charged or convicted under the Act.

Both the persons so arrested have filed FR petitions^{xiv}. The Act provides for stringent conditions for granting bail- ‘An offence under this section shall be cognizable and non-bailable, and no person suspected or accused of such an offence shall be enlarged on bail, except by the High Court in exceptional circumstances’, provides the Act. It appears that it is due to this provision that the Police resorted to the Act to make the said arrests.

Another writer Kusal Perera too came under threat of arrest under ICCPR Act as a result of publishing an article in a mainstream English language newspaper^{xv}.

In the most recent incident of misusing ICCPR Act, the Organized Crimes Division of police has called the Chief Executive Officer of Derana TV station, Dilith Jayaweera, to record a statement over a speech he made during a book launch several months ago. While addressing a book launch he had said that Buddhism exemplifies ‘*Aathal* concepts’ (fun concepts) and that Siddhartha (the young prince who later became Lord Buddha) led an ‘*Aathal*’ lifestyle^{xvi}.

In almost all these cases, complaints were made by Buddhist monks and the Police has taken action without giving due regard to legal provisions.

DISCRIMINATION AGAINST THE MUSLIM COMMUNITY

BURKA BAN

On 29th April, a gazette notification was issued banning all ‘full face’ coverings in public spaces including roads, public transport, and buildings. Prior to issuing the gazette notification, the authorities only consulted the ACJU completely side-lining women’s voices^{xvii}. ACJU is the apex



religious body of Islamic theologians which has no women in its leadership and has previously issued *fatwas* declaring that Muslim women should conceal their faces in public.

Despite the fact that the ban is only imposed on covering faces, Muslim women have reported that they were denied entry into supermarkets, at least one bank, and government hospitals while they were in headscarves, pointing to the widespread stigmatization of Muslim women and the spreading of misinformation.

In a series of letters to various government departments, Human Rights Commission of Sri Lanka has urged to take steps to stop discriminatory practices against the Muslim community in Sri Lanka.

BANNED FROM USING PUBLIC PREMISES

Human Rights Commission of Sri Lanka pointed out that in certain areas members of the Muslim community who are lawfully engaged in commercial activities have been banned from using public premises for such purposes after Easter Attacks. ‘We are informed that access to such premises (such as kiosks in weekly village fairs) has been denied even though the occupants had duly registered with local authorities and had paid due fees. Such discriminatory action amounts to a violation of Article 12 of the Constitution of Sri Lanka’, noted the Commission^{xviii}.

PREVENTED FROM ACCESSING LEGAL SUPPORT

The Human Rights Commission also pointed out that members of certain regional Bar Associations (e.g., Mawanella and Badulla) have refused to appear on behalf of members of the Muslim community arrested after April 21 violent attacks. As a result, family members of those arrested have been compelled to obtain services of lawyers from other regions entailing much financial hardship and inconvenience. ‘It was also observed that members of the Nikaweratiya Bar had protested when police had requested court not to grant bail to those arrested on suspicion of participating in the communal violence perpetrated on 13th May in some parts of the country’, reported the Commission^{xix}.

REFUSED ACCESS TO PUBLIC BUILDINGS

The Human Rights Commission revealed that the Commission continued to receive complaints of persons, particularly women, who were refused access to public buildings and spaces even when they were not in garments that covered face in violation of the Emergency Regulations. ‘Similarly, we have learnt that in certain instances only members of the Muslim community are subject to searches while others are not. Hence, we have written to various public institutions, including the Ministry of Education, to ensure that guidelines be given to ensure that implementation of security measures do not discriminate against a particular community’ shared the Commission further^{xx}.

The government has not taken any tangible steps to correct these discriminatory practices and as a result, the Muslim community in Sri Lanka continues to be mistreated on daily basis.



UNDERMINING OF DEMOCRATIC VALUES

EXTREMISM AND THEOCRACY

In the wake of Easter Sunday attacks, influence of the ultra-nationalist Buddhist monks and extremist Sinhala nationalists has considerably increased. Among the extremist organizations that perpetuate hatred against Muslims is Bodu Bala Sena (BBS). On May 23rd, the General Secretary of BBS, Galabodaaththe Gnanasara Thero received Presidential Pardon, and was released from prison where he was serving a 6-year term on contempt of court charges. Upon his release, he has been campaigning for a government guided by his version of Sinhala Buddhism. Another Buddhist monk, Aturaliye Rathna Thero also campaigns on the same lines.

In a recent public address the Chief Prelate of the Asgiri Chapter, Warakagoda Sri Gnanarathana Thero, made hateful comments about the Sri Lankan Muslim community: ‘Muslims don’t love us. This is a community who poisoned our people and tried to destroy our people. It is very clear. Because of this, Buddhists must protect themselves. Don’t go to those shops. Don’t buy from those shops. These traitors must not be allowed to live in freedom. Some female devotees said that they should be stoned to death. I don’t say this, but that is what should be done. If this sort of violence had been done by one of our kind to their kind, he would have been quartered and killed. These so called laws won’t work. We need to unite as Sinhalese and as Buddhists^{xxi}. Asgiri Chapter is a leading Buddhist monastic fraternity in Sri Lanka^{xxii}.

This was a call for collective punishment of Muslims. However, except one Minister, no Member of the Parliament condemned these words. Neither the President nor the Prime Minister spoke against this poisonous sermon. On the contrary, two days after this statement President Sirisena stated that ‘If the rulers act on advice of *Mahasangha* [Buddhist monks] the country will not head in the wrong direction^{xxiii}.

There is a growing movement in the country urging Sinhalese people to boycott businesses owned by Muslims. Shops in several areas including Kurunegala can be seen to display stickers stating that the shop is owned by Buddhists to attract those rejecting Muslim shops. In Kuliypitiya, villagers are being forced by community leaders to refrain from buying from ‘Muslim shops’ using various threats. It is also widely accepted by the Sinhalese communities in these areas that the Muslims are hell-bent on causing the extinction of Sinhalese race by adding ‘infertility causing pills’ in to food, and smearing ‘infertility causing substance’ in under garments.

The call for making Sri Lanka a Sinhala Buddhist state is growing stronger. Ittepane Darmalankara Thero, Chief Prelate of the Kotte Chapter, stated that ‘If anyone claims that Sri Lanka is not a country of Sinhala Buddhists, such people should not be in the country^{xxiv}. On the other hand, as a response to anti-Muslim propaganda, the former Eastern Province Governor Dr. M.L.A.M. Hizbullah stated that ‘the Muslims are a minority only in this country, but a majority globally and nobody should think that they could subjugate us^{xxv}.

It is difficult to rule out the re-emergence of fundamental Islamist ideology which led to suicide attacks on Easter Sunday. If the Islamophobic propaganda and the tolerance of discriminatory practices



remain at this level, frustrations among sections of Sri Lankan Muslim community, particularly among youth, may lead to radicalization. In such a situation, ISIS may be able to regain its traction in Sri Lanka. All these developments will adversely affect the minority communities and their right to equality and non-discrimination.

ABUSE OF MEDIA

On 21st June, issuing guidelines to media to prevent the propagation of anti-Muslim sentiments, the Human Rights Commission pointed out that ‘instances of some newspapers reporting in a way that generate fear among the people and suspicions about Muslim people’ have been observed^{xxvi}.

Privately owned Sinhalese TV channels- particularly *Hiru* and *Derana* TV, spread anti-Muslim hatred following Easter Attacks fueling the growing communal tensions.

On 23rd May, a paper article in the *Divaina* newspaper stated that a doctor attached to the banned terrorist organization NTJ had conducted 4000 forced sterilization procedure during C-sections. This was followed by a Facebook post by one Dr. Channa Jayasumana attempting to relate the news to Dr. Shafi, a Senior House Officer in Kurunegala Teaching Hospital. The doctor was arrested the following day on the unrelated charge of amassing an unexplainable wealth. Soon, the authorities called the public to come forward with complaints if any, against Dr. Shafi on sterilization accusations^{xxvii}. Despite there being neither charges filed nor evidence found relating to forced sterilizations, TV channels *Hiru* and *Derana* continued to broadcast news reports stating that the doctor had been accused of forced sterilization, and that the doctor has been found to have carried out forced sterilization procedure^{xxviii}.

Meanwhile, the Cabinet of Ministers has approved a proposal to revise the Penal Code and Criminal Procedure Code to impose a fine and imprisonment upon those who engage in false news distribution and hate speech which would jeopardize co-existence and national security. Issuing a statement, the Free Media Movement of Sri Lanka expressed its concerns that ‘the proposed legal Amendments could seriously threaten the freedom of expression and media freedom in the country’^{xxix}.

Blocking of social media by State has become the norm for controlling ethnic violence in Sri Lanka. It has been reported that Sri Lankan government is planning to obtain Chinese technology to monitor social media in the country.

CONCLUSION

The key human rights issues Sri Lanka is facing in the aftermath of Easter Attacks are the continued threat of global terrorism and the increasingly influential ultra-nationalist Sinhala Buddhist forces and ideology- Islamophobia and polarization on ethnic and religious lines.

As political parties will soon become busy strategizing for the upcoming presidential election, countering ultra-nationalist forces will be left to the civil society. Though the fighting spirit of the civil society in defense of justice and equality is still alive, the civil society remains divided on political, ethnic, and class lines.



In this context, the international human rights community needs to play a proactive and positive role in protecting the rights of all people in Sri Lanka. If Sri Lanka cannot ensure equality and justice to minority communities, Sri Lanka will fail as a country. This is the challenge political and civil society as well as the larger human rights community face in bringing peace to Sri Lanka today.

ABBREVIATIONS

ACJU	All Ceylon Jamiyyathul Ulama
BBS	Bodu Bala Sena
DIG	Deputy Inspector General
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
ISIS	Islamic State of Iraq and Syria
NGO	Non-Governmental Organisation
NTJ	National Thowheed Jamath
UNHCR	United Nations High Commissioner for Refugees



NOTES

- ⁱ <http://www.sundaytimes.lk/190609/news/they-knew-the-attack-was-coming-but-they-could-not-avert-it-352989.html>
- ⁱⁱ *ibid*
- ⁱⁱⁱ <https://www.reuters.com/article/us-sri-lanka-blasts-cardinal/sri-lanka-cardinal-says-government-hiding-truth-over-easter-attacks-idUSKCN1TL1VF>
- ^{iv} <http://www.ft.lk/front-page/AG-directs-criminal--disciplinary-action-against-Police-officers--for-Easter-Sunday-lapses/44-680428>
- ^v <https://groundviews.org/2019/04/25/explaining-sri-lankas-new-emergency-regulations-on-publication/>
- ^{vi} Regulation 21(2)
- ^{vii} Regulation 19(1)
- ^{viii} https://www.cpalanka.org/wp-content/uploads/2019/04/QA_SoE.pdf
- ^{ix} <https://groundviews.org/2019/06/19/world-refugee-day-and-refugees-in-sri-lanka/>
- ^x <https://www.aljazeera.com/news/2019/06/iran-tensions-latest-updates-190621103437644.html>
- ^{xi} <http://srilankabrief.org/2019/05/anti-muslim-riots-and-anatomy-of-the-second-security-failure-laksiri-fernando/>
- ^{xii} <https://www.aljazeera.com/news/2019/06/fear-sri-lanka-monk-calls-stoning-muslims-190621152817814.html>
- ^{xiii} <http://www.sundayobserver.lk/2019/06/19/news-features/abuse-iccpr-act-has-'chilling-effect'-fundamental-freedoms>
- ^{xiv} <http://www.sundayobserver.lk/2019/06/19/news-features/abuse-iccpr-act-has-'chilling-effect'-fundamental-freedoms>
- ^{xv} <http://srilankabrief.org/2019/06/sri-lanka-fmm-condemns-the-attempts-to-suppress-journalists-and-media-using-the-iccpr-act/>
- ^{xvi} <http://www.sundayobserver.lk/2019/06/23/news-features/freedom-expression-under-threat-%E2%80%98aathal%E2%80%99-comment-lands-derana-ceo-hot-water>
- ^{xvii} <http://www.sundaytimes.lk/190505/plus/facing-the-many-challenges-of-burqa-ban-347500.html>
- ^{xviii} <http://hrcls.lk/english/wp-content/uploads/2019/06/HRCsl-writes-to-Commissioners-of-Local-Government.pdf>
- ^{xix} <http://hrcls.lk/english/wp-content/uploads/2019/06/HRCsl-letter-to-Bar-Association-of-Sri-Lanka.pdf>
- ^{xx} <http://hrcls.lk/english/wp-content/uploads/2019/05/HRCsl-letter-to-UGC.pdf>
- ^{xxi} <http://srilankabrief.org/2019/06/these-traitors-muslims-must-not-be-allowed-to-live-in-freedom-in-sri-lanka-warakagoda-gnanarathna-thero/>
- ^{xxii} <https://www.media.gov.lk/media-gallery/latest-news/2129-if-the-rulers-act-on-advice-of-mahasangha-the-country-will-not-head-in-the-wrong-direction-president>
- ^{xxiii} <http://www.pmdnews.lk/if-the-rulers-act-on-advice-of-mahasangha-the-country-will-not-head-in-the-wrong-direction-president/>
- ^{xxiv} http://www.dailymirror.lk/breaking_news/Those-say-SL-not-a-Sinhala-country-not-fit-to-be-in-it:-Darmalankara-Thera/108-167029
- ^{xxv} http://www.dailymirror.lk/top_story/We-are-in-majority-globally-and-cannot-be-subjugated:-Hizbullah/155-168964
- ^{xxvi} <http://hrcls.lk/english/2019/06/22/hrcls-issues-guidelines-to-print-media/>
- ^{xxvii} <http://www.sundayobserver.lk/2019/06/02/news-features/kurunegala-doctor's-saga>
- ^{xxviii} <http://www.hirunews.lk/217146/three-more-complaints-against-kurunegala-doctor>
- ^{xxix} <http://srilankabrief.org/2019/06/fmm-is-concerned-that-proposed-law-revision-relating-to-fake-news-hate-speech-could-threaten-freedom-of-expression/>



'Human rights and national security are not mutually exclusive. There are areas of tension but years of practice and protocol have devised ways in which they can coexist. A country can be both free and secure. This is an important realization, not only because it is the humane way of looking at these problems but also because we do not want to radicalize another generation of youth who seethe with anger at the injustice and inequality they face'.

Dr. Radhika Coomaraswamy at the Independence Square Vigil
5th June 2019