

# ELIMINATING INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF AND THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT GOALS 16 IN SRI LANKA

## SUBMISSION TO THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF

Amnesty International presents this document in response to the call for submissions in advance of the Special Rapporteur's report to the United Nations General Assembly on eliminating intolerance and discrimination based on religion or belief and the achievement of sustainable development goal 16 (SDG 16).

### PATTERNS AND EXAMPLES OF VIOLENCE AND DISCRIMINATION AGAINST THE MUSLIM COMMUNITY

Since 2013, when the Buddhist group, Bodu Bala Sena (BBS) or Buddhist Power Force, led a violent campaign against the *halal* certification of food products, there has been a marked increase in the number of reports of harassment, threats and attacks on the Muslim community in Sri Lanka. On June 2014, at least four people were killed and a number injured when an anti-Muslim riot broke out in the southern coastal towns of Aluthgama and Beruwala.<sup>1</sup> Despite a curfew and police presence, the Buddhist mob targeted Muslim homes, shops and property in a spree of arson and looting.<sup>2</sup> Eyewitnesses alleged that the police simply watched as rioters razed houses and businesses, refusing to intervene<sup>3</sup>. Tensions in Aluthgama were reportedly triggered by a fight between a Buddhist monk's driver and Muslim youths. Following this, a rally was held by the BBS in Aluthgama, which set off the violence.<sup>4</sup> The government permitted this rally, despite pleas from Muslim leaders who feared it could aggravate the situation. In February 2018, violent Sinhala Buddhist mobs attacked Muslim houses, businesses, mosques and other property in the eastern town of Ampara,<sup>5</sup> after a video in which a Muslim shopkeeper was coerced into 'confessing' that he put sterilization pills in the food he sold.<sup>6</sup> Days later, another altercation, between a Sinhalese man and four Muslim men, led to further violence, which spread from Digana, a town in the central Kandy district, to surrounding areas.<sup>7</sup> Media reports claimed that the police not only allowed the Buddhist mob to destroy mosques, Muslim homes and businesses, but that they joined the mobs.<sup>8</sup>

Following each of these riots targeting the Muslim community, the police arrested suspected perpetrators, but no convictions have taken place to date.<sup>9</sup> This is despite evidence of incitement of violence by Galagodatte Gnanasara Thero, an extremist

<sup>1</sup> Amnesty International, *Sri Lanka: Act now to prevent further bloodshed in anti-Muslim violence*, 17 June 2014, [www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/](http://www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/)

<sup>2</sup> BBC, *Sri Lanka Muslims killed in Aluthgama clashes with Buddhists*, 16 June 2014, [www.bbc.com/news/world-asia-27864716](http://www.bbc.com/news/world-asia-27864716)

<sup>3</sup> Amnesty International, *Sri Lanka: Act now to prevent further bloodshed in anti-Muslim violence*, 17 June 2014, [www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/](http://www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/)

<sup>4</sup> Amnesty International, *Sri Lanka: Act now to prevent further bloodshed in anti-Muslim violence*, 17 June 2014, [www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/](http://www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/)

<sup>5</sup> Al Jazeera, *Mosque vandalised in Ampara*, 27 February 2018,

<sup>6</sup> Sunday Observer, *Tension in Ampara after fake 'sterilization pills' controversy*, 4 March 2018, [www.sundayobserver.lk/2018/03/04/news/tension-ampara-after-fake-%E2%80%98sterilization-pills%E2%80%99-controversy](http://www.sundayobserver.lk/2018/03/04/news/tension-ampara-after-fake-%E2%80%98sterilization-pills%E2%80%99-controversy)

<sup>7</sup> Amnesty International, *Sri Lanka: End impunity for attacks on Muslim minority*, 6 March 2018, [www.amnesty.org/en/latest/news/2018/03/sri-lanka-end-impunity-for-attacks-on-muslim-minority/](http://www.amnesty.org/en/latest/news/2018/03/sri-lanka-end-impunity-for-attacks-on-muslim-minority/)

Reuters, *Police, politicians accused of joining Sri Lanka's anti-Muslim riots* 25 March 2018, in [reuters.com/article/sri-lanka-clashes-riots/police-politicians-accused-of-joining-sri-lankas-anti-muslim-riots-idINKBN1H103E](http://reuters.com/article/sri-lanka-clashes-riots/police-politicians-accused-of-joining-sri-lankas-anti-muslim-riots-idINKBN1H103E)

<sup>8</sup> Reuters, *Police, politicians accused of joining Sri Lanka's anti-Muslim riots* 25 March 2018, in [reuters.com/article/sri-lanka-clashes-riots/police-politicians-accused-of-joining-sri-lankas-anti-muslim-riots-idINKBN1H103E](http://reuters.com/article/sri-lanka-clashes-riots/police-politicians-accused-of-joining-sri-lankas-anti-muslim-riots-idINKBN1H103E)

<sup>9</sup> Amnesty International, *Unsafe at Home Unsafe Abroad: State Obligations Towards Refugees and Asylum-Seekers in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF](http://www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF)

Buddhist monk of the BBS<sup>10</sup> and Amith Weerasinghe of Mahason Balakaya, a right-wing Buddhist group. Amith was arrested for his role in the Digana violence, and later released on bail.<sup>11</sup>

On 21 April 2019, the National Tawheed Jamath, a local Islamist armed group targeted three churches and three hotels, in a series of bombings, claiming the lives of over 250 people.<sup>12</sup> Shortly after these attacks, the Muslim community faced several incidents of harassment, intimidation and even violence which will be explored in detail below.

As anti-Muslim sentiment flared, there were a spate of attacks on refugees and asylum seekers in the western town of Negombo, home to St. Sebastian, one of the three churches which were attacked in the Easter bombings.<sup>13</sup> Amnesty International found that approximately 1,063 refugees and asylum seekers, predominantly religious minorities from Pakistan, Afghanistan and Iran (Ahmadi Muslims, Christians, and Shi'a Hazaras), were forced to leave their homes due to hostile environments, threats of violence, or were forcibly evicted<sup>14</sup>. Talking to Amnesty International, some of the refugees and asylum seekers said they were told to leave Sri Lanka, and that their landlords were being pressured into evicting them.<sup>15</sup>

On 12 May 2019, Christian groups pelted mosques and Muslim-owned businesses in the southern town of Chilaw, with stones, following a Facebook post by a Muslim shopkeeper.<sup>16</sup> In the post, the shop keeper wrote: "Don't laugh more, 1 day u will cry", which was construed as a threat by a local Christian.<sup>17</sup> While law enforcement authorities managed to disperse the crowds, the violence spilled over into neighboring towns.<sup>18</sup>

On 13 May 2019, there was a wave of violence against the Muslim community in several towns in the North-Western and Western provinces of Sri Lanka. The mobs targeted Muslim shops, businesses, homes, mosques, and killed a 45-year-old Muslim man.<sup>19</sup> Eyewitnesses claimed that despite a curfew, the law enforcement did little to stop these mobs.<sup>20</sup>

Parallel to the violence and harassment faced by the Muslim community, there were concerted efforts by religious leaders and Sinhalese owned-businesses calling for the boycott of Muslim businesses in the wake of the Easter bombings.<sup>21</sup> In a sermon on 15 June 2019, the chief prelate of the Asgiriya Chapter, Warakagoda Sri Gnanarathana, an influential Buddhist monk, supported the boycott,<sup>22</sup> claiming Muslims were attempting to sterilize the Sinhala population, and even approved of the stoning of Dr. Shafi.<sup>23</sup> This statement referenced allegations made by ethno-nationalist factions, such as Divaina, the

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<sup>10</sup> Amnesty International, *Flickering Hope: Truth, Justice, Reparations and Guarantees of Non-Recurrence in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3797152019ENGLISH.PDF](http://www.amnesty.org/download/Documents/ASA3797152019ENGLISH.PDF)

<sup>11</sup> Amnesty International, *Flickering Hope: Truth, Justice, Reparations and Guarantees of Non-Recurrence in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3797152019ENGLISH.PDF](http://www.amnesty.org/download/Documents/ASA3797152019ENGLISH.PDF)

<sup>12</sup> Al Jazeera, *Sri Lanka marks a year since devastating Easter Sunday attacks*, 21 April 2020, [www.aljazeera.com/news/2020/04/sri-lanka-marks-year-devastating-easter-sunday-attacks-200420115919861.html](http://www.aljazeera.com/news/2020/04/sri-lanka-marks-year-devastating-easter-sunday-attacks-200420115919861.html)

<sup>13</sup> Amnesty International, *Unsafe at Home Unsafe Abroad: State Obligations Towards Refugees and Asylum-Seekers in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF](http://www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF)

<sup>14</sup> Amnesty International, *Unsafe at Home Unsafe Abroad: State Obligations Towards Refugees and Asylum-Seekers in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF](http://www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF)

<sup>15</sup> Amnesty International, *Unsafe at Home Unsafe Abroad: State Obligations Towards Refugees and Asylum-Seekers in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF](http://www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF)

<sup>16</sup> Al Jazeera, *Sri Lanka blocks social media again after attacks on Muslims*, 13 May 2019, [www.aljazeera.com/news/2019/05/sri-lanka-blocks-social-media-anti-muslim-attacks-190513053644479.html](http://www.aljazeera.com/news/2019/05/sri-lanka-blocks-social-media-anti-muslim-attacks-190513053644479.html)

<sup>17</sup> Al Jazeera, *Sri Lanka blocks social media again after attacks on Muslims*, 13 May 2019, [www.aljazeera.com/news/2019/05/sri-lanka-blocks-social-media-anti-muslim-attacks-190513053644479.html](http://www.aljazeera.com/news/2019/05/sri-lanka-blocks-social-media-anti-muslim-attacks-190513053644479.html)

<sup>18</sup> Al Jazeera, *Sri Lanka blocks social media again after attacks on Muslims*, 13 May 2019, [www.aljazeera.com/news/2019/05/sri-lanka-blocks-social-media-anti-muslim-attacks-190513053644479.html](http://www.aljazeera.com/news/2019/05/sri-lanka-blocks-social-media-anti-muslim-attacks-190513053644479.html)

<sup>19</sup> Al Jazeera, *Sri Lanka orders nationwide curfew amid anti-Muslim riots*, 14 May 2019, [www.aljazeera.com/news/2019/05/sri-lanka-nationwide-curfew-crowds-attack-mosques-190513144625670.html](http://www.aljazeera.com/news/2019/05/sri-lanka-nationwide-curfew-crowds-attack-mosques-190513144625670.html)

Amnesty International, *Sri Lanka: Authorities must protect Muslims against violence*, 14 May 2019, [www.amnesty.org/en/latest/news/2019/05/sri-lanka-authorities-must-protect-muslims-against-violence/](http://www.amnesty.org/en/latest/news/2019/05/sri-lanka-authorities-must-protect-muslims-against-violence/)

<sup>20</sup> According to interviews conducted by Amnesty International in May 2019

Reuters, *Sri Lanka clashes kill one; nationwide curfew imposed after mosques attacked*, 13 May 2019, in [reuters.com/article/sri-lanka-blasts-socialmedia/sri-lanka-clashes-kill-one-nationwide-curfew-imposed-after-mosques-attacked-idINKCN1SJ02X](http://reuters.com/article/sri-lanka-blasts-socialmedia/sri-lanka-clashes-kill-one-nationwide-curfew-imposed-after-mosques-attacked-idINKCN1SJ02X)

<sup>21</sup> The Washington Post, *After Sri Lankan attacks, Muslims face boycotts and violence*, 7 July 2019, [www.washingtonpost.com/world/asia\\_pacific/after-easter-sunday-attacks-muslims-face-boycotts-and-violence-in-sri-lanka/2019/07/06/3e4a405a-91f6-11e9-956a-88c291ab5c38\\_story.html](http://www.washingtonpost.com/world/asia_pacific/after-easter-sunday-attacks-muslims-face-boycotts-and-violence-in-sri-lanka/2019/07/06/3e4a405a-91f6-11e9-956a-88c291ab5c38_story.html)

<sup>22</sup> The Wire, *Sri Lankan Finance Minister Protests Anti-Muslim Remarks of Top Buddhist Monk*, 19 June 2019, [thewire.in/south-asia/sri-lanka-finance-minister-protests-anti-muslim-remarks-of-top-buddhist-monk](http://thewire.in/south-asia/sri-lanka-finance-minister-protests-anti-muslim-remarks-of-top-buddhist-monk)

<sup>23</sup> The Wire, *Sri Lankan Finance Minister Protests Anti-Muslim Remarks of Top Buddhist Monk*, 19 June 2019, [thewire.in/south-asia/sri-lanka-finance-minister-protests-anti-muslim-remarks-of-top-buddhist-monk](http://thewire.in/south-asia/sri-lanka-finance-minister-protests-anti-muslim-remarks-of-top-buddhist-monk)

Sinhala language media outlet which first made allegations against Dr. Shafi, that Muslims are attempting to sterilize the Buddhist population<sup>24</sup>.

This targeted smear campaign against Muslims had very real consequences, as in the February 2018 Ampara incident,<sup>25</sup> and for Dr. Mohamed Shafi, a gynecologist practicing in Kurunegala. On 23 May 2019, after the May anti-Muslim violence in the North-Western and Western Province, a Sinhala language media report claimed that Dr. Shafi had sterilized 4,000 Buddhist women without their consent.<sup>26</sup> Two days later, Dr. Shafi was arrested.<sup>27</sup> On 27 June 2019, the Criminal Investigation Department (CID) informed the court that there was no evidence to prove Dr. Shafi had carried out any forced sterilizations, had links to extremists organizations or had amassed wealth illegally.<sup>28</sup> The CID also informed the court that there were irregularities in his arrest.<sup>29</sup> Dr. Shafi was released on bail on 26 July 2019.<sup>30</sup> Despite the CID previously declaring that there was no evidence to substantiate the claims against Dr. Shafi, on 12 December 2019, a new police team was assigned to the case by the new government, and the court ordered the evidence to be re-recorded.<sup>31</sup>

In November 2019, former war time Secretary of Defence, Gotabaya Rajapaksa<sup>32</sup> was elected President, seven months after the Easter Bombings. The election of Gotabaya Rajapaksa, whose election campaign inflamed religious nationalism, has been a cause for concern for the Muslim community, who fear this new government will push an anti-Muslim agenda.<sup>33</sup>

## DISCRIMINATION AGAINST MUSLIMS DURING COVID-19

With the COVID-19 pandemic gripping the world, Sri Lanka appears to have arbitrarily targeted the Muslim community.<sup>34</sup> The first Muslim death due to COVID-19 took place in Negombo, on 30 March<sup>35</sup>, and the body was forcibly cremated by health officials, against the wishes of his family.<sup>36</sup> This was despite efforts from his family, the Muslim community, religious and political leaders to urge health officials to adhere to the Sri Lanka Ministry of Health guidelines, which at the time allowed for both burials and cremations. In the Islamic tradition, burials are a required part of a person's last rites. On 31 March, a day later, these guidelines were revised by the Ministry of Health to order cremations for anyone who died or is suspected to have died of COVID-19.<sup>37</sup> World Health Organization (WHO) guidelines clearly state that there is no evidence that the COVID-19 virus can spread from a dead body<sup>38</sup>. Further, it has been reported that the body of Fathima Rinos, a 44 year old Muslim woman from Colombo, who tested negative for COVID-19, was wrongfully cremated.<sup>39</sup> On 21 May, 20 Muslim

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<sup>24</sup> Reuters, *Unsubstantiated claims Muslim doctor sterilized women raise tensions in Sri Lanka*, 6 June 2019, [www.reuters.com/article/us-sri-lanka-doctor-insight/unsubstantiated-claims-muslim-doctor-sterilized-women-raise-tensions-in-sri-lanka-idUSKCN1T71HS](http://www.reuters.com/article/us-sri-lanka-doctor-insight/unsubstantiated-claims-muslim-doctor-sterilized-women-raise-tensions-in-sri-lanka-idUSKCN1T71HS)

<sup>25</sup> Sunday Observer, *Tension in Ampara after fake 'sterilization pills' controversy*, 4 March 2018, [www.sundayobserver.lk/2018/03/04/news/tension-ampara-after-fake-%E2%80%98sterilization-pills%E2%80%99-controversy](http://www.sundayobserver.lk/2018/03/04/news/tension-ampara-after-fake-%E2%80%98sterilization-pills%E2%80%99-controversy)

<sup>26</sup> Reuters, *Unsubstantiated claims Muslim doctor sterilized women raise tensions in Sri Lanka*, 6 June 2019, [www.reuters.com/article/us-sri-lanka-doctor-insight/unsubstantiated-claims-muslim-doctor-sterilized-women-raise-tensions-in-sri-lanka-idUSKCN1T71HS](http://www.reuters.com/article/us-sri-lanka-doctor-insight/unsubstantiated-claims-muslim-doctor-sterilized-women-raise-tensions-in-sri-lanka-idUSKCN1T71HS)

<sup>27</sup> Reuters, *Unsubstantiated claims Muslim doctor sterilized women raise tensions in Sri Lanka*, 6 June 2019, [www.reuters.com/article/us-sri-lanka-doctor-insight/unsubstantiated-claims-muslim-doctor-sterilized-women-raise-tensions-in-sri-lanka-idUSKCN1T71HS](http://www.reuters.com/article/us-sri-lanka-doctor-insight/unsubstantiated-claims-muslim-doctor-sterilized-women-raise-tensions-in-sri-lanka-idUSKCN1T71HS)

<sup>28</sup> Daily FT, *CID informs Court no evidence found for all allegations against Dr. Shafi Shihabdeen*, 28 June 2019, [www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838](http://www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838)

<sup>29</sup> Daily FT, *CID informs Court no evidence found for all allegations against Dr. Shafi Shihabdeen*, 28 June 2019, [www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838](http://www.ft.lk/front-page/CID-informs-Court-no-evidence-found-for-all-allegations-against-Dr--Shafi-Shihabdeen/44-680838)

<sup>30</sup> Reuters, *Sri Lanka court grants bail for doctor accused of sterilizing Buddhist women*, 26 July 2019, [www.reuters.com/article/us-sri-lanka-doctor/sri-lanka-court-grants-bail-for-doctor-accused-of-sterilizing-buddhist-women-idUSKCN1UK2SN](http://www.reuters.com/article/us-sri-lanka-doctor/sri-lanka-court-grants-bail-for-doctor-accused-of-sterilizing-buddhist-women-idUSKCN1UK2SN)

<sup>31</sup> The Sunday Morning, *New police team to probe on Dr. Shafi*, 12 December 2019, [www.themorning.lk/new-police-team-to-probe-on-dr-shafi-cid-tells-court/](http://www.themorning.lk/new-police-team-to-probe-on-dr-shafi-cid-tells-court/)

<sup>32</sup> The New York Times, *Gotabaya Rajapaksa Wins Sri Lanka Presidential Election*, 17 November 2019, [www.nytimes.com/2019/11/17/world/asia/sri-lanka-Gotabaya-Rajapaksa-election.html](http://www.nytimes.com/2019/11/17/world/asia/sri-lanka-Gotabaya-Rajapaksa-election.html)

<sup>33</sup> The Guardian, *'There will be no hope': Muslims fear Rajapaksa win in Sri Lanka election*, 15 November 2019, [www.theguardian.com/world/2019/nov/15/muslims-fear-rajapaksa-win-in-sri-lanka-election](http://www.theguardian.com/world/2019/nov/15/muslims-fear-rajapaksa-win-in-sri-lanka-election)

<sup>34</sup> Al Jazeera, *Sri Lanka: Muslims face extra threat as coronavirus stirs hate*, 11 May 2020, [www.aljazeera.com/news/2020/05/sri-lanka-muslims-face-extra-threat-coronavirus-stirs-hate-200510183518512.html](http://www.aljazeera.com/news/2020/05/sri-lanka-muslims-face-extra-threat-coronavirus-stirs-hate-200510183518512.html)

<sup>35</sup> Amnesty International, *Sri Lanka: Religious minorities must have their final rites respected*, 3 April 2020, [www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/](http://www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/)

<sup>36</sup> Amnesty International, *Sri Lanka: Religious minorities must have their final rites respected*, 3 April 2020, [www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/](http://www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/)

<sup>37</sup> Amnesty International, *Sri Lanka: Religious minorities must have their final rites respected*, 3 April 2020, [www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/](http://www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/)

<sup>38</sup> World Health Organization, *Water sanitation hygiene, Disposal of dead bodies in emergency conditions*, [www.who.int/water\\_sanitation\\_health/publications/tech\\_note8/en/index1.html](http://www.who.int/water_sanitation_health/publications/tech_note8/en/index1.html)

<sup>39</sup> Al Jazeera, *Sri Lanka: Muslims face extra threat as coronavirus stirs hate*, 11 May 2020, [www.aljazeera.com/news/2020/05/sri-lanka-muslims-face-extra-threat-coronavirus-stirs-hate-200510183518512.html](http://www.aljazeera.com/news/2020/05/sri-lanka-muslims-face-extra-threat-coronavirus-stirs-hate-200510183518512.html)

groups called on the Minister of Health to revoke the Gazette making cremations mandatory, citing that more than 185 countries permit burial, and that there was no consultation with the affected communities.<sup>40</sup>

In a concept proposal for a COVID-19 exit strategy presented to President Gotabaya, the Government Medical Officers' Association (GMOA) and the Information and Communication Technology Agency Sri Lanka (ICTA), identified the Muslim population as a variable in their methodology, to determine the risk of spread of COVID-19 in each district.<sup>41</sup> The report assigned the highest weightage of risk to the 'Muslim population'. The racial profiling in the report was met with heavy criticism on social media, causing ICTA to disassociate itself with the report.<sup>42</sup> The GMOA has since deleted the earlier report, and the revised version, does not bear the ICTA name or logo, does not mention 'Muslim population', or has replaced it with the term 'population density'.<sup>43</sup>

In May 2020, at the second meeting of the Buddhist Advisory Council, President Gotabaya appointed a Task Force led by the Secretary of Defence, Major General (Retd.) Kamal Gunaratne, to survey archaeological sites in the Eastern Province, and "take action to preserve them, due to concerns raised about their destruction".<sup>44</sup> Considering the concerns emerging from disputes over Buddhist, Hindu, Muslim and Christian sites archeological sites<sup>45</sup>, the appointment of this Task Force, headed by retired military personnel may exacerbate this politicized and ethnicised issue which was a key factor in the inception of the civil war.<sup>46</sup> In a Gazette dated 2 June 2020, the President appointed 11 people to this task force: 2 Buddhist monks, Secretary of Defence, the Director-General of Archaeology, Land Commissioner General, Surveyor General, 2 lecturers from the University of Kelaniya and University of Peradeniya, a Senior police DIG, the Eastern Province Provincial Land Commissioner, and Dilith Jayaweera, Chairman of the Derana Media network.<sup>47</sup> The Derana network, a right-wing media network, frequently peddles Sinhala-Buddhist nationalist content. The lack of representation of any minority community on this task force is extremely problematic given the existence of archeological sites from different religions and ethnicities. Media reports and commentators fear this task force will be used to further the Sinhala Buddhist nationalist agenda.<sup>48</sup>

## DISCRIMINATORY USE OF DOMESTIC LAWS

While the Constitution grants Buddhism the "foremost place" and makes it the duty of the government to "protect and foster" Buddha *Sasana* (Buddhism)<sup>49</sup>, Article 10 and 12 of Sri Lanka's Constitution guarantees all people should be treated equally, without discrimination based on religion or belief.<sup>50</sup>

Sri Lanka acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1982<sup>51</sup>, and in the committee's concluding observations in 2016, it was alarmed by the difficulties faced by ethnic and ethno-religious minorities to practise their religion freely<sup>52</sup>. In 2007, Sri Lanka passed the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007, in line with its ratification of the International Covenant on Civil and Political Rights.<sup>53</sup> The lack of government action, and impunity with which it continues, is in direct contravention of section 3 of the Act.<sup>54</sup> Further, the Act is not applied equally to all religious communities (see section below).

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<sup>40</sup> Daily FT, *20 Muslim groups call on Health Minister to rescind Gazette on mandatory cremation*, 21 May 2020, [www.ft.lk/news/20-Muslim-groups-call-on-Health-Minister-to-rescind-Gazette-on-mandatory-cremation/56-700527#.XsXk8M3qPDk.twitter](http://www.ft.lk/news/20-Muslim-groups-call-on-Health-Minister-to-rescind-Gazette-on-mandatory-cremation/56-700527#.XsXk8M3qPDk.twitter)

<sup>41</sup> GMOA/ICTA, *Covid-19 Exit Strategy Sri Lanka*, 4 April 2020

<sup>42</sup> Daily FT, *ICTA disassociates itself from GMOA's controversial Exit Strategy*, 20 April 2020, [www.ft.lk/front-page/ICTA-disassociates-itself-from-GMOA-s-controversial-Exit-Strategy/44-698999](http://www.ft.lk/front-page/ICTA-disassociates-itself-from-GMOA-s-controversial-Exit-Strategy/44-698999)

<sup>43</sup> GMOA/ICTA, *Covid-19 Exit Strategy Sri Lanka*, 4 April 2020, [www.gmoa.lk/gmoa-icta-covid-19-exit-strategy-concept-proposal/](http://www.gmoa.lk/gmoa-icta-covid-19-exit-strategy-concept-proposal/)

<sup>44</sup> Gotabaya Rajapaksa, Twitter post, 23 May 2020, [twitter.com/GotabayaR/status/1264022890451738625](https://twitter.com/GotabayaR/status/1264022890451738625)

Ministry of Defence, *President appoints PTF under Defence Secretary to preserve archaeological sites in East*, 22 May 2020, [www.defence.lk/Article/view\\_article/1581](http://www.defence.lk/Article/view_article/1581)

<sup>45</sup> Centre for Policy Alternatives, *Land in the Eastern Province: Politics, Policy and Conflict*, May 2010, [cl.ly/WXuB](https://cl.ly/WXuB)

<sup>46</sup> Centre for Policy Alternatives, *Land in the Eastern Province: Politics, Policy and Conflict*, May 2010, [cl.ly/WXuB](https://cl.ly/WXuB)

<sup>47</sup> Gazette of the Democratic Socialist Republic of Sri Lanka, No. 2178/17, 2 June 2020, [documents.gov.lk/files/egz/2020/6/2178-17\\_E.pdf](https://documents.gov.lk/files/egz/2020/6/2178-17_E.pdf)

<sup>48</sup> News In Asia, *The politics of entrusting archaeological functions to the Defense Secretary*, 25 May 2020, [newsin.asia/the-politics-of-entrusting-archaeological-functions-to-the-defense-secretary/](https://newsin.asia/the-politics-of-entrusting-archaeological-functions-to-the-defense-secretary/)

<sup>49</sup> Article 9 of The Constitution of the Democratic Socialist Republic of Sri Lanka, revised edition (2015), [www.parliament.lk/files/pdf/constitution.pdf](http://www.parliament.lk/files/pdf/constitution.pdf)

<sup>50</sup> Article 10 and 12 of The Constitution of the Democratic Socialist Republic of Sri Lanka, revised edition (2015), [www.parliament.lk/files/pdf/constitution.pdf](http://www.parliament.lk/files/pdf/constitution.pdf)

<sup>51</sup> UN Treaty Body Database, [tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN](http://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN)

<sup>52</sup> Concluding observations of Committee on the Elimination of Racial Discrimination: Sri Lanka, UN Doc. CERD/C/LKA/CO/10-17 (2016), para. 25

<sup>53</sup> International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007

<sup>54</sup> S. 3(1), International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007

Sri Lanka imposed emergency laws two days after the Easter Sunday bombings, and then President Maithripala Sirisena used these laws to pass a ban on face coverings<sup>55</sup>. The ban stated that, “No person shall wear in any public place any garment, clothing or such other material concealing the full face...”<sup>56</sup>. These measures directly impacted Muslim women who wear the *burqa* or *niqab*, clothing that covers the face and are worn by some women as part of their identity and religious belief. As a result of this ban, these Muslim women either remained confined to their homes or were forced to remove their face veil, denying them the right to express their belief and religion.<sup>57</sup> On August 23, this ban was lifted when the emergency regulations lapsed.<sup>58</sup> However, on 19 February 2020, the Parliamentary Sectoral Oversight Committee on National Security published a report<sup>59</sup> recommending the drafting of legislation to ban the *burqa*. The committee also recommended that covering the face be made an offence under the Penal Code<sup>60</sup>.

These emergency laws were also used to arrest large numbers of Muslims immediately after the Easter Sunday bombings, with as many as 1,800 Muslims reportedly being arrested, some despite having no connection with the bombers.<sup>61</sup>

## APPLICATION OF LAWS AND RECENT ARRESTS

On 9 April 2020, Ramzy Razeek, a retired government official and social media commentator from Katugastota, near the central city of Kandy, was arrested for his post on Facebook calling for an ideological jihad<sup>62</sup>. It is believed that this post, in addition to his previous posts, were the reason for his arrest.<sup>63</sup> In a Facebook post on April 3<sup>rd</sup>, Ramzy claimed that he had received death threats from local extremists and people living overseas, following his post.<sup>64</sup> Following this, Ramzy filed a complaint with the police on 9 April 2020.<sup>65</sup> The same day, the police arrested Ramzy under Section 3(1) of the ICCPR Act<sup>66</sup>, S.120 of the Penal Code<sup>67</sup> and the S. 6 of the Computer Crime Act.<sup>68</sup> Razeek’s hearing has been postponed several times,<sup>69</sup> and at the time of writing, he remains in remand custody as offences under the ICCPR are non-bailable in the Magistrate’s Court.<sup>70</sup>

Sri Lanka’s ICCPR Act lacks adequate safeguards for the right to freedom of expression, and its arbitrary use has led to several arrests and detentions of writers and activists for peacefully expressing their opinion<sup>71</sup>, in addition to being used to target Muslims. In May 2019, R. Mazahima, a 47-year-old Muslim woman was arrested in Hasalaka, 180 km from Colombo,

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<sup>55</sup> Amnesty International, *Sri Lanka: Respect Human Rights In The Aftermath Of Easter Attacks*, 2019, [www.amnesty.org/download/Documents/ASA3702972019ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3702972019ENGLISH.pdf)

<sup>56</sup> Extraordinary Gazette of the Democratic Socialist Republic of Sri Lanka, No. 2121/1, 29 April 2019, Regulation 32, [http://www.documents.gov.lk/files/egz/2019/4/2121-01\\_E.pdf](http://www.documents.gov.lk/files/egz/2019/4/2121-01_E.pdf)

<sup>57</sup> Amnesty International, *Sri Lanka: Respect Human Rights In The Aftermath Of Easter Attacks*, 2019, [www.amnesty.org/download/Documents/ASA3702972019ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3702972019ENGLISH.pdf)

<sup>58</sup> Al Jazeera, *Sri Lanka ends emergency rule imposed after Easter bombings*, 23 August 2019, [www.aljazeera.com/news/2019/08/sri-lanka-ends-emergency-rule-imposed-easter-bombings-190823134350525.html](http://www.aljazeera.com/news/2019/08/sri-lanka-ends-emergency-rule-imposed-easter-bombings-190823134350525.html)

<sup>59</sup> Sectoral Oversight Committee on National Security, *Report of the Proposals for Formulation and Implementation of relevant laws required to ensure National security that will eliminate New Terrorism and extremism by strengthening friendship among Races and Religions*, 19 February 2020, [www.parliament.lk/uploads/comreports/1582610584075624.pdf#page=1](http://www.parliament.lk/uploads/comreports/1582610584075624.pdf#page=1)

<sup>60</sup> Sectoral Oversight Committee on National Security, *Report of the Proposals for Formulation and Implementation of relevant laws required to ensure National security that will eliminate New Terrorism and extremism by strengthening friendship among Races and Religions*, 19 February 2020, [www.parliament.lk/uploads/comreports/1582610584075624.pdf#page=1](http://www.parliament.lk/uploads/comreports/1582610584075624.pdf#page=1)

<sup>61</sup> Crisis Group, *After Sri Lanka's Easter Bombings: Reducing Risks of Future Violence*, 27 September 2019, [www.crisisgroup.org/asia/south-asia/sri-lanka/302-after-sri-lankas-easter-bombings-reducing-risks-future-violence](http://www.crisisgroup.org/asia/south-asia/sri-lanka/302-after-sri-lankas-easter-bombings-reducing-risks-future-violence)

<sup>62</sup> Amnesty International, *Urgent Action: Health Concerns for Detained Blogger*, 20 May 2020, [www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf](http://www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf)

<sup>63</sup> Amnesty International, *Urgent Action: Health Concerns for Detained Blogger*, 20 May 2020, [www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf](http://www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf)

<sup>64</sup> Ramzy Razeek, Facebook post, 3 April 2020, [www.facebook.com/ramzy.razeek.5/posts/3369814303048617](https://www.facebook.com/ramzy.razeek.5/posts/3369814303048617)

<sup>65</sup> Amnesty International, *Urgent Action: Health Concerns for Detained Blogger*, 20 May 2020, [www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf](http://www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf)

<sup>66</sup> S. 3(1) of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007

<sup>67</sup> S. 120 of Penal Code of Sri Lanka

<sup>68</sup> S. 6 of the Computer Crime Act, No. 24 Of 2007

Amnesty International, *Urgent Action: Health Concerns for Detained Blogger*, 20 May 2020, [www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf](http://www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf) and according to information received by Amnesty International from civil society activists in Sri Lanka who are working on this case

<sup>69</sup> According to information received by Amnesty International, from Ramzy’s family members

<sup>70</sup> According to information received by Amnesty International, from Ramzy’s family members

<sup>71</sup> Amnesty International, *Urgent Action: Health Concerns for Detained Blogger*, 20 May 2020, [www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf](http://www.amnestyusa.org/wp-content/uploads/2020/05/uaa08520.pdf)

for allegedly wearing a kaftan with a motif that resembled a 'Dharmachakra' wheel, a symbol of Buddhist teachings<sup>72</sup>. The motif was in fact that of a ship's wheel and Mazahima was released on bail, three weeks after her arrest<sup>73</sup>.

The ICCPR Act has also been used by Buddhist groups and the police to target individuals accused of criticizing Buddhism. On 1 April 2019, Shakthika Sathkumara was arrested in Kegalle, 39km from Kandy, after Buddhist monks made a police complaint about a short story written by Sathkumara in which he alludes to child sexual abuse in Buddhist temples<sup>74</sup>. Sathkumara was arrested and charged under S.3(1) of the ICCPR Act<sup>75</sup> and S. 292 of the Penal Code<sup>76</sup>, which both criminalize propagating racial and religious hatred which incites discrimination, hostility and violence. Sathkumara was granted bail on 5 August by the Kurunegala High Court.<sup>77</sup>

On 14 April, Hejaaz Hizbullah, a prominent lawyer was arrested by the CID from his home in Hokandara, 16.2 km from Colombo, and is currently being detained without charge.<sup>78</sup> Amnesty International and Sri Lankan civil society groups have strongly criticized the manner in which Hizbullah's arrest which was carried out without due process,<sup>79</sup> as he was not informed of the reason for his arrest or the charges against him. A detention order, dated 17 April, stated that Hizbullah was arrested under the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 under suspicion of terror related activities. A vocal critic of the government on human rights issues, particularly on minority rights, Hizbullah also represented Dr. Shafi in the case against the latter on suspicion of forced sterilization in 2019<sup>80</sup>.

With the new government still in its first year, the frequent incidents of demonization, vilification and scapegoating of Sri Lanka's Muslim population are a cause for great concern. Should incidents against the Muslim community continue, Sri Lanka runs the risk of alienating another minority group, much to its detriment.

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<sup>72</sup> Journalists for Democracy in Sri Lanka, *Muslim woman jailed for wearing dress disliked by Sri Lankan Buddhists*, 28 May 2019, [www.jdslanka.org/index.php/news-features/human-rights/889-muslim-woman-jailed-for-wearing-dress-disliked-by-sri-lankan-buddhists](http://www.jdslanka.org/index.php/news-features/human-rights/889-muslim-woman-jailed-for-wearing-dress-disliked-by-sri-lankan-buddhists)

<sup>73</sup> Amnesty International, *Urgent Action: Writer released on bail, still at risk of jail*, 5 September 2019, [www.amnesty.org/download/Documents/ASA3709982019ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3709982019ENGLISH.pdf)

<sup>74</sup> Amnesty International, *Urgent Action: Writer faces up to 10 years jail for story*, 29 July 2019, [www.amnesty.org/download/Documents/ASA3708002019ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3708002019ENGLISH.pdf)

<sup>75</sup> S. 3(1) of International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007

<sup>76</sup> S. 292 of Penal Code of Sri Lanka

<sup>77</sup> Amnesty International, *Urgent Action: Writer released on bail, still at risk of jail*, 5 September 2019, [www.amnesty.org/download/Documents/ASA3709982019ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3709982019ENGLISH.pdf)

<sup>78</sup> Amnesty International, *Urgent Action: Concerns mount for detained lawyer*, 27 April 2020, [www.amnesty.org/download/Documents/ASA3722212020ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3722212020ENGLISH.pdf), and according to the 'B' report, submitted to the courts by the Police, setting out the reasons for Ramzy's arrest

<sup>79</sup> Amnesty International, *Urgent Action: Concerns mount for detained lawyer*, 27 April 2020, [www.amnesty.org/download/Documents/ASA3722212020ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3722212020ENGLISH.pdf),

<sup>80</sup> Sri Lanka Brief, *FALSE ALLEGATIONS AGAINST A MUSLIM DOCTOR: CID'S DAMNING REPORT SENDS SHOCKWAVES*, 30 June 2019, [srilankabrief.org/2019/06/false-allegations-against-a-muslim-doctor-cids-damning-report-sends-shockwaves/](http://srilankabrief.org/2019/06/false-allegations-against-a-muslim-doctor-cids-damning-report-sends-shockwaves/)