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IRB – Immigration and Refugee Board of Canada

Sri Lanka: Situation and treatment of Muslims by society and the authorities; state protection (2019–April 2021) [LKA200593.E]

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1. Overview

Sources indicate that Muslims represent 9.7 percent of the Sri Lankan population (US 10 June 2020, 2; MRG Mar. 2018a; Johansson 23 Apr. 2019), according to the 2012 census (US 10 June 2020, 2; MRG Mar. 2018a). Sources report that most of the Muslim community practices Sunni Islam (US 10 June 2020, 3; Johansson 23 Apr. 2019), with Sufi, Ahmadi [Ahmadiyya], and Shia [Shi'a, Shi'i, Shiite] minorities (US 10 June 2020, 3).

The US Department of State *International Religious Freedom Report for 2019* notes that “[m]ost Muslims self-identify as a separate ethnic group, rather than as Tamil or Sinhalese” (US 10 June 2020, 2-3). According to Minority Rights Group International (MRG), Sri Lanka is characterized by “a strong overlap between religion and ethnicity”: “most” members of the Buddhist majority are Sinhalese, while “most” Hindus and Christians are Tamil (MRG Mar. 2018a). MRG states that “the larger majority” of Muslims are Sri Lankan Moors, with Indian Moors and Malays as the other main groups of Muslims (MRG Mar. 2018b). MRG further indicates that Muslims may speak “both Tamil and Sinhalese,” depending on where they live (MRG Mar. 2018a). Similarly, Andreas Johansson, the director of the Swedish South Asian Studies Network (SASNET) at Lund University, indicates that “most” Muslims speak Tamil, but that there are Muslims who speak Sinhalese (Johansson 23 Apr. 2019).

According to MRG, the majority of Muslims live in the eastern parts of Sri Lanka, while the rest of the Muslim community lives in urban centres (MRG Mar. 2018b). The same source notes that the Muslims community is also divided “between mainly agriculturists living in the east, and traders who are dispersed across the island” (MRG Mar. 2018b). According to the US *International Religious Freedom Report for 2019*, Muslims “form a plurality in the Eastern Province,” and Central, North Central, North Western, Sabaragamuwa, Uva and Western provinces have “sizable” Muslim communities (US 10 June 2020, 3).

According to sources, during the Sri Lankan civil war, Muslims were targeted by the Liberation Tigers of Tamil Eelam (LTTE) separatists (Johansson 23 Apr. 2019; MRG Mar. 2018b), with Muslims being killed during attacks and “fac[ing] attacks, land loss, intimidation, harassment, abductions and extortions by the LTTE” (MRG Mar. 2018b). Sources report that since the end of the conflict, Buddhists [or Buddhist “extremists”] (The World 26 Apr. 2019; Johansson 23 Apr. 2019) have been targeting the Muslim community in Sri Lanka (The World 26 Apr. 2019; Johansson 23 Apr. 2019; International Crisis Group 23 Apr. 2019). In an article, the International Crisis Group notes that Sinhalese Buddhist groups such as the Buddhist Power Force (Bodu Bala Sena, BBS) targeted Muslims for violence, hate speech and economic boycotts, claiming that they “threatened the island’s stability and Buddhist character” (International Crisis Group 23 Apr. 2019). MRG indicates that in 2013, “Buddhist nationalists” mounted campaigns to prohibit halal products as well as face coverings including the *hijab* (MRG Mar. 2018b). The same source reports that in 2014, anti-Muslim rioting in Aluthgama, Western Province, “left four dead, many injured and displaced, and significant property damage” (MRG Mar. 2018b). The World, an American public radio news program (The World n.d.), reports that Buddhist “extremist” groups made “unfounded accusations” against Muslims and Christians, for example that people were “spraying women’s clothes with some kind of anti-fertility chemical” (The World 26 Apr. 2019). The same article reports that the rumours “flared up into real violence” in 2014 and 2018, with “Sinhalese Buddhist mobs attacking Muslim businesses, houses and mosques, throwing stones and [committing] assault[s]” (The World 26 Apr. 2019).

1.1 Easter Bombings in 2019

On Easter Sunday, 21 April 2019, a series of suicide bombing attacks against hotels and Christian churches killed over 250 people (BBC 21 Apr. 2020; International Crisis Group 27 Sept. 2019, 3; openDemocracy 12 Apr. 2020) and injured hundreds of others (International Crisis Group 27 Sept. 2019, 3; openDemocracy 12 Apr. 2020). According to the International Crisis Group, a “rogue offshoot of a Sri Lankan Salafi militant group, the National Tawhid Jamaat (NTJ)” [National Thowheeth Jama’ath, National Thowheed Jamath] carried out the attacks, inspired and “modest[ly]” supported by individuals “believed to” be linked to the Islamic State of Iraq and Syria (ISIS) [Islamic State of Iraq and al-Sham, Islamic State (IS), Islamic State of Iraq and the Levant (ISIL), Daesh] (International Crisis Group 27 Sept. 2019, 3). Similarly, openDemocracy, an “independent global media organisation” that reports and analyzes social and political issues (openDemocracy n.d.), notes that the NTJ, “a little

[-]known Islamist terror organisation," was "allegedly implicated in the attacks" and reports that the suicide bombers were all Sri Lankan citizens (openDemocracy 12 Apr. 2020). Following the attacks, the Sri Lankan government declared a state of emergency that gave security forces "sweeping" powers to arrest, detain (International Crisis Group 27 Sept. 2019, 4; UN 26 Aug. 2019) and investigate (International Crisis Group 27 Sept. 2019, 4). In addition, the state of emergency included a ban on face coverings (openDemocracy 12 Apr. 2020; US 10 June 2020, 5-6; Australia 4 Nov. 2019, para. 3.31), which applied to the burqa and niqab (US 10 June 2020, 5-6; Australia 4 Nov. 2019, para. 3.31). According to sources, authorities have arrested and detained 2,289 people in connection with the attacks (UN 25 Aug. 2020, para. 24; Al Jazeera 23 Aug. 2019), of whom 1,820 were Muslim (Al Jazeera 23 Aug. 2019). The International Crisis Group reports that Muslim political and religious leaders, as well as Muslim citizens, have denounced the Easter attacks (International Crisis Group 27 Sept. 2019, 26).

2. Legislation

Article 9 of the Sri Lankan Constitution gives "the foremost place" to Buddhism in the country:

9. The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha *Sasana*, while assuring to all religions the rights granted by Articles 10 and 14 (1)(e). (Sri Lanka 1978, italics in original)

Regarding the freedom of religion, articles 10, 12 and 14 of the Constitution provide the following:

10. Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

...

12. (1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:

...

(3) No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.

...

14. (1) Every citizen is entitled to –

...

(e) the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching;

... (Sri Lanka 1978)

Article 3 of the International Covenant on Civil and Political Rights Act, No. 56 of 2007 [ICCPR Act] of Sri Lanka provides the following:

3. (1) No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

(2) Every person who—

1. attempts to commit;
2. aids or abets in the commission of; or
3. threatens to commit,

an offence referred to in subsection (1), shall be guilty of an offence under this Act.

(3) A person found guilty of committing an offence under subsection (1) or subsection (2) of this section shall on conviction by the High Court, be punished with rigorous imprisonment for a term not exceeding ten years.

... (Sri Lanka 2007)

Without providing further details, sources indicate that, in 2003, the Supreme Court ruled that the Constitution requires the state to "protect only Buddhism," but does not provide the same right to state protection for other religions (US 10 June 2020, 3; UN 26 Aug. 2019).

According to a handbook on religious pluralism written by Sulochana Peiris, a documentary filmmaker and writer based in Sri Lanka, for the Sri Lanka chapter of *Internews* [1], while "Sri Lanka has a sufficient constitutional and legal framework to protect religious freedom ... there is a critical enforcement gap" of the protections provided in Articles 10 and 14 of the Constitution (Peiris Mar. 2019, 3). Similarly, in its country information report on Sri Lanka, Australia's Department of Foreign Affairs and Trade (DFAT) notes that "impunity for hate speech and incitement of violence against religious minorities, particularly Muslims, is an ongoing issue" (Australia 4 Nov. 2019, para. 3.26).

A 2019 preliminary report by the UN Special Rapporteur on freedom of religion or belief following a visit to Sri Lanka stated the following:

[M]any argued that the [ICCPR] Act was not applied in a manner that would protect minorities against incitement. ... However, when the Act is invoked to protect religions or beliefs against criticism or perceived insult, rather than to protect individuals, communities may find themselves even more vulnerable to incitement to discrimination and violence. (UN 26 Aug. 2019)

3. Treatment by Authorities

3.1. After the Events of Easter 2019

Sources indicate that in the aftermath of the 2019 Easter bombings, Muslims were arbitrarily arrested and detained by Sri Lankan authorities (HRW 3 July 2019; *Sunday Observer* 7 July 2019; Amnesty International 2020, 59). Sources report that the Prevention of Terrorism Act (PTA) [2] was used in the "vast majority" of arrests (HRW 3 July 2019; *Sunday Observer* 7 July 2019). The *Sunday Observer*, a weekly English-language newspaper published in Colombo, adds that the authorities also detained people under the section 3(1) of the ICCPR Act (*Sunday Observer* 7 July 2019).

Lawyers interviewed by Human Rights Watch (HRW) in June 2019 reported having clients who "had often been arrested without any credible evidence of terrorist involvement," and indicated that the reasons for the clients' arrests included the discovery of the Quran [Qur'an] or other Arabic literature in their possession during searches (HRW 3 July 2019). Similarly, an International Crisis Group report on the aftermaths of the Easter bombings states that, according to families of arrested Muslims and leaders of the Muslim community, "many of those imprisoned had no connections to the attacks or extremist groups but had been reported to the authorities out of fear or bigotry" (International Crisis Group 27 Sept. 2019, 22). The *Sunday Observer* reports that, according to lawyers, human rights activists and NGOs, many people were arrested without "credible" evidence of "terrorist" activity and for "frivolous" reasons, such as possessing a certificate in Arabic or having Arabic songs on their computer (*Sunday Observer* 7 July 2019).

Sources give the example of a Muslim woman who was arrested for wearing a dress that allegedly depicted the *dharmachakra* [a Buddhist symbol (International Crisis Group 27 Sept. 2019, 22; Al Jazeera 16 June 2019)], when, in fact, it was an image of a ship wheel (International Crisis Group 27 Sept. 2019, 22; Al Jazeera 16 June 2019; Women's Action Network 30 June 2019). The *Sunday Observer* reports the case of a father and son who were jailed under the PTA for possessing "explosives" after 234 grams of chlorine powder were discovered in their home (*Sunday Observer* 7 July 2019).

Sources indicate that nine Muslim ministers in the government resigned in June 2019, "fear[ing]" that violence would take place if they did not (HRW 3 July 2019; *The Washington Post* 7 July 2019), after a monk with a seat in parliament began a hunger strike to call for their departure, with support from a leader of the BBS (HRW 3 July 2019).

3.2 Under the Rajapaksa Government

Sources report that in November 2019, Gotabaya Rajapaksa was elected as president of Sri Lanka (Freedom House 4 Mar. 2020, Sec. 1A; International Crisis Group 29 Jan. 2020). According to the International Crisis Group, he was elected on a Sinhalese nationalist platform (International Crisis Group 29 Jan. 2020). For more information on the November 2019 presidential election and August 2020 legislative election as well as on the political situation in Sri Lanka since then, see Responses to Information Requests LKA200300 of August 2020 and LKA200592 of April 2021.

According to the International Crisis Group, since the election of President Rajapaksa, "[t]he status of Muslims as full participants in the country's social, political and economic life is ... at growing risk" (International Crisis Group 29 Jan. 2020). On 19 March 2021, Amnesty International published a statement on the trend towards "marginalization, discrimination and targeting" of the Muslim community in Sri Lanka (Amnesty International 19 Mar. 2021, 1). The same source notes "recent incidents of cabinet proposals, decisions, and government regulations" that are "discriminat[ory]" against Sri Lanka's Muslims "from the outset" (Amnesty International 19 Mar. 2021, 1).

According to sources, as of March 2021, the Ministry of Defence must approve all Islamic books brought into the country [by plane (Amnesty International 19 Mar. 2021, 2)] (Amnesty International 19 Mar. 2021, 2; Haniffa 18 Apr. 2021).

Sources report that on 12 or 13 March 2021, the Minister for Public Security put forward a proposal that would ban "Islamic face coverings" (HRW 16 Mar. 2021), burqas (Haniffa 18 Apr. 2021), or face coverings "that cannot be removed in public on request" (Amnesty International 19 Mar. 2021, 1). The Minister justified the measure on

"national security" grounds (HRW 16 Mar. 2021; Amnesty International 19 Mar. 2021, 1; Haniffa 18 Apr. 2021), calling the face coverings a "sign of religious extremism" (Amnesty International 19 Mar. 2021, 1; Haniffa 18 Apr. 2021). Sources also report that the Minister announced the government's intention to close more than 1,000 Islamic schools (HRW 16 Mar. 2021; Haniffa 18 Apr. 2021; Reuters 13 Mar. 2021) that he said were "flouting national education policy" (Reuters 13 Mar. 2021).

Sources report that in March 2021, President Rajapaksa issued new regulations related to the PTA that allow people arrested for an offence under the PTA to be sent, without a trial, to a "reintegration centre" [or "rehabilitation centre" (Haniffa 18 Apr. 2021)] for up to one year (Haniffa 18 Apr. 2021; Amnesty International 19 Mar. 2021, 2-3; HRW 16 Mar. 2021), a period that can be extended to two years (Amnesty International 19 Mar. 2021, 2-3; HRW 16 Mar. 2021). Sources indicate that the regulation has a "broad" definition of what constitutes an offence and allows for the arrest and rehabilitation of anyone who "by words either spoken or intended to be read or by signs or by visible representations or otherwise, [causes or intends to cause commission of acts of violence or (Amnesty International 19 Mar. 2021, 3)] religious, racial or communal disharmony or feelings of ill will or hostility between different communities or racial or religious groups" (Amnesty International 19 Mar. 2021, 3; HRW 16 Mar. 2021). Amnesty International specifies that under these new regulations, a suspect is unable "to challenge their detention through [the] legal means and safeguards that would usually be available by law, including through *habeas [sic] corpus* proceedings" (Amnesty International 19 Mar. 2021, 3, italics in original). Sources state that the new regulations may be used by the government to target Muslims and government critics (Amnesty International 19 Mar. 2021, 2-3) or religious and racial minorities (HRW 16 Mar. 2021).

3.2.1 Arrests

Sources report that a Muslim lawyer [who has defended Muslim victims of human rights violations (Amnesty International 19 Mar. 2021, 5-6; Lawyers for Lawyers 1 Apr. 2021)] was arrested under the PTA in April 2020 (Amnesty International 19 Mar. 2021, 5-6; Al Jazeera 15 Oct. 2020; Lawyers for Lawyers 1 Apr. 2021). A February 2021 report from the Office of the UN High Commissioner for Human Rights (OHCHR) notes that the lawyer had been "under renewable 90-day detention orders" since his arrest and that, as of his planned hearing date in February 2021, he would have been in detention for 10 months without being charged (UN 9 Feb. 2021, para. 36). Lawyers for Lawyers, a Dutch "independent and non-political" foundation working to promote the independence of lawyers worldwide (Lawyers for Lawyers n.d.), reports that on 3 March 2021 the lawyer was officially charged with "inciting communal disharmony" under the PTA and with additional charges under the ICCPR Act and the Penal Code; as of 1 April 2021, his hearing had been postponed for the second time (Lawyers for Lawyers 1 Apr. 2021).

Sources report that on 9 April 2020, a social media commentator was arrested for a post he made on Facebook calling for an "ideological jihad" (Amnesty International 19 Mar. 2021, 6; UN 9 Feb. 2021, para. 35). Amnesty International adds that the post for which the commentator was arrested called for an ideological jihad or "ideological struggle," "using the pen and keyboard as weapons, against the government's policy of forced cremations in the context of COVID-19" (Amnesty International 19 Mar. 2021, 6). The OHCHR report notes that the post criticized "anti-Muslim campaigns" (UN 9 Feb. 2021, para. 35). Sources indicate that he was released on bail on 17 September 2020 (UN 9 Feb. 2021, para. 35; Amnesty International 19 Mar. 2021, 6), after being detained for more than five months (Amnesty International 19 Mar. 2021, 6). According to Amnesty International, during his detention, he lacked access to medical care and a lawyer (Amnesty International 19 Mar. 2021, 6).

3.2.2 COVID-19 Pandemic

Sources report that on 31 March 2020, the Sri Lankan government implemented a requirement for people who die from COVID-19 to be cremated, claiming that burying them could contaminate groundwater, despite WHO guidelines indicating that burial is safe (HRW 18 Jan. 2021; *The Straits Times* 9 Dec. 2020; Amnesty International 3 Apr. 2020). Sources note that, aside from China, Sri Lanka was the only country to mandate cremation for suspected COVID-19 cases (*The Guardian* 4 Dec. 2020; Nazeer 16 Dec. 2020). According to sources, Islamic tradition requires bodies to be buried and cremation is contrary to Muslim beliefs (HRW 18 Jan. 2021; *The Straits Times* 9 Dec. 2020; *The Guardian* 4 Dec. 2020). Sources report cases in which the bodies of Muslims were cremated despite not being tested for COVID-19 or having tested negative (*The Guardian* 4 Dec. 2020; Nazeer 16 Dec. 2020). Sources report that families of deceased Muslims prefer to leave their relative's body in the hospital morgue rather than allow the cremation (HRW 18 Jan. 2021; *The Guardian* 4 Dec. 2020). Human Rights Watch adds that other families have stated that "they [were] coerced into allowing cremation, or that it occurred without their knowledge" (HRW 18 Jan. 2021).

According to Agence France-Presse (AFP), Muslims represent more than half of the 489 deaths caused by the virus as of 5 March 2021, "often because they were reluctant to seek medical help, fearing they would be cremated if they were identified as [COVID-19] patients" (AFP 5 Mar. 2021). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to sources, the ban on burials was lifted on 25 or 26 February 2021 (AFP 26 Feb. 2021; PTI 27 Feb. 2021; *Daily News* 25 Feb. 2021). The BBC reports that the Sri Lanka government has chosen a "remote island" to bury COVID-19 victims belonging to the Muslims and Christian communities, adding that this decision has angered the Muslim community because families will have to travel far away to bury their dead and "pay homage" (BBC 2 Mar. 2021). Similarly, Amnesty International states that the sites selected by the government for burials are "in remote parts of the country, inaccessible to many" (Amnesty International 19 Mar. 2021, 5).

4. Treatment by Society

4.1 Hate Speech and Discrimination

Sources indicate that following the Easter 2019 bombings, Muslims were victims of hate speech (Freedom House 4 Mar. 2020, Sec. B4; HRW 3 July 2019; UN 25 Aug. 2020, para. 23) and “intensifi[ed]” discrimination (UN 25 Aug. 2020, para. 23). In its report on the aftermath of the Easter 2019 bombings, the International Crisis Group notes that “[r]umours and unfounded allegations spread through both traditional and social media, fanning popular fears, and prompting more arbitrary arrests” (International Crisis Group 27 Sept. 2019, 23). HRW explains that “[a]nalysts and leaders of the Muslim community describe a vast outpouring of anti-Muslim hate speech on social media and in parts of the broadcast and print media, often making similar unfounded claims that the small Muslim population is plotting to overtake the Buddhist population” (HRW 3 July 2019).

Sources report that on 23 May 2019, a Sri Lankan newspaper, *Divaina*, “known for its nationalist stance” (Reuters 6 June 2019), published a story claiming that a Muslim doctor, allegedly associated to the Islamist group behind the Easter bombings, had sterilized 4,000 Sinhalese Buddhist women after Caesarean sections without their knowledge (Reuters 6 June 2019; AFP 5 July 2019). Sources report that, following the story’s publication, police arrested and detained a Muslim doctor under the PTA (International Crisis Group 27 Sept. 2019, 23; AFP 5 July 2019). Sources add that he was suspected of possessing “illegally gained wealth” (International Crisis Group 27 Sept. 2019, 23) or “acquiring properties with money of a suspicious origin” (Reuters 6 June 2019). Sources note that an investigation found that the sterilization allegations made against this doctor were false (AFP 5 July 2019; International Crisis Group 27 Sept. 2019, 23). However, the US *International Religious Freedom Report for 2019* indicates that in December 2019, in a court hearing, a magistrate “ordered an expert panel of physicians and academics from University of Colombo to evaluate all available medical evidence to determine if the charges had merit” (US 10 June 2020, 15).

Sources report that in June 2019, an important Buddhist monk called for the “ston[ing]” of Muslims, in reference to the case of the Muslim doctor mentioned above (Al Jazeera 22 June 2019; *Daily FT* 20 June 2019). According to the same sources, the monk also encouraged boycotting Muslim restaurants, claiming that their owners aim to “sterilize” Buddhist customers (Al Jazeera 22 June 2019; *Daily FT* 20 June 2019); Al Jazeera explains that there is a “long-standing and unsubstantiated rumour that Muslim restaurants serve Buddhist customers food spiked with sterilisation medication” (Al Jazeera 22 June 2019).

Sources also report that Muslim women wearing hijabs that did not cover their faces [which are legal “[i]n theory” (Doulatramani 23 May 2019)] were denied access to some public spaces, such as schools (UN 25 Aug. 2020, para. 49; Doulatramani 23 May 2019) and hospitals (UN 25 Aug. 2020, para. 49). An article published in *Foreign Policy (FP)* by Chandni Doulatramani, an independent journalist, reports the case of a Muslim mother in May 2019 who was denied access to her daughter’s school by teachers and fellow parents because she was wearing the hijab and *abaya* (a cloak resembling a loose dress) (Doulatramani 23 May 2019). The same source adds that the school’s deputy headmaster accused the woman of “potentially hiding a sword under her abaya” and of supporting ISIS because she refused to take off her hijab (Doulatramani 23 May 2019). Ada Derana, a Sri Lankan news portal, reports that in May 2019, 12 Muslim teachers wearing hijabs were barred by parents and former students from entering a Christian school where they were working; they were transferred to other schools later in the day (Ada Derana 9 May 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In the context of the COVID-19 pandemics, sources report that Muslims were accused of deliberately spreading the disease (*The Hindu* 13 Apr. 2020; Kumar 24 Apr. 2020) in an anonymous audio clip (*The Hindu* 13 Apr. 2020). According to sources, a group of Muslims organizations complained in a letter to the Inspector General of Police stating that hateful posts and audio clips were circulating on social media (Sri Lanka Brief 14 Apr. 2020; *The Hindu* 13 Apr. 2020).

4.2 Boycotts

Sources report that Muslim businesses were boycotted by Sinhala customers in the wake of the Easter 2019 attacks (BBC 13 Aug. 2019; International Crisis Group 27 Sept. 2019, 23; *The Washington Post* 7 July 2019). According to interviews by the International Crisis Group with Muslim business owners and activists in Colombo in July 2019, this specific campaign was “larger” than previous “sporadic boycott campaigns” and caused “considerably greater damage to Muslim shopkeepers and businesses across the island” (International Crisis Group 27 Sept. 2019, 23). The same source adds that in some cases, boycotts have been enforced through “threat[s] and harass[ment]” of Sinhala shoppers (International Crisis Group 27 Sept. 2019, 23). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.3 Attacks Following the 2019 Easter Bombings

Sources report that in May 2019, anti-Muslim attacks spread, especially in the North Western Province (Dibbert 20 May 2019; International Crisis Group 27 Sept. 2019, 21; BBC 15 May 2019). In response to these attacks, the government imposed a nationwide curfew (Reuters 14 May 2019; BBC 15 May 2019). In its report on the 2019 Easter bombings and their aftermath, the International Crisis Group indicates that the violence started in the northwestern town of Chilaw on 12 March [or May (Al Jazeera 13 May 2019; *Daily Mirror* 16 May 2019)] 2019 after a Facebook post by a Muslim shopkeeper was mistranslated in Sinhala and understood as a threat (International Crisis Group 27 Sept. 2019, 21). Al Jazeera reports that on 12 May 2019, in Chilaw, “Christians groups threw stones at mosques and Muslim-owned shops ... in anger at a Facebook post by a shopkeeper” (Al Jazeera 13 May 2019).

Sources further indicate that on 13 May 2019, mobs attacked Muslims' houses, Muslim-owned businesses, and mosques in the North Western Province (Al Jazeera 14 May 2019; *WSJ* 14 May 2019). The *Wall Street Journal* (*WSJ*) gives the example of a village in the Panduwasnuwara area of Kurunegala District, where a group of 10 to 12 men arrived after the curfew, followed by another wave of 150 to 200 men and then by a third wave that was "some 1,000 to 1,500 strong" according to an eyewitness (*WSJ* 14 May 2019). The same source reports that, according to the witness, the men "surrounded the village, used petrol bombs to set villagers' motorbikes ablaze, broke into houses, smashed up furniture, stole valuables and set many homes on fire" (*WSJ* 14 May 2019). The BBC reports that in the town of Kinyama, a mosque was attacked by "hundreds of people" who destroyed windows and doors and burned Qurans (BBC 15 May 2019). The US *International Religious Freedom Report for 2019* states that estimates of damage from the incidents varies "widely," with a former government minister estimating that 14 mosques, 86 houses, and 96 shops were destroyed while a Muslim NGO assessed that in the "mostly Sinhala Buddhist" Kurunegala District, 147 houses, 132 businesses, 29 mosques, 52 vehicles and 2 "common facilities" were damaged (US 10 June 2020, 6).

Sources report that in Ihala Kottaramulla (or Kottaramulla) town, a 49-year-old man was killed by a mob that attacked his house on 13 May 2019 (*The Washington Post* 7 July 2019; Reuters 14 May 2019).

According to the International Crisis Group, these events were not

spontaneous retaliation for the Easter attacks, but a continuation of the years-long and orchestrated anti-Muslim campaign. The attacks followed the same script as previous incidents of large-scale rioting against Muslims, with nationalist organisations busing in supporters and mobilising local Sinhalese, and security forces, despite their extra powers under emergency law, failing to maintain order and in some cases appearing to assist rioters. (International Crisis Group 27 Sept. 2019, 21)

Similarly, in an article published in *FP*, Taylor Dibbert, an adjunct fellow at Pacific Forum [3], notes that the attacks followed "previous patterns," and that there is also a "pattern of state security personnel failing to act decisively on warnings of mob violence and not allocating adequate forces to control the mobs" (Dibbert 20 May 2019).

5. State Protection

According to sources, the Human Rights Commission of Sri Lanka (HRCSL) found that law enforcement forces were "slow" to respond to the mob violence that occurred after the Easter bombings (International Crisis Group 27 Sept. 2019, 21) or that they failed to take preventive measures against the "distinct possibility" of violent attacks (HRW 3 July 2019). A witness interviewed by Reuters indicated that, on 13 May 2019, in Kottapitiya, a town in northeastern Sri Lanka, the police did not stop a mob that was attacking Muslim-owned stores and homes, as well as the main mosque (Reuters 14 May 2019). Similarly, Amnesty International notes that on 13 May 2020, during the wave of violence against Muslims in the North Western and Western provinces, police forces did "little" to stop the attackers, according to eyewitnesses interviewed by the source (Amnesty International 8 June 2020, 2). The *Daily Mirror*, a Sri Lanka-based daily newspaper, reports that in the town of Minuwangoda, Western Province, Muslim businessmen asked the police to increase security, concerned about possible violence after the events in Chilaw on 12 May 2019; the authorities "allegedly" ignored their request (*Daily Mirror* 16 May 2019). Witnesses told the same source that during attacks in Minuwangoda, police officers stood by and "fail[ed] to disperse the crowd" (*Daily Mirror* 16 May 2019).

Sources note that the government did not take action to address instances of hate speech and those who were inciting violence against Muslims (HRW 3 July 2019; The South Asia Collective Nov. 2020, 208; UN 25 Aug. 2020, para. 27). However, media sources report that Sri Lankan police have arrested 23 people for inciting violence in relation to the May 2019 attacks against Muslims (Reuters 14 May 2019; *Daily Mirror* 16 May 2019). According to the US *International Religious Freedom Report for 2019*, police reported arresting a total of 60 persons in connection with the violence (US 10 June 2020, 6). However, the same source notes that "there were only nine arrests in Hettipola, 10 in Kuliyapitiya, and 14 in Minuwangoda, despite traditional and social media video reports showing that mobs were far larger in these areas" (US 10 June 2020, 6). The same source indicates that as of the end of 2019, no prosecutions related to the May violence had taken place (US 10 June 2020, 6).

In its *Freedom in the World 2020* report, Freedom House writes that "[w]hile hundreds of Muslim suspects were arrested under the antiterrorism legislation, Sinhalese anti-Muslim rioters were charged under standard civilian statutes that allowed bail" (Freedom House 4 Mar. 2020, Sec. F2). Similarly, HRW reports that a lawyer involved in cases against Muslims stated that monks "are above" the law and that the Sinhalese are "indulgently treated" by law enforcement organisations and, when arrested for mob violence, they "are booked under penal code" and released on bail (HRW 3 July 2019). HRW further notes that the HRCSL also found that the police had "inappropriately released suspects detained for mob violence" which has "clearly prevented equal protection of the law to affected citizens and also to the public at large" (HRW 3 July 2019).

5.1 Human Rights Commission of Sri Lanka

According to its website, the HRCSL has an Inquiries and Investigations Division whose main responsibility is to "inquire into and investigate complaints regarding violations or imminent violations of fundamental right[s], as per the Human Rights Commission of Sri Lanka Act No. 21 of 1996" (Sri Lanka n.d.). The website also indicates that the functions of this division include the following:

- Inquire into and investigate complaints made by individuals or groups on their own behalf or on the behalf of others, regarding violations or imminent violations of fundamental rights guaranteed by the Constitution.
- Proactively inquire into and investigate violations in situations where no complaints have been made.
- Provide advice to people seeking reparations for violation of a fundamental right and refer them to the appropriate authorities (Sri Lanka n.d.).

The OHCHR expresses concerns that the 20th Amendment to the Constitution adopted in October 2020 "fundamentally eroded the independence of key commissions and institutions, including the Human Rights Commission of Sri Lanka ... in terms of the procedure for the selection, appointment and dismissal of senior judges and other high-ranking officials" (UN 9 Feb. 2021, para. 24). According to the DFAT report, "[a]ll citizens have access to avenues of redress through the police, judiciary and the HRCSL. In practice, these avenues may be limited by linguistic barriers and by a lack of resources" (Australia 4 Nov. 2019, para. 5.1). Corroborating information and information on the treatment of complaints made by Muslims could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Internews is an international non-profit that works to "build healthy media and information environments" (Internews n.d.).

[2] According to Amnesty International, the Prevention of Terrorism Act (PTA), initially enacted as "temporary" legislation in 1979, has become "a permanent feature of Sri Lanka's criminal justice system" (Amnesty International Jan. 2019, 2). The same source notes that the PTA provides for a suspect to be detained without charges for up to 18 months, the Minister of Defence to make arbitrary orders that restrict freedom of expression and association without the possibility of judicial appeal, special rules regarding the evidence admissible in court, and "the onus to be placed on a suspect to prove to a court that a statement was made under duress" (Amnesty International Jan. 2019, 2). The source also adds that the law "is also used as a tool to quell dissent against government" (Amnesty International Jan. 2019, 2).

[3] The Pacific Forum is non-profit research institute based in Hawaii that researches "current and emerging political, security, economic and business issues and works to help stimulate cooperative policies in the Indo-Pacific region through analysis and dialogue undertaken with the region's leaders" in academia, government and business (Pacific Forum n.d.).

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