

Attacks on Places of Religious Worship in Post-War Sri Lanka



CENTRE FOR POLICY ALTERNATIVES
විකල්ප ප්‍රතිපත්ති කේන්ද්‍රය
மாற்றுக் கொள்கைகளுக்கான நிலையம்

Centre For Policy Alternatives

March 2013



The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

Address : 24/2 28th Lane, off Flower Road, Colombo 7, Sri Lanka
Telephone : +94 (11) 2565304/5/6
Fax : +94 (11) 4714460

Web : www.cpalanka.org
Facebook : www.facebook.com/cpasl
Twitter : www.twitter.com/cpasl | @cpasl
Email : info@cpalanka.org

Table of Contents

Abbreviations	4
Executive Summary	5
Map	13
Introduction	14
Background and Context	19
Religious Tensions Post-War	25
Attacks against Christian Places of Worship	34
List of Attacks on Christian Places of Worship	35
Trends in Attacks and Related Incidents	40
Other Perceptions of Threat and Insecurity	42
Response to Attacks	47
Attacks against Muslim Religious Places	50
List of Attacks on Muslim Places of Worship	51
Trends in Attacks and Related Incidents	53
Other Perceptions of Threat and Insecurity	55
Response to Attacks	63
Attacks against Buddhist Places of Worship	68
List of Attacks on Buddhist Places of Worship	69
Trends in Attacks and Related Incidents	71
Other Perceptions of Threat and Insecurity	74
Response to Attacks	77
Attacks against Hindu Places of Worship	79
List of Attacks on Hindu Places of Worship	80
Trends in Attacks and Related Incidents	81
Other Perceptions of Threat and Insecurity	83
Responses to Attacks	91
Conclusion	94
Annex	98
Legal Framework Governing Places of Religious Worship	98

Abbreviations

ACBC	All Ceylon Buddhist Congress
ACJU	All Ceylon Jamiyyathul Ulama
AOG	Assembly of God
BBS	Bodu Bala Sena
CPA	Centre for Policy Alternatives
GA	Government Agent
HSZ	High Security Zone
JHU	Jathika Hela Urumaya
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
NCEASL	National Christian Evangelical Alliance Sri Lanka
NGO	Non-Governmental Organisations
NPA	National Plan of Action to Implement the Recommendations of LLRC
SLFP	Sri Lanka Freedom Alliance
SLMC	Sri Lanka Muslim Congress
TNA	Tamil National Alliance
UDA	Urban Development Authority
UNP	United National Party
UPFA	United People's Freedom Alliance

Executive Summary

Following the end of the thirty-year old civil war in Sri Lanka, there were expectations that the post-war period would usher in peace, development and reconciliation. The last three and a half years have witnessed a several positive developments including resettlement of people and rehabilitation of infrastructure. Nonetheless there are a range of problems and policy gaps that have hindered the transition from war to sustainable peace. A key post-war challenge is that of violence against religious sites and members of religious communities. There have been a number of incidents including mob attacks on places of worship; robberies and vandalism of religious places; the killing of clergy; protests against religious communities and hate speech on the internet and in the media. Even while the post-war period has allowed for religious communities to re-build places of worship damaged and destroyed in the war-affected areas and greater freedom of movement to access religious sites, these acts of violence have created and intensified insecurity and vulnerability. Almost all representatives of all religions interviewed for this report expressed the fear that their faith and religious and ethno-cultural identity is under direct and indirect attack.

There have been some high profile cases such as the attack on the Mosque in Dambulla in April 2012; other incidents, however have received little or no media attention. This has resulted in a limited understanding of the scale and nature of these incidents, and also made it easier for the authorities and others to deny the scale of the problem. The focus of the report is to record incidents of attacks on religious places and discuss the broader context of such attacks. For the purpose of identifying such incidents the report defines an attack on a religious place as being physical violence towards a religious place in current use, such that the building is damaged in some way, items within the building are stolen or damaged, and/or persons in the religious place, injured or killed. This includes theft of religious symbols such as statues from a place of worship and vandalism. A religious place is taken to mean temples, kovils, mosques, churches, as well as prayer centres and shrines of the four main religions and their denominations that are being actively used. The definition is intentionally narrow so as to identify a key indicator which is measurable so as to make the documentation more practicable.

Challenges to identifying attacks: It needs to be acknowledged that attacks on religion occur at multiple levels and in various forms, and that which is claimed as an attack on religion varies widely and may have more to do with perceptions rather than a verifiable incident or development. For instance, it is impossible to classify the increase in population of another religious community as an attack on another religion. The definition does not include incidents which do not lead to damages or injuries in the list. For example, protests

outside places of religious worship have not been included but have been referenced in the context section of the chapters, especially in cases where the protests preceded an attack. Multiple attacks on a single place of worship have been counted as one incident and not listed as separate attacks.

The lists of attacks in this report are not exhaustive. At the outset it needs to be noted that in general the documentation of attacks on religious places, symbols and persons is highly limited and in some cases there is little or no coverage of individual attacks on particular groups, such as the Evangelical churches in the media. While some religious communities compile lists of incidents, others lack the organisational capacity to do so. The lack of consistent documentation, the lack of information in the public realm and the cautiousness of religious and civil society groups to engage on this issue were key obstacles in the compiling of this report. This report attempts to address this information gap so as to provide a more comprehensive picture of the ground situation and thereby raise public awareness and increase the understanding of policy makers on this issue. The report collates information from a variety of scattered sources to build a more cohesive picture of religious violence post-war. It covers incidents from May 20th 2009 to January 31st 2013. However, it needs to be noted that while the report was being edited over February 2013 a series of incidents were reported particularly on Muslim religious places and also Evangelical churches.

Targets and Trends of Attacks: There are 65 cases of attacks on places of religious worship listed in this report. The report does not provide a list of attacks during the war and hence it is difficult to assert that there is sharp increase or decrease of attacks in the post-war period. Nonetheless it is clear from the list that all religious communities are facing various forms of violence. The majority of these cases are from the Christian community (35 cases) and mostly against non-traditional churches. There are 10 cases of attacks on Buddhist temples, the same number of attacks on Hindu places of worship and 9 cases of attacks on Muslim religious places. Direct attacks have been reported from all provinces of Sri Lanka, making clear that the threat is not restricted to particular areas. Most of the reported incidents were from the Western province (16), followed by the Eastern province (12), the Southern province (11) and the North-Western province (9).

While the numbers do provide some sense of the scale of the violence, it is important to make distinctions in terms of the nature of violence in each of these incidents. These attacks can be categorized into three main types: inter-communal attacks, intra-religious violence, and robbery. There are other incidents that fall outside these categories, including those related to possible personal or political disputes, development activity and others where the motives and perpetrators remain unknown.

In terms of inter-communal attacks the vast bulk of incidents where perpetrators have been identified, are instances of Sinhala Buddhist attacks on other religious communities' places of worship. Sinhala-Buddhist groups have been implicated in several cases of religious violence and intimidation against minority religions including three mob attacks on Muslim places of worship and several at Christian (largely Evangelical) churches. In 18 of the cases listed alleged perpetrators of the attacks included Buddhist groups and in some cases Buddhist monks claiming to protect and uphold Buddhism. There is at least 1 case of inter-communal violence involving non-Sinhala communities, which took place in Batticaloa. While in the majority of cases the perpetrators have not been prosecuted and in a number of cases are unidentified (such as in robberies), in others there are allegations of the groups and individuals believed to be responsible.

While a number of the incidents appear to be isolated, in a number of cases it is evident that the attacks on an individual religious place is sometimes preceded by other forms of violence, threats and intimidation on a religious community in a particular area. For instance, the Vineyard Community Church in Kurunegala has seen several attacks between March and July 2009, including serious physical assault on clergy, and vandalism of the church. That there is a volume of such cases and there are other acts of violence and intimidation, including the hate campaign against Muslims and a call to boycott Muslim stores. This suggests that even while some of the actors involved in the violence may be local to the area, the pattern of the incidents makes clear that there is a wider phenomenon of attacks, particularly concentrated in the Western, Southern and North Central Provinces.

A significant proportion of the incidents at the Buddhist and Hindu religious places are cases of theft and vandalism. There has been a spate of robberies of Buddhist temples. This report documents at least 5 such cases. These incidents are taking place in a wider context of robberies and vandalism of Buddhist archaeological sites, from districts including Galle, Hambantota, Colombo, Gampaha, Polonnaruwa, Anuradhapura and Kurunegala. The lack of protection for these sites is a key issue raised by some Buddhist leaders. Robberies account for the majority of incidents of violence against Hindu places of worship. There were a number of reported robberies but not all of them could be verified. While there are 8 cases listed of attacks on Hindu temples, there are a further 14 cases of theft from Hindu kovils for which no dates are available but are reported as being post-war and which have not been included in the list. A significant proportion of these robberies have taken place in the Jaffna district, which despite the heavy military presence is facing a wave of thefts, including of the large ceremonial wooden figures of the vahana or animals associated with the individuals Gods.

There have also been several incidents of sectarian violence between denominations of all the religious communities apart from the Hindu community. It is difficult to fully capture the depth of intra-religious violence in Sri Lanka due to a reluctance to discuss the issue

even by affected groups - the more mainstream religious denominations do not necessarily raise such incidents. At least 6 of the cases listed here - 3 Buddhist, 2 Muslim and 1 Christian- appear to be motivated by intra-religious tensions where the primary motive appears to be doctrinal and ideological differences as well as the competition for adherents.

While a number of clergy persons have faced violence, this list concentrates on attacks committed in places of worship. There were at least two incidents of killings of clergy at a place of worship in the period following the war. In one instance the victims were two Buddhist priests, while the other incident involved a Hindu priest. While it is difficult to ascertain the motives of the perpetrators, the violence is sometimes believed to be related to personal disputes and robberies, and not necessarily motivated by ideological or doctrinal positions. There were also individual incidents where it appears the political positioning of the clergy in a Buddhist temple led to an attack, and in another incident the temple appears to have been attacked, on account of the land it occupied being sought after by developers.

As noted in the report, in a number of cases, complaints have been lodged against particular individuals, while in others there is evidence and eye witness accounts of the perpetrators as the attacks took place in broad day light and as a result of mob attacks. In some instances groups, such as the Bodu Bala Sena and the Sinhala Ravaya have taken responsibility for some incidents, for instance the attacks on the Buddhist centres in Bellantara, Colpetty and Galle.¹ Perpetrators have not been identified or are unknown in most of the remaining listed cases, although there are allegations against certain groups or persons. The alleged perpetrators identified in few incidents include politicians, as well as individuals who are linked to powerful political or other prominent individuals.

Other acts of violence and threats: There have been acts of violence and intimidation that have been reported by religious groups and the media. In addition to the attacks on clergy, there have been other incidents such as the protests by mobs outside places of worship that does not result in direct violence but has a significant impact in terms of increasing the fears of persons who want to worship at these places. This is a problem particularly faced by Evangelical Christians and Muslims in specific locations, especially in the South. There have also been cases reported of violence and threats against individuals because they follow a particular faith.

Religious and civil society groups raised a range of threats, some of which were common to at least some of the religions while others were more specific or concentrated among some religious communities or regions. Conversion was a threat raised by Buddhist and Hindu and also some Catholic actors. This is in a context where there is a possibility of anti-conversion legislation being introduced, hence there are also concerns among religious

¹ See list of attacks on Buddhist places of worship on page 69

groups who are involved in proselytising. Even while there have been no major legislative changes introduced which directly undermine religious freedom, there are clear problems relating to the interpretation and the practice of the law relating to religious places of worship. Some minority groups such as the Evangelicals and Muslims raised concerns relating to the construction of places of religious worship and the difficulties with the law, administration and majority community in doing so. In specific instances existing religious structures are under threat.

An issue raised by Muslim communities has been the increasing difficulty in carrying out rituals such as animal slaughter during Eid. This is an issue also faced by the Muneswaran Kovil visited by both Tamils and Sinhalese where actors, including a government minister was actively involved in demanding that such rites do not take place. In recent weeks the intense anti-halal campaign calling for a boycott of halal certified products and end to certification by Sinhala Buddhist groups via online media, protests and posters has raised multiple concerns, including the actions of the Government, or lack thereof in resolving such issues. The campaign has had a polarizing impact, not just in terms of the boycotting of halal products, but also of Muslim owned shops and businesses.

The issue of land is a significant underlying problem as each group is attempting to assert its presence while providing for the religious needs of its adherents. Individual religious sites are being contested where one religion has been able to construct a place of worship or related buildings and others register competing claims. There have also been concerns expressed, mostly by Buddhists, of land encroachment by other religious groups on archaeological sites and also of land perceived to be 'sacred' or for the use of the majority community. Hence, it is clear that the threat to Buddhism made out in public statements is seen in both temporal and spatial terms. The wider issue of encroachment by other religions, and the allegation of threats to existing religious places, is however also raised by other religious communities as well, particularly in the North and East. In general this contestation tends to be between Buddhists and other religions, including in Kanniya, Trincomalee where Buddhist and Hindus are claiming ownership through placing religious symbols on the site. All religious groups expressed shared concerns in terms of threats to places of religious worship and shrines due to urban development but in specific instances there are questions as to whether permission has been secured from government actors and local authorities to build or expand such structures.

The issue of post-war religious freedom in the North differs in many respects from the rest of the country and is linked to continued militarisation and allegations of Sinhalisation in these areas. Although the definition of attacks used in this report does not cover continuing military occupation, the report does attempt to provide a number of such cases where churches, kovils and mosques are currently occupied in Jaffna, Mannar Mullaitivu and Killinochchi in the North, and also in the East, specifically in Trincomalee. Furthermore, the

spate of construction of Buddhist stupas and statues especially in the North has also raised concerns among the Tamil and Muslim communities who question as for whom these structures have been constructed. There are allegations that some of these structures have been built on the Hindu places of worship or in close proximity to such places. Hence, there is a strong perception that the State and Sinhala actors are attempting to assert their control through multiple means including through religious symbols. In this sense the threat is seen more as an attempt to undermine Tamil cultural and political identity and less in terms of a challenge to Hinduism.

Dealing with the challenge: While violence motivated by religion is not a uniquely post-war experience, the nature and coverage of the incidents in various parts of the country raises concerns about the state of religious freedom and peace. That there are a spate of attacks and in some specific instances, repeated acts of direct and indirect violence and intimidation raises serious questions of whether these are merely isolated incidents, or a systematic targeting of religious identity. What is clear is that there is a culture of insecurity and a worrying trend of violence against religious freedoms. The attacks on religious places also raise serious questions about the rule of law at national and local level, as well the rationale for the high levels of militarisation in areas of the North such as Jaffna. There are also fears that this violence will only intensify inter-communal tensions, which could in combination with other types of violence and intimidation result in a 'new conflict' with the possibility of large-scale violence. The impact on the individual communities also need to be taken note of, including their right to practice their faith as guaranteed by the Sri Lankan Constitution and their security to live in their communities.

While the sources of these threats vary, an important and recurring factor in direct inter-religious attacks against minority places of worship stems from the assertion of a Sinhala-Buddhist national identity after the war, led by some religious and nationalist groups. With the defeat of the LTTE in the war, it appears that the main target is apparently the Muslim population and the last few months have seen a rise in a hate campaign against Muslims. It also needs to be noted that Evangelical Christian groups and non-Theravada Buddhist groups have also been targeted in the post-war period. Hence this current wave of anti-Muslim attacks is part of a wider pattern of violence. There are also increasing concerns that the series of incidents and the overall campaign of hate have created a dangerous context, where there is a very real possibility of more violence or even a riot.

In order to protect the rights of all religious communities and to ameliorate or resolve tensions between religious communities, as a part of the larger post-war peace consolidation efforts, it is imperative for the Government, political and civil society actors, and society at large to ensure that these incidents are taken note of and the wider phenomenon of the culture of violence, intimidation and intolerance is addressed. Concrete steps need to be taken to deal with attacks, but also to respond to broader concerns of

religious co-existence. As such they need to be dealt with at both local and national levels. A clear and comprehensive documentation of incidents is important, both to make sure that there is greater understanding of the scale of the problem and to identify the broader contours of the problem as the incidents are often localised in nature, but when looked at together form a wider pattern of violence and intimidation, fostering fear and insecurity.

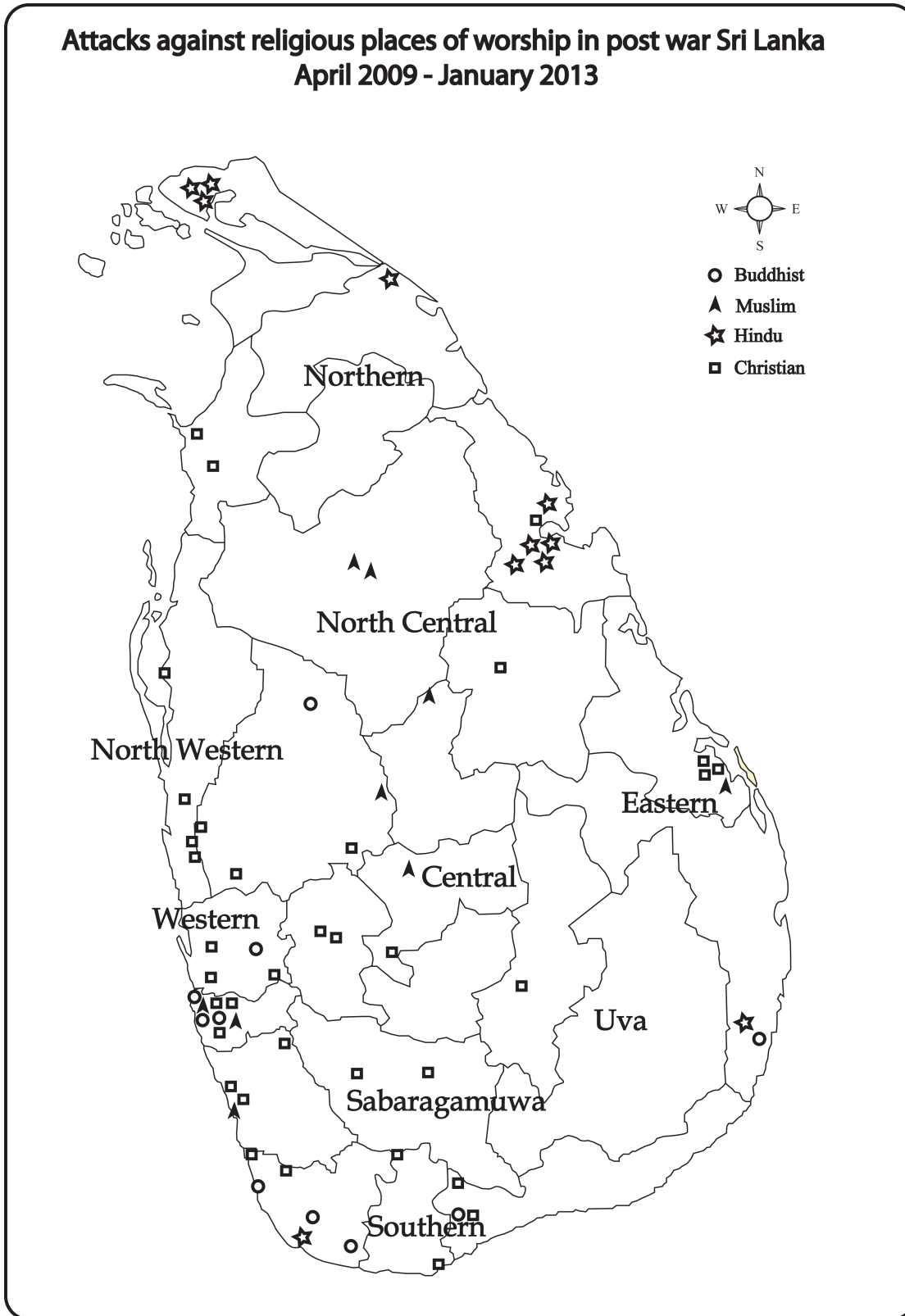
The primary responsibility lies with the Government to provide a clear signal that religious violence will not be tolerated and that religious freedoms will be guaranteed under the rule of law. In this regard, it is important that the Government take into consideration the recommendations made by the Lessons Learnt and Reconciliation Commission (LLRC) on promoting religious harmony in consultation with inter-faith groups, as well as increased consultation in cases of dispute. There are serious questions as to whether and to what extent the Government is implementing the LLRC Final Report, especially given the serious limitations of the National Plan of Action to Implement the Recommendations of the LLRC (NPA). Given the issues on the ground and the context of the war, it is clear that the Government needs to go beyond the recommendations of the LLRC and engage in a serious policy dialogue and follow up action.

State actors who play a crucial role in protecting the rule of law, including the police need to play a more active role, particularly at the local level, both in terms of preventing violence and investigations in the wake of attacks. While police and judicial action has varied in cases, there is a general perception that there is a culture of tolerance for 'street justice', and a mistrust of police and even the judiciary to uphold the rights of those affected. This is compounded by a lack of arrests despite public evidence of attacks and groups openly taking responsibility for the same. Preventing violence or obtaining redress has in multiple cases been reduced to the personalities in play rather than recourse to the law. There has also been no unified response in word and deed by the Government condemning religious violence, which has helped foster an environment where religious intolerance is tolerated, even accepted.

The role of religious leaders needs to be reviewed, as some leaders have been implicated in cases of religious violence, as well as the role of religious authorities especially in the case of intra-religious violence. However, there is a clear space for religious leaders to take greater responsibility in fostering inter-religious understanding. The general emphasis by mainstream religious and minority political leaders has been on dialogue and negotiation with the Government, with varying levels of effectiveness. Some politicians and civil society groups have attempted to negotiate with the groups believed to be behind the attack. There have been isolated public voices raised in protest including at an individual level, at specific incidents of attacks, while there are many incidents that receive little or no attention in the media. However, the collective response in all of these forms has not had the desired effect of preventing or reducing violence against religious places and people or controlling other

forms of intimidation and threat for that community. Continuing acts of violence against places of religious worship coupled with a culture of intolerance are threatening to undermine efforts to consolidate peace, emphasising the need for immediate action.

Map



Introduction

The end of three decades of war in Sri Lanka in May 2009 following the defeat of the Liberation Tigers of Tamil Eelam (LTTE) brought with it expectations of not just an end to large-scale violence and a restoration of normalcy, but also hopes of long-term peace, stability and development. While there have been significant developments and opportunities in a variety of areas to consolidate the post-war situation, including mass resettlement and the rehabilitation of macro infrastructure, almost four years after the end of the war Sri Lanka faces a number of fundamental challenges and policy gaps in making the transition from post war to post conflict.

A key issue that has been raised in terms of post-war nation building is the role of religion, both in its ability to foster coexistence but also its potential to divide. There is frequent reference to the spirit of tolerance and coexistence between the various faiths present in Sri Lanka and the multi-faith nature of the island is well-recognised and celebrated. Nonetheless, religion has also proved a divisive factor during the conflict. Religion and ethnicity in Sri Lanka have historically been used to define identity among different communities, and have also been closely linked to ideas of Sri Lanka's national identity. From British colonial times to independence and after, religion has been drawn into the politics of ethno-nationalism and state making. Even while it is difficult to argue that there have been tensions and conflicts that are purely religious in nature, religion has been both a symbolic trigger of conflict as well as a tool to mobilise people around other economic or social concerns. The post-war period has been no different.

The post-war period has seen a wave of incidents of threats, intimidation and violence targeting religious symbols, places of worship and clergy. The Dambulla Mosque Attack of April 2012, the attacks on Evangelical churches, the killing of Buddhist Monks, the series of temple robberies in Jaffna, hate campaigns against Muslims all highlight an undercurrent of violence and insecurity. Given the considerable volume of cases of attacks on religious places and actors, it is necessary to look at the incidents and trends instead of assuming that they are just part of a general trend of violence. While violence targeting religious places and persons is not new to the post-war period, the nature and continuing spread of the incidents in various parts of the country raises concerns in terms of religious freedoms, peace and the rule of law. That there are a spate of attacks and in some specific instances, repeated acts of direct and indirect violence, has raised serious concerns that these are not all isolated incidents but, instances of systematic targeting based on religious identity. At the very least it suggests a culture of insecurity and a worrying trend of the use of violence to address disputes that may be ideological and doctrinal in nature but also be tied to other issues including over land or personal problems between individuals and institutions.

Actors from all religions have conveyed their perceptions of being besieged by threats to their religious identity and practice, perceived or otherwise. While there is a need to examine the individual incidents and separate trends in terms of these incidents, it is difficult to deny the growing fear of increased levels of violence or even the potential for a 'new conflict' around religious identities. Addressing the issue of religious tensions and violence is central to building a new post-war Sri Lanka. It is in this spirit that this report is framed.

Purpose and Framework of the Report

This report is primarily an attempt to identify incidents of attacks on places of religious worship. It examines these incidents within the broader context of challenges and cited threats faced by religious groups in Sri Lanka. It also seeks to understand trends that arise from specific cases and discussions with persons interviewed for this report. The attempt to understand issues of religious violence post-war needs to be seen within an overall framework in which Buddhism has the foremost place in the Constitution, although Sri Lanka has constitutional and legal guarantees protecting religious freedoms, and a certain degree of flexibility in defining religion and religious places under law. Understanding the concerns of each religious community, and the nature of these attacks, is a key step to engagement on ideas of religious tolerance and equality. This in turn can contribute to a larger dialogue on the role of religion in shaping Sri Lanka's national identity post-war.

This report follows from and builds on the work that the Centre for Policy Alternatives (CPA) has done on issues of religious freedom. In the wake of the violence and tension around the case of the Dambulla Mosque in April 2012, CPA hosted a workshop "Religious Tolerance and Related Land Issues," on April 30th 2012 to address the issue of violence faced by religious groups and places and produced a paper titled '*Legal Framework Governing Places of Religious Worship in Sri Lanka*'. CPA was also involved in advocacy work on the proposed anti-conversion legislation.² A key challenge that came up in the discussion was the lack of documentation on these cases. While some at the workshop were able to present specific cases, it was apparent that there is a need for religious actors and civil society at large to document such cases so that they could be brought to the attention of the Government. The representative from Government also raised the need for documentation of such cases.³

² CPA was one the petitioners involved in challenging the "Prohibition of Forcible Conversion Bill" in 2004 (See for the Petition and written submissions filed by CPA <http://www.lankaliberty.com/legal/index.html>).

³ The discussion was held under Chatham House Rules.

As to what is perceived to be an attack on a religion or religious place in a post-war context can broadly be categorised into two groups: firstly, direct attacks and secondly the indirect perception of attacks. The first category can broadly include threats, violence against religious clergy, violence against structures and symbols associated with religions or restriction of access to places of worship, protests and hate speech. The report highlights some of these forms of violence.

The second relates to developments and perceptions of threats which are not necessarily violent in nature but are seen as a source of insecurity by members of a religious community. For example, the construction of a religious symbol 'close' to the place of worship of another religion may be interpreted as being injurious or intimidating; fears that a religious symbol such as a cross, a Bo tree, or even a religious school would eventually expand into a place of worship, affecting the predominant local religious community has been raised in a number of areas, including in the North and East, but also in the South. These fears have led to religious exclusivity in some areas and fears of encroachment by one religious group into the traditional areas of another. Some of the direct and indirect attacks are also linked to issues of recognition and control of religious groups over matters of their own faith. For example, the difficulties some groups have in registering new places of worship, military intrusion into prayer and memorial services in some parts of the country, the removal or relocation of religious symbols without consultation of the community involved.

While there are a variety of aspects that need to be looked at in order to assess current challenges relating to religious freedoms, this report focuses on one of these dimensions – violence against places of religious worship. However it does document cases of other direct forms of violence and reports on perceptions and allegations of indirect violence. It needs to be noted there is no legal definition in Sri Lanka for religious places. Within each religion and between groups in each faith, the nature of what constitutes a religious place does vary. For the purposes of this report, a religious place is taken to mean temples, kovils, mosques, churches, as well as prayer centres and shrines of the four main religions: Buddhism, Hinduism, Islam and Christianity, including their sects and denominations, which are being actively used. Hence, areas which are deemed sacred but on which there is no religious building currently in use have not been included. Such cases and allegations of cases relating to such locations have been described in the context section of each chapter.

For the purpose of this report, what constitutes an attack has been defined narrowly: as physical violence towards a religious place, such that the building or items within the building are damaged in some way and/or persons in the religious place are injured or killed. This includes theft of religious symbols such as statues from a place of worship, and vandalism. This definition has been limited so to make the indicator practicable. This does not mean that other forms of violence against religious symbols and communities are any

less serious and the report does profile some of these incidents in order to ascertain the context and nature of attacks against religious places. This report does also recognise that perceptions of attack are an integral part of the context of religious violence, and this has been discussed in some detail in the context section of the chapter covering each religion. Incidents of attack from May 20th 2009 to January 31st 2013 have been covered in this report.

The information for this report was obtained from both primary and secondary sources. Interviews were conducted with clergy, religious groups and institutions, government officials from the religious and archaeological departments, politicians and individuals, civil society organisations, NGOs, across all four main religions in Sri Lanka: Buddhism, Hinduism, Islam and Christianity, including intra-religious denominations where possible. The majority of interviews were conducted between August and November 2012. In addition to phone interviews with respondents in the districts, person-to-person interviews were also conducted in Colombo, Anuradhapura, Kandy, Batticaloa, Killinochchi, Vavuniya, Jaffna and Mannar. Field visits were undertaken to follow up on cases and focused significantly on areas where there appeared to be limited information. These interviews together with available literature and media coverage of attacks were used to discuss context, identify incidents of and trends in attacks.

In this way, the report has attempted to draw together scattered sources of information to try and build a more cohesive picture of post-war religious violence. Due to the vast number and multiple types of incidents and complaints reported, as well as the short time frame of the report, it was not possible to verify each case through field visits. However, multiple sources including records of police reports filed have been used as far as possible to verify attacks and cases listed in this report. Those incidents where adequate details were not available have not been included as a specific case. However reference to the allegations of such cases have been included in order to illustrate the type of threats raised by interviewees so as to understand the context in which this violence is taking place.

There were some challenges in conducting this study. The main challenge was the serious lack of documentation of cases and where it did exist, wide variations in formal record-keeping of incidents. Very few religious groups and organisations maintained meticulous details of inter-religious and intra-religious attacks from across the country. For instance, Christian groups of largely non-traditional denominations had the most detailed records of attacks. There were considerably fewer details of incidents available from the Hindu, Buddhist and Muslim organisations. This resulted in a need to piece together incidents from multiple sources. There was also an apparent reluctance to maintain records of intra-religious/sectarian violence, which was voiced during interviews by the main representatives of each faith, as opposed to the sects or groups concerned. The reasons given have ranged from: inter-religious violence being a more significant threat to a tacit

acceptance of violence by mainstream divisions against denominations considered unorthodox, radical or even heretical. Some of the targeted groups themselves were unwilling to provide information, fearing that their profile will be raised and the level of violence and intimidation against them may increase. Therefore, in some instances apart from few high profile incidents of sectarian violence, some cases have not been included here due to inadequate details and verification. In certain instances, cases were cited in interviews and were also referenced in the media. Where the accuracy of these cases was challenged by persons working in those areas and by those interviewed by CPA, the cases were not included.

A further challenge was opposition by some religious organisations to participating in this study. Efforts were made to contact intra-religious denominations but some groups were reluctant to discuss cases of conflict when interviewed and even when cases were presented to them by the interviewer, they were reluctant to go into any details. Others who promised list of incidents or individual cases failed to do so despite repeated attempts to contact them. A few individuals and organisations refused outright or indicated an unwillingness to participate in the study, while some even voiced hostility to such a study being undertaken and a suspicion regarding motives.⁴ The majority of people interviewed for this report did not want their names mentioned. Given the sensitive nature of this report, the names of all people interviewed have been omitted. Where direct quotations have been used, the source refers to type of religious and organisational affiliation of the person who was interviewed.

Therefore, the incidents and cases listed here are not exhaustive but this report provides a basic listing of key cases, which highlight the need to address this issue both holistically and on a case-by-case basis. A note of caution in referring to the list in this report is that it may be a reflection of only some of the cases that have taken place in the post-war period, so at the very least it offers a starting point to develop a more comprehensive list. It also does provide a sense of overall trends in this period and highlights the incidents where redress is required both in terms of the individual case and systemically. However, without a complete list of attacks for each religion covered in this study, it is difficult to make relative claims as to whether there has been an increase in incidents during the post-war period as opposed to during the years of the war. As noted earlier, there is a clear need for further substantive documentation by the religious authorities, Government and civil society actors.

⁴ The view expressed by few individuals and organisations contacted for this report was that religious attacks post-war was a 'non-issue' and that it would simply provoke a situation of conflict. Some individuals contacted cautioned the CPA in carrying out this study "when everything (the war) is settled and people are living peacefully." Certain individuals representing prominent religious organisations refused to cooperate and provide information to CPA on the report.

Background and Context

Sri Lanka is a multi-religious, multi-ethnic country, with four of the world's major religions represented: Buddhism, Hinduism, Islam and Christianity. While all religions are protected by the Constitution and law, foremost place is given to Buddhism. Religion and ethnicity are closely intertwined: a majority of Buddhists are Sinhalese, most Hindus are Tamils while Muslims constitute a separate ethnic category. Christians cut across most ethnic groups yet tend to be predominantly Sinhalese and Tamil. There is also a small Burgher and Eurasian population. It needs to be noted, however that inter-marriage between members of these racial and religious constructs and self identification as being multi-ethnic and multi-religious is not uncommon. For instance, in the Northern Province, there are Tamil Buddhists, Muslims who are Hindus in terms of their professed religious, Sinhalese who follow Islam, among other ethnic and religious categories enumerated in the 2011 census.⁵

Sri Lanka's Religious Demography

According to Sri Lanka's 2011 census, Buddhists constitute 70.2% of the population, Hindus 12.6%, Muslims 9.7%, and Christians 7.4% of a total population of 20.2 million.⁶ There is considerable demographic distribution and variation of these religious communities across the country. While each of the religions has a majority population in specific districts, there are pockets of all religious communities dispersed across the country.

Buddhists: Buddhists form a majority of the population in 16 of Sri Lanka's 25 districts ranging between 70.7% in Colombo to 96.8% in Hambantota. Most of the 14,222,844 Buddhists are Sinhalese, although there is historical reference to Tamil Buddhists in the country and there are at least 443 enumerated in the Northern Province in the 2011 census.⁷ Most Buddhists practice the orthodox Theravada form of the religion. Given the deep historical ties between Buddhism and the island, Sri Lanka is often described by Buddhist clergy and adherents as being the protector of Theravada Buddhism. There are

⁵ There were 429 Sri Lankan Tamils who identified themselves as Buddhists, 630 persons who identified themselves ethnically as Muslims who practiced Hinduism and 64 Sinhalese who stated their religion was Islam in the Northern Province (Department of Census and Statistics, Enumeration of Vital Events 2011, Northern Province, Sri Lanka http://www.statistics.gov.lk/PopHouSat/VitalStatistics/EVE2011_FinalReport.pdf).

⁶ This includes data from seven additional districts in the North and East to which access was previously restricted during the 2001 census. (Department of Census and Statistics – Population by religion according to districts, 2012 <http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=pop43&gp=Activities&tpl=3>)

⁷ Department of Census and Statistics, Enumeration of Vital Events 2011, Northern Province, Sri Lanka http://www.statistics.gov.lk/PopHouSat/VitalStatistics/EVE2011_FinalReport.pdf

Buddhist religious and archaeological sites throughout the country, including in the North where the minority Buddhist civilian population in the province is much reduced due to the war.

Hindus: Hindus form the largest minority in Sri Lanka with a population of 2,554,606. They are the majority community in six districts, ranging from 51.1% in Nuwara Eliya to 82.9% in Jaffna. Most Hindus are either Sri Lankan Tamil or Tamils of Indian Origin (Upcountry Tamils). The Sri Lankan Tamils form a majority in the Northern and Eastern Provinces, which have been referred to as the Tamil homeland, while there are significant populations in other parts of the country as well. This Tamil community has long-standing historical roots in the island. The Tamils of Indian origin are concentrated in the hill country districts, forming a majority (53.2%) in the Nuwara Eliya District.⁸ They were first brought to Sri Lanka as indentured labour by the British to work on the plantations in the hill country, but this largely impoverished community has migrated to other parts of the country including the Wannai.

Muslims: Islam is the most populous faith in the districts of Ampara (43.6%) and Trincomalee (42.1%), which together account for a Muslim population of 441,997. Two thirds of the 1,967,227 total Muslim population live in the South of the country, concentrated in urban centres, while in the North and East, they also populate more rural areas. Due to expulsion by the LTTE in 1990 the Northern Muslim population is currently a fraction of its original number.⁹ While some Muslims claim Arab ancestry the ethnic history of the community is more complex. Muslims were able to establish a separate ethno-religious identity and the majority of adherents of Islam in contemporary Sri Lanka would call themselves Muslim in terms of their ethnic identity. There is also a small ethnic Malay community who are often counted among Muslims. Most Muslims are from the Sunni sect, while a small minority is Shiite Muslims, including Borahs. Within mainstream Sunni Islam there are variations in interpretation and practice, with orthodox groups such as the Tawheed Jamaat on one side of the religious spectrum and the Tariqah groups representing Sufi movements on the other. Sri Lanka also has a small Ahmadiya community, a sect considered to be heretical by some Muslims.

Christians: Christianity is the majority religion in the Mannar district (52.7% or 52,230 people) while in other districts they are a religious minority. Christians in Sri Lanka are made up of three main groups: Roman Catholics who account for about 80% (1,237,038) of Christians, while the remaining 272,568 Christians are Protestant Christian groups

⁸ The discrepancy between the Hindu and Tamil populations in Nuwara Eliya reflects the fact that some Tamils are also Christian. (Department of Census and Statistics: <http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=pop42&gp=Activities&tpl=3>)

⁹ According to the 1981 census there were 54,234 Muslims in the Northern Province, but following the expulsion of the entire population by the LTTE in October 1990, almost all were forced out of the North. Over subsequent years some communities have returned but according to the 2011 census, they number 34,040, which is 62% of the 1981 population.

(including Anglicans and Methodists), and non-traditional or Evangelical Christian groups that began to emerge in the 1970's. Christians are concentrated in urban and coastal areas across the country, and are largely from the Sinhala and Tamil communities.

Religious Pluralism and Conflict

Sri Lanka has at various times portrayed itself as maintaining inclusive ethno-religious pluralism. There has been a general climate of tolerance and co-existence, such as in the case of local communities where people of different religions and ethnicities have historically cohabited. Syncretism is also a feature of religious practice in Sri Lanka, as rites and rituals thought to be distinct to or associated with one faith are also practiced and venerated by other religious communities. Different religions for instance share deities and places of worship. Holy sites like Kataragama, house Buddhist, Hindu and Muslim places of worship, while other sites like Adam's Peak, are frequented due to their reputation as a place of divinity and not simply due to their importance to an individual faith. Respect for all religions is often presented as a key Sri Lankan value. However, an assertion of exclusive religious and/or other identities has led to tensions, conflicts and sectarian violence on a local and national level.

The intersection between religion and violence in Sri Lanka in the modern era can be linked to the assertion of ethno-religious identities over time. These identities have been influenced by economic, social and political changes that have taken place during the colonial and post-independent periods. Religion was used as a means to assert identities and challenge the colonial powers in the pre-independence period, resulting in a religious revival across all main faiths. It has continued to be used as a force to mobilize popular support and to reinforce identities.¹⁰

Religion has been at the forefront of specific episodes of violence over the last century, although religion itself may not always have been the direct cause of conflict. Religion is sometimes used as a rallying call to mobilise people beyond regional and social boundaries and localised concerns; religious issues can serve as a trigger for incidents of violence and tension; religious symbols are targeted in direct and structural violence. For example, one of the earliest communal riots was between Sinhalese and Moors in 1915. The riot left shops and houses looted, mosques damaged and several people dead. The riot was triggered by tensions over religious parades and worship but was also a consequence of socio-economic rivalries, divisive communal politics and the emergence of Buddhist revivalism coupled with Sinhalese nationalism, which played into an emerging political rhetoric that Sri Lanka was a Buddhist land and non-Buddhists were outsiders/foreigners.

¹⁰ J.D. Rogers, *Social Mobility, Popular Ideology, and Collective Violence in Modern Sri Lanka*, *The Journal of Asian Studies*, Vol. 46, No. 3, 1987.

As post-independence Sri Lanka grappled with nation and state building, religion was used by and became a key component of competing ethno-nationalisms. Religion became an integral part of post-independence politics: religious symbols are used in political rhetoric and religious actors have become involved in politics and even religious political parties have emerged, most notably the Jathika Hela Urumaya (JHU).¹¹ Even as the post-independence state has attempted to protect the right of religious freedom of all religions, the very role of the state in terms of religion has been a site of contestation. In particular the emergence of political Buddhism, linked in part to Sri Lanka's national identity being portrayed as a Sinhala-Buddhist nation, has meant that the state's claim to be completely secular and fair by all religions in the country is challenged. This tension is very evident in the Constitution as there is no official state religion but Buddhism is given a foremost place. The greater emphasis on Buddhism and Sinhalese being made the official language intensified the ethno-political conflict in the post-independence period. The 1956 election saw a coalition led by the Sri Lanka Freedom Party (SLFP) under S.W.R.D. Bandaranaike come to power campaigning on a Sinhala Buddhist nationalist platform uniting Buddhist clergy, traditional physicians, teachers, farmers and labourers of the Sinhalese society known as Pancha Maha Balawegaya (five great political forces). The platform of the Pancha Maha Balawegaya called for Buddhist supremacy in the country and for the social emancipation of the Sinhalese to which the government responded by introducing the Sinhala Only Act in 1956 which triggered communal riots between the Sinhalese and Tamils.

Religious revivalism has taken place across all religions over time. While increased religiosity has meant an upsurge in religious activity, it has also intensified religious intolerance within and between religious communities. Different religious communities also appear to adopt a majoritarian mind-set towards other minorities in areas where the former dominate, seeing the 'other' as a threat to their national, regional or local hegemony. For example this is reflected in the antipathy of some nationalist Buddhist groups towards minorities, hostility between orthodox Muslims and other Islamic sects in the South and East, tensions between Roman Catholic groups and Hindus and Muslims in Mannar, or hostility between some mainstream Christian groups and newer non-traditional churches. In some cases, inter and intra-religious tensions have resulted in threats, intimidation, and violence against clergy and places of worship.

The war waged between the Government of Sri Lanka and Tamil militant groups, particularly the LTTE, from 1983 to 2009 has had a dramatic impact on religious coexistence and security of places of worship. As a result of the fighting and violence, religious places in the North and East and the rest of the country have been damaged, some

¹¹ The Jathika Hela Urumaya was created in 2004 and put forward a list of candidates for the April 2004 parliamentary election composed entirely of Buddhist monks.

severely, although a verifiable estimate of all religious places damaged/destroyed is not publicly available. Despite the prohibition in customary international humanitarian law on the targeting of religious personal and objects,¹² the war saw a direct targeting of religious places as soft, high-impact targets, including the attack on the Sri Maha Bodiya in Anuradhapura killing 146 Buddhists on May 14th 1985 by the LTTE.¹³ The State has been accused of attacks on religious places through the indiscriminate use of aerial bombardment, such as on the Church of St. Peter and St. Paul in Navaly, Jaffna in 1995, which killed over 100 civilians.¹⁴ Despite religious places being recognised as places of refuge within Sri Lanka, the war has seen violence in and against religious places. The Shrine of Our Lady of Madhu, Mannar gained a reputation for being a safety zone during the war, yet this space was repeatedly violated through acts of violence and intimidation, including during the last phase of the war when the LTTE forced all the civilians there to move out prior to the intensification of fighting and a church building was damaged by artillery in April 2008.¹⁵ Religious places have been the sites of individual killings including during midnight mass on Christmas Eve 2005 when Member of Parliament Joseph Pararajasingham was assassinated at St Mary's Cathedral, Batticaloa¹⁶ and massacres including the killing of 147 Muslim men in mosques in Katankudy on August 3rd 1990.¹⁷ These violations of religious freedoms also increased the sense that religious symbols and places were not accorded due protection and were even targeted by armed groups.

Religious personnel have not been safe from the violence. In addition to the massacre of 33 Buddhist monks in Aranthalawa on July 2nd 1987, a number of other members of the clergy have been killed or have disappeared, including Father Thiruchchelvam Nihal 'Jim Brown'

¹² Jean-Marie Henckaerts and Louise Doswald-Beck (eds), International Committee of the Red Cross ; *Customary International Humanitarian Law: Volume II part (1)*, Cambridge university press 2005, pp 497 – 507, available at <http://www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-ii-icrc-eng.pdf>

¹³ Other high profile attacks on Buddhist sites included the attack on Temple of the Tooth Relic in Kandy on January 25th 1998 and carried out by the LTTE, which result in the deaths of 16 people. ('Sri Lanka Tamil terror,' Time Magazine, 27 May 1985: <http://www.time.com/time/magazine/article/0,9171,957036,00.html>); 'Eleven die in Sri Lankan temple suicide bomb,' BBC News, 25 January 1998: <http://news.bbc.co.uk/2/hi/50366.stm>;))

¹⁴ Other such attacks include those on the Thurkkai Amman Temple in Tellipalai, Jaffna in 1992 and the St. James Church, Jaffna in 1993. ('The Military operation in the North and the resulting undercurrents,' University Teachers for Human Rights (Jaffna) Sri Lanka, 1995, Information Bulletin No.7: <http://www.uthr.org/bulletins/bul7.htm>; Human Rights Watch, 1995: <http://www.hrw.org/reports/1995/Srilanka.htm>)

¹⁵ D.B.S. Jeyraj, 'Our Lady of Madhu joins fellowship of internally displaced', Transcurrents, April 5 2008; Amantha Perera, 'How the Virgin Mary survived Sri Lanka's war', Time Magazine, 17 August 2009

¹⁶ On January 1st 2008 Member of Parliament, T. Maheswaran was shot dead at the Kotahena Sivan Kovil in Colombo. Both attacks were alleged to have been carried out by armed actors believed to be linked to the State. ('Joseph Pararajasingham MP Killed - more details unfold,' Asian Tribune, 25 December 2012; 'President expresses shock and grief over assassination of MP Maheswaran,' Ministry of Defence and Urban Development, defence.lk, 01 January 2008.)

¹⁷ On August 11th 1990 104 Muslims were killed in Eravur, including at the mosque by the LTTE. ('The Kattankudy mosque massacre in Sri Lanka, 22 years after,' Groundviews, 6 August 2012, <http://www.google.com/interstitial?url=http://groundviews.org/2012/08/06/the-kattankudy-mosque-massacre-in-sri-lanka-22-years-after/>; M.I.M Mohideen, 'LTTE atrocities against North East Muslims,' Sunday Observer, 17 March 2012.)

who was disappeared from Alaipiddy, Jaffna on August 20th 2006.¹⁸ Religious symbols also became a source of contention, such as when a Buddha Statue was constructed in the Trincomalee Market on May 15th 2006, which led to an increase in tensions, hartals and court cases.¹⁹ The Buddha statue itself was placed off limits and surrounded by barbed wire for a number of years. As a result of security restrictions by various armed actors, including the establishment of High Security Zones (HSZ) in the North and East by the military meant that civilians effectively lost access to traditional places of worship.

¹⁸ Father Francis Joseph was disappeared after reportedly surrendering to the military in May 2009; “Aranthalawa massacre,” Lankanewspapers, 17 September 2011, http://www.lankanewspapers.com/news/2011/9/70804_space.html; D.B.S. Jeyaraj, ‘Claymore Kills “Kili Father” M.X. Karunaratnam at Ambaikulam,’ Transcurrents, 22 April 2008; D.B.S. Jeyaraj, ‘Tamil Catholics Perturbed over Missing Priest’, The Sunday Leader 3 September 2006.

¹⁹ D.B.S Jeyraj, ‘The Buddha statue and Tamil Solidarity in Trincomalee,’ Transcurrents, 8 April, 2006: <http://transcurrents.com/tamiliana/archives/128>; Somini Sengupta, ‘Sri Lankan city mired in ethnic violence,’ New York Times, 15 May 2006.

Religious Tensions Post-War

The defeat of the LTTE and the end of the war in May 2009 raised widespread expectations not just of an end to large-scale violence but also long-term peace and reconciliation. A situation of no war has provided the space for processes of rehabilitation, reconstruction and development to move ahead, especially in areas devastated by the war. There has been a significant improvement in the freedom of movement and a lifting of restrictions on places previously inaccessible, including places of worship in the North and East. Religious places are also being built or rebuilt, sometimes with full or partial assistance by the Government.

However, fundamental issues relating to the ethnic conflict, including the political solution, transitional justice, militarisation, human rights, language rights and basic living conditions in war-affected areas, remain unresolved and require urgent attention some three and a half years after the war. Even while the Government insists it is implementing a series of measures to address these issues on the ground and in terms of policy, including through the Lessons Learnt and Reconciliation Commission (LLRC),²⁰ some fundamental problems remain. For instance, the lack of a mechanism for families of the missing to trace whether their family members are in state custody or not, the continuation of some of the key human rights violations in the post-war context, including killings and abductions, albeit at a markedly lower frequency, all draw attention to the need for multiple measures to strengthen the rule of law and reverse the culture of impunity.

Challenges to addressing peace and reconciliation: The limited progress in implementing the LLRC is symptomatic of the challenges to addressing post-war problems in the current political context. The LLRC, which was appointed by the Government to look at causes for the outbreak of the war and ways forward, made several observations regarding problems relating to religious freedom and tolerance and some recommendations to help create an environment of religious tolerance.²¹ While the process and final report of the LLRC both have serious gaps and flaws, the report did put forward some critical and useful recommendations. The recommendation calling for the establishment of inter-faith groups to promote religious harmony and understanding, and to act as an early warning system to prevent communal or religious tension from flaring up into violence are seen as important measures to maintaining and strengthening religious

²⁰ The LLRC was a Commission of Inquiry appointed by President Mahinda Rajapaksa in May 2010 to investigate the reasons behind the failure of the 2002 ceasefire agreement with the LTTE, and the administrative, legislative and institutional measures to promote national unity and reconciliation among all communities. The report of the LLRC was tabled in Parliament in December 2011.

²¹ Among the specific recommendations was the removal of restrictions on places of worship including those in High Security Zones, implementing laws deterring hate speech, and allowing community and religious leaders the freedom to organise peaceful events and meetings without restrictions.

coexistence.²² While there was confusion over the Government's official position on and commitment to implementing the LLRC recommendations,²³ in mid-2012 it did present a National Plan of Action to Implement the Recommendations of the LLRC. Only a few of recommendations have been selected and the proposed measures do not necessarily match up to the recommendations made in the LLRC's Final Report. For instance, the proposals for inter-faith groups and early warning systems have been dropped from the proposed actions. Instead the Action Plan proposes strengthening the Civil Defence Committees (CDC) and community policing.²⁴ The Government has seemingly little interest in setting up preventive mechanisms for addressing problems on the ground, as the CDCs are more tools for monitoring anti-government dissent than tools for mediating intra and inter-community disputes which was a key role played by other mechanisms such as citizens committees.

The Government's approach to a number of problems particularly relating to human rights and reconciliation has been to set up committees and commissions without necessarily taking action to address the problems or even to implement the findings of these mechanisms.²⁵ As a result of an intensification in the hate campaign against Muslim in early 2013, actors within the Government proposed a number of possible mechanisms including a Parliamentary Select Committee and a cabinet subcommittee,²⁶ but it was not clear as to what the status of these mechanisms are, thereby adding to the confusion as to how or even whether the Government will take meaningful action.

Even while the Government argues that it is taking positive steps towards addressing peace and reconciliation, on the ground the situation is more complicated and problems persist. The issue of militarisation is one such issue. Even while the military presence, which is predominantly Sinhalese, has reduced in areas of the East and to a lesser extent the North, they continue to play a dominant role, including in civilian affairs. The military and Government have released lands and provided access to some religious places that continue to be in areas that are restricted. The military has also attempted to play a role in sensitising visitors from the South. However, the military continues to occupy land, preventing the return of at least 26,000 persons to their homes²⁷ and has a heavy presence

²² *Report of the Lessons Learnt and Reconciliation Commission*, 2011.

²³ Bhavani Fonseka, Luwie Ganeshathasan and Mirak Raheem, "Commentary on the National Plan of Action to Implement the Recommendations of the Lessons Learnt and Reconciliation Commission," Centre for Policy Alternatives, 2012.

²⁴ *ibid*

²⁵ CPA, A List of Commissions and Committees Appointed by the Governments of Sri Lanka (2006-2012), March 12 2012

²⁶ Kelum Bandara, "Dinesh only wanted sub-committee," Daily Mirror, February 16 2013, page 1

²⁷ *Sri Lanka: A hidden displacement crisis*, IDMC, 31 October 2012.

in the North.²⁸ Even while the military has been involved in assisting individual communities re-construct their places of worship, as documented in this report, it continues to restrict or prevent access to individual kovils, churches and mosques in Jaffna, Mannar, Killinochchi, Mullaitivu and Trincomalee. In addition, it continues to closely monitor and regulate civilian activity and it appears that in certain spheres the military has an augmented role in post-war Sri Lanka. The attempts by the military to thwart religious services in Hindu and Christian places of worship in the North on specific days such as the end of the war commemoration or the LTTE's *Maveera* Day, raises multiple concerns including the lack space for remembering those who have been killed during the war or who are missing. In the North and East, restrictions on worship have raised questions on the continued presence and role of the military in a post-war situation. As one interviewee pointed out "They are security forces. Why do they have to be involved in religious affairs? What is their business in these things?"²⁹ There are also concerns that the military is involved in constructing places of Buddhist religious worship in the north and east, which is viewed with suspicion especially in instances where the sites are contested.³⁰

As such, there are serious concerns relating to the Government's commitment and political will to addressing fundamental issues relating to peace and reconciliation. In particular there has been no substantive progress in achieving a political solution. There are clear indications that the Government is attempting to eat away at the existing framework for a political solution enshrined in the Constitution - the Government has proposed a number of bills that take away powers granted to the Provincial Councils under the Thirteenth Amendment.³¹ There are other issues which are part of the structural and systemic challenges facing Sri Lanka beyond the ethnic conflict, including those related to the rule of law, good governance and inclusive and sustainable development, that are integral and mutually reinforcing to achieve a stable peace. The recent impeachment of the Chief Justice Shiranie Bandaranaike in January 2013 only served to highlight the larger issue of the politicisation of state institutions, which are meant to serve as checks and balances against abuse by the executive.

At a policy level, despite proposals for two legislative changes by political actors, including a bill on anti-conversion, the Government has not introduced any new *de jure* measures that impinge on religious freedoms or religious practices during this period. Nevertheless, there appear to be a number of *de facto* hurdles, including in the administration of rules

²⁸ Economic and Political Weekly, "Notes on the Military Presence in Sri Lanka's Northern Province," Volume XLVII No. 28, July 14 2012

²⁹ Interview with a Hindu religious leader in Jaffna in October 2012

³⁰ Notice was obtained by CPA in October 2012 while on fieldwork in the North, titled 'Kind notice to tourists visiting the Northern Province (Translation from Sinhala)' (no date given on notice).

³¹ For instance key powers relating to finance were taken back by the Central Government under the Divinguma Bill. There are also reports that the Government may pass a constitutional amendment to the Thirteenth Amendment to take reduce the powers of the Provincial Councils

governing the construction of places of religious worship (see annex). Some religions communities, particularly Muslims and Evangelical, are finding it increasingly difficult to secure formal approval from local authorities and government bodies. Currently, each of the four main religions has a separate department all of which are under the central Ministry of Buddha Sasana and Religious Affairs. While there were some interviewees who felt that the lack of power of religious departments is a serious problem, most interviewees pointed to the challenge posed by the power dynamics within the Government. That the Government has suggested a committee comprising the heads of the four departments to monitor the implementation of a new circular on the construction of religious places may not therefore, address the concerns of religious communities.³²

Even though the current governing alliance is a rainbow coalition of political parties, including most of the minority political parties and the Sinhala nationalist groups, and minority communities have a number of ministers in the cabinet, there is an increased level of vulnerability of these groups, particularly in relation to the accumulation and consolidation of power in the presidency. Coalition partners, rarely if ever, challenge the president on issues of central concern to them. The lack of a strong opposition coupled with the weakness of civil society has meant that the Government has significant power and the ability to act as it wishes.

Even while there is a need for a variety of actors to be a part of the process to ensure a lasting peace, the role of the Government, both at the central and local levels, and government policy in creating an inclusive environment for peace-building and reconciliation between communities is pivotal. Unfortunately it has been called into question time and again as attested to by the limited space for dissent in the country and its tight control through multiple means. The virtual collapse of almost all the opposition parties, due to the Government's machinations and their own internal weaknesses has meant that there is limited space for issues to be publicly debated and challenged. Even while the Tamil National Alliance (TNA) remains a dominant force in the North and East and other minority parties command electoral power, in real terms most of these other parties are extremely vulnerable and minority political representation as a whole is in a much weaker position than six years ago. Fear and the lack of freedom for the media and civil society actors in the post-war context also mean that there are limited outlets for the public to voice their positions, raising the spectre of another outbreak of intensified violence.

Resurgence of Sinhala Buddhism: The post-war period has seen a struggle over the very identity of the State - as to whether Sinhala Buddhist interests should be given primacy over the multicultural and plural identity of Sri Lanka. Historically, Sri Lanka has seen

³² See Annex, Page 97

periods of resurgence in political Buddhism, most often coupled with Sinhala nationalism. For instance in the lead up to the 1956 general election and more recently in 2004-2005 following the death of Buddhist priest Venerable Gangodawila Soma Thero.³³ The military victory in May 2009, is perceived as not merely the defeat of a militant terrorist group by the State, but also the routing of Tamil nationalism. For some it is also a victory for Buddhism.³⁴ This resurgence is not merely a phenomenon that is pointed out by minorities alone but has also been noted by Buddhist groups:

"We genuinely believe we are the protectors of Buddhism. There is logic in it. We have been practicing Buddhism for the past 2500 years without a break. No other religion has this record. The (war) victory is interpreted by the general public as a victory for Buddhism. One interpretation is that we (Sri Lanka) safeguarded Buddhism as a historical duty. Secondly, Buddhists found that the LTTE was a strong anti-Buddhist movement, so their defeat can easily be seen as a victory for Buddhism."

This 'revival' is being felt both in the dominance of Sinhala nationalism in government policy but also at a society level. Hence, some Sinhala Buddhist leaders commented that this resurgence has resulted in minorities being more careful.³⁵

The construction of Buddhist temples, statues and shrines for Bo trees in the North and East, including in areas where there are no or tiny Buddhist civilian communities is an issue repeatedly raised by minorities in those areas. From this perspective these constructions are seen not simply as religious symbols but also amount to a 'ritual stamping' and demonstration of the power of the Sinhala Buddhist nationalism re-asserting its control. The direct involvement or assistance of state actors, especially the military, in these constructions is also cited, raising historical concerns of 'Sinhalisation'. There are also claims of Buddhist temples and symbols being constructed on land adjacent to or on the sites of destroyed Hindu places of worship, raising concern that state actors and others are engaging in practices that intensify fears among the Tamil community that there is a post-war assault on Tamil cultural and religious symbols. Simultaneously, the Government has assisted the reconstruction of places of worship of other religions.³⁶

³³ These groups claimed that the death of Soma Thero took place due to a conspiracy led by anti-Buddhist groups, despite the autopsy indicating a death due to natural causes.

³⁴ Interview with a politician of the JHU, September 2012

³⁵ *"Fundamentalists (from other communities) are shocked by the Buddhist revival in the country after the war. Buddhists are vigilant about what is happening now..... This is a temporary setback for Christians. Conversions still take place but it is not very visible these days. Now they (Christians) are very tactful about the way they do it..."* (Interview with a politician from the JHU, September 2012)

³⁶ The bulk of funding reconstruction for kovilshas been through the temple trustees and donors from within the Tamil community. The Government, through the Department of Hindu Religious and Cultural Affairs has contributed towards some rebuilding/renovation of kovils across the country. Assistance is based on requests by private owners and trustees of temples, and following approval by the relevant Minister or Ministry Secretary.

In recent months the anti-Muslim campaign has intensified, both online and on the ground. This campaign has manifested in multiple forms, ranging from calls to boycott Muslim companies and halal products, to protests outside Muslim owned retail outlets and the Bangladeshi Embassy to protest against violence in Bangladesh against Buddhists.³⁷ That these have attracted significant numbers of persons, including in suburban Colombo, is an indication of the extent to which these sentiments resonate with sections of the majority Sinhala community. The call for an economic boycott based on ethnic association has multiple repercussions including the dehumanization of a section of Sri Lankan society and the creation of deep social cleavages and economic uncertainty, not just among the affected businesses but in terms of the wider market economy. The statement by Udaya Gamanpilla that “As someone who has studied the Sinhala – Muslim clashes in 1915, I strongly feel a repetition of that disaster is imminent”³⁸ gave public expression to an increasing fear that especially in a context of a possible economic downturn there could be serious repercussions for the Muslims as the ethno-religious card may be used to incite violence for political and economic gain.

The post-war intolerance and violence is by not focused on the Muslims alone. Fears over the perceived threat to Buddhism from proselytising and conversion are widespread and have found expression in violence against Evangelical Christian places of worship and support for an anti-conversion law. Even if anxieties over conversion by Evangelical Christian and Muslim groups have been perceived by other religious communities as a problem, it has nevertheless not manifested itself in a series of violent reactions as in the case of Sinhala-Buddhist elements especially in the south of the country.

A dominant fear is that ultra Sinhala Buddhist nationalism remains a potent force both within the Government and outside it in the post-war context and has not spent itself in the war. In previous decades there have been Buddhist organisations attempting to mobilize the polity and society, some of which remain active including the National Bhikku Front and the JHU. The JHU is a coalition member but the Sinhala Buddhist focus is also believed to be driven by others including from within the SLFP, despite its multi-ethnic credentials. The post-war period has seen relatively new actors take a dominant position including the

Records of financial assistance to Hindu Temples, Department of Hindu Religious and Cultural Affairs: assistance is generally capped at Rs.100,000 to Rs. 200,000 per kovil, but this varies. In 2009 the Department reported assistance to 8 Hindu temples in the North-East, 284 temples in 2010, and 525 temples in 2011. In districts other than the North and East, the Department reported assistance to 6 temples in 2009, 35 temples in 2010 and 250 in 2011. (Badulla, Colombo, Hambantota, Kalutara); 2010 (Kalutara, Kandy, Kegalle, Moneragala, Ratnapura); 2011 (Badulla, Colombo, Kalutara, Kandy, Kegalle, Kurunegala, Matale, Matara, Moneragala, NuwaraEliya, Polannaruwa, Puttalam, Ratnapura).

³⁷ ‘Bodu Bala Sena protest,’ Daily Mirror online, 25 October 2012, <http://www.dailymirror.lk/caption-story/22961-bodu-bala-sena-protest.html> ; ‘Protest against attacks on B’desh Buddhist shrines,’ Bodu Bala Sena Official Website, October 2012, <http://bodubalaseena.org/english/protest-today-against-attacks-in-bdesh-on-buddhist-shrines/#more-250> ; Dharisha Bastians, ‘Bodu Bala Sena anti-Halal agitation to begin in Maharagama tomorrow,’ Financial Times, 16 February 2013, <http://www.ft.lk/2013/02/16/bodu-bala-sena-anti-halal-agitation-to-begin-in-maharagama-tomorrow/>

³⁸ Udaya Gamanpilla, “Avoiding a Repeat of What Happened a Hundred Years Ago,” Ceylon Today, 20 January 2012

Bodu Bala Sena³⁹ led by Ven. Galagodaatte Gnanaseara and Ven. Kirama Vimalajothi and the Sinhala Ravaya led by Ven. Akmeeman Dayarathana have claimed a significant public space demanding that action be taken against the “extremism” of the Muslim and Christian communities in particular. Even though these groups may be small in number and have very limited impact in electoral terms, they have occupied a significant public space and have significant influence as they are effectively able to force the hand of the more mainstream Sinhala Buddhist leadership who do not want to be seen as in effectual in protesting these same interests. That the JHU took up the Bodu Bala Sena’s call to boycott halal products rather belatedly demonstrates the ability of these seemingly fringe groups to impact other more influential political actors. These groups have also used new media and social networks effectively to disseminate hate speech, and have found significant space in the mainstream media to mobilise support and organise its activities.

It is increasingly clear that while at a societal level there are growing signs of polarization and a campaign of persecution, the lack of action on the part of the Government to take action is a serious issue. While the Government and the President have appealed for greater tolerance it has stopped short of condemning the hate campaign. The Government’s apparent unwillingness to rein in radical Sinhala-Buddhist elements--generally believed to be behind attacks on minority places of worship and calling for boycott of halal products--is viewed, in pragmatic terms, as the unwillingness on the part of the Government to challenge and thereby risk alienating its core constituency and, in normative terms, as reflecting the regime’s tacit endorsement of the broad concerns of these groups. That President Mahinda Rajapaksa met the Bodu Bala Sena in January 2013⁴⁰ to deal with the intensified campaign against Muslims proved to be a masterful stroke. On the one hand the public meeting was presented and seen by some as an effort by the President to deal with the problem of a growing hate campaign against Muslims, even while it was not a categorical demand from the President to the Bodu Bala Sena to stop their actions. In contrast, in a meeting with theologians responsible for conducting Friday Jumma prayers the President had reportedly advised them to be careful in the use of words, having heard them preaching the Muslims to defend themselves.⁴¹ Given the Government’s systematic approach in dealing with groups opposed to it, the very fact that the Bodu Bala Sena is able to continue its activities and expand its presence suggest that at the very least the Government is tacitly permitting its operations.

³⁹ For more information refer to their official website <http://bodubalasena.org/english/>

⁴⁰ ‘Sri Lanka asks Buddhist monks not to stir hatred,’ (AFP) 27 January 2013
<http://www.google.com/hostednews/afp/article/ALeqM5jmGluVsqLT7No0s11QiRH2FdfAXQ?docId=CNG.8406ca72dc1e5f41d9bcf42c95029bc7.6a1>

⁴¹ Buddhika Sri Aravinda, ‘Death Threats To Muslims – Sri Lanka,’ Sunday Leader, 17 February 2013,
<http://www.thesundayleader.lk/2013/02/17/death-threats-to-muslims/>

It appears that the Bodu Bala Sena is becoming increasingly powerful and confident in its position, and has expanded its presence in various parts of the country. Following the meeting with the President, the Bodu Bala Sena claimed that other groups are carrying out actions using their name, even as they released a press statement relating to new targets such as the call to rally at the Kuragala Site,⁴² which the group claims is being taken over by Muslims. The protest was called off following a meeting with the authorities after a decision was taken to remove the unauthorised constructions.⁴³ That the group is attempting to take on representation of the Sinhala Buddhist community and is being given that space by other Sinhalese-Buddhist groups and the authorities is of significant concern.

It needs to be noted that the lack of substantive action by the Government to address minority concerns is a key post-war challenge. The Government seems to be following a dual policy of on the one hand maintaining a rhetorical line of equality for all citizens and of the need to address the problems of the war, while on the other is proving increasingly reluctant to make even the most basic political concessions or to even recognise the collective rights of minority groups. At his victory speech in May 2009 the President remarked “We have removed the word minorities from our vocabulary three years ago. No longer are the Tamils, Muslims, Burghers, Malays and any others minorities,”⁴⁴ without clarifying as to how the majority’s position would be transformed. In the post-war context minority rights are increasingly being interpreted as more an effort at ensuring equality for all citizens and recognition of specific cultural rights of these groups, while other group demands such as devolution of power to ethnic communities are now openly challenged. Demands for collective political rights or devolution are equated with being divisive or separatist. Almost four years later the President has declared that “When the people live together in unity there are no racial or religious differences. Therefore, it is not practical for this country to be divided based on ethnicity. The solution is to live together in this country with equal rights for all communities.”⁴⁵ It is in this context that the debate over whether the national anthem can be sung in Tamil in the North and other Tamil speaking areas is taking place.

Increased religiosity and religious radicalism? Within Sri Lankan society there appears to be a strengthening of separate religious identities but also growing concerns of religious fundamentalism. A survey carried out by the Asia Foundation in 2011 shows that the

⁴² <http://www.facebook.com/events/275996535836610>

⁴³ Telephone interview with an official from the Department of Archaeology in February 2013.

⁴⁴ He further noted: “There are only two peoples in this country. One is the people that love this country. The other comprises the small groups that have no love for the land of their birth..” (Address by President Mahinda Rajapaksa at the ceremonial opening of Parliament, Sri Jayawardhanapura - Kotte, May 19, 2009, Official website of the president of Sri Lanka).

⁴⁵ Address by President Mahinda Rajapaksa, 65th Independence anniversary celebrations, Trincomalee, February 4 2013, official government website)

majority of Sri Lankans see their society as becoming more religious today than five years ago, with higher adherence to orthodox religious practices. Buddhists and Muslims reportedly perceive higher religiosity among their communities relative to self-perception of Hindus and Catholics.⁴⁶ The same survey indicates that people are increasingly worried by extremist religious views and violence.⁴⁷

There are a number of revivalist elements active within all the religious communities in Sri Lanka today. Moreover, there are also claims that there foreign actors operating in Sri Lanka including Wahabi groups from the Middle East, Evangelicals from the US and elsewhere, and the Vishwa Hindu Parishad (VHP) from India. It is important to stress that religious revivalism and inter-sectarian competition and tension is almost always a result of various sects and religious movements vying for control and increasing their numbers by winning over adherents to their particular interpretation of faith or doctrine is a near-universal phenomenon seen in many religious communities across the world. Some of these actors proselytise more effectively and/or have access to resources that strengthen their ability to reach and win over adherents not only from their own but also other religious communities, intensifying the apprehensions of the latter over the erosion of their own congregation.

In post-war Sri Lanka too this finds reflection in incidents of intra-religious violence within Buddhist, Muslim and Christian communities. Tensions within religious communities contribute to heightening sectarian and religious intolerance, resistance to religious syncretism and distances between religious communities. Inaction by the mainstream or failure of so-called moderate elements within the different religious communities to protest the actions of radical elements is an issue not just within the Sinhala-Buddhist community. At present Muslims and Evangelical Christians face a particularly distinct and serious challenge, especially given the political configurations in the post-war context - the revivalist and radical nationalist elements within the Sinhala-Buddhist community who are at the forefront of mobilising and demanding action against religious minorities they consider a threat. Addressing this challenge demands both a decisive shift in policy and support for a larger social transformation to ensure greater tolerance, inclusivity and respect.

⁴⁶ National Values Survey 2011, The Asia Foundation: "Despite noting few incidents of violence in their area and that most acts of violence are either criminal or political in nature, 51% of Sri Lankans feel that their country is vulnerable to violence stemming from extremist religious views."

⁴⁷ *ibid.*, p.7-"Nationally, approximately two out of every three Sri Lankans believe that people are more religious today than they were five years ago... By a significant margin, more Buddhists (70%) than other religious groups indicate that people are 'much more religious'. Muslims fall second behind Buddhists in perceiving an increase in religiosity with over half (53%) claiming that people have become much more religious. Hindus show the lowest level of perceived increase in religiosity with 39% saying they are much more religious, while Catholics falls in the middle with 44% much more religious."

Attacks against Christian Places of Worship

Perceptions of religious freedom vary among Christian clergy and groups working on the rights of the Christian community in the post-war period. Some acknowledge positive improvements in the post-war period, such as the building and rebuilding of churches and improved access to places of worship in the North and East. Others have pointed to a continuation or even a spike in the trend of direct threats and attacks against Christian clergy, individuals and places of worship after the war. The post-war period has seen a wave of attacks against Christian places of worship. It is notable that attacks on Christian places of worship account for the highest proportion of such acts of violence against places of worship documented in this report for this period. Such acts include physical damage or destruction caused to places of worship, as well as threats and violence against Christian clergy and individuals.⁴⁸ In a majority of cases Evangelical churches are the prime target and the attacks are concentrated in the Western and Southern provinces. These churches also face a series of legal and bureaucratic challenges to carrying out their religious practices.

A majority of the Christian actors interviewed for this report point to a Sinhala-Buddhist revival after the war and the triumphalism that followed, as driving the attacks after May 2009. While aggression against minorities is not new, some Christian groups and clergy stated that there is a wave of renewed attacks due to the efforts to claim Sri Lanka as a Sinhala-Buddhist nation in a post-war era.⁴⁹ In addition, there have been isolated incidents reported of clashes between Christians and other minorities.⁵⁰ There have also been intra-religious tensions particularly between the local Catholic community and non-traditional Christian groups, including the Northern and Eastern provinces.

Many of the reported attacks on Christian places of worship have historically stemmed from the proselytising by Christian groups and the struggle for political and socio-economic dominance between Christian and Buddhist groups, particularly during the colonial era and post-independence period. However, during the last decade tensions between the Buddhist and Christian communities intensified against a backdrop of accusations of 'unethical conversions' allegedly through the use of material inducements among other means. In 2003 and 2004, the intensity and frequency of direct attacks against Christian groups⁵¹ -

⁴⁸ In mid 2012, the Calvary Church, the Assembly of God Church, the Seventh Day Adventist Church and the Methodist Church in Deniyaya stopped functioning following death threats to the respective pastors. Source-Interview with a member of a Christian Association, August 2012

⁴⁹ Interviews with minority groups across religions, August to November 2012

⁵⁰ Several church congregations in Kommatalamadu, Amanthanaveli and Vakara in the Batticaloa district are alleged to have been threatened and a pastoral worker chased away by majority Hindu villagers Source: National Christian Evangelical Alliance of Sri Lanka (NCEASL)

⁵¹ The tensions intensified after the death of Buddhist monk Venerable Gangodawila Soma Thero and allegations that he had been killed by Christian groups when he visited Russia. ("Evidence of Gangodawila Soma Thero Murder," Sinhala Buddhist, 24 September 2010,

mainly evangelical Christian groups but including other Christian groups as well - was considered to be at its peak.⁵² The issue of conversion has proved to be a contentious one between Christian denominations. The antipathy towards Christian churches also relates to the war. Christian entities, particularly those in the North and East were seen as pro-peace or even pro-LTTE. Issues such as highlighting of human rights and peace issues by some Christian groups have also created internal tensions within the individual Christian denominations.

As documented in this report there are a number of cases where Christian places of worship have faced physical damage and/or persons and objects within churches have suffered violence following the war. Hostility and violence from the public and host communities has been raised as a concern by Evangelical groups, some Protestant Christian groups and even individual Catholic communities. These acts of violence and intimidation occur at multiple levels, which include physical assault, threats and harassment of pastors, their families and members of congregations. There are also restrictions on worship, prevention of access to churches, restrictions on the building of new places of worship, as well as attacks on buildings associated with the church.

List of Attacks on Christian Places of Worship

2009

April 5, Pepiliyana, Dehiwela, Colombo district: An unidentified group broke into a 150 year old Methodist Church in Dehiwela and stole musical instruments, bibles hymnals, and documents including baptism and marriage records. The Boralasgamuwa Police were informed of the incident.⁵³

June 7, Talvupadu, Mannar district: A group of about 300 people were accused of damaging the Apostolic Church. The attack took place while a service was going on. The pastor and congregation were allegedly threatened and ordered to stop the service. Seven persons were arrested, and action filed in the local Magistrates Court.⁵⁴

June 13, Ayurveda junction, Minneriya, Polonnaruwa district: Two Catholic shrines were reported damaged in Polonnaruwa. The first was a catholic statue at Ayurveda junction, while another was removed from the same location and later found broken near the Parakrama Samudra tank.⁵⁵

<http://sinhalabuddhist.com/2010/09/evidence-of-gangodawila-soma-thero-murder/>; Tekla Szymanski, Gangodawila Soma Thera: The People's Monk, World Press Review, April 2004: <http://www.worldpress.org/Asia/1848.cfm>)

⁵² Interview with the National Christian Evangelical Alliance, August 2012

⁵³ International Religious Freedom Report 2009, Bureau of Democracy, Human Rights and Labour, 26 October 2009

⁵⁴ Records from the NCEASL

⁵⁵ International Religious Freedom Report 2009, Bureau of Democracy, Human Rights and Labour, 26 October 2009; Also, records from the NCEASL

June 29, Makandura, Kurunegala district: The Vineyard Community Church was reported to have been attacked multiple times between March and July. The Church premises were allegedly desecrated with human faeces and the water pump from the Church was stolen, furniture damaged, the roof of the Church destroyed on July 12th 2009. In separate incidents, clergy attached to the Church were physically attacked sustaining injuries, and threatened by a group of people. Several police reports were filed: GCIB 223/217 Pannala Police Station and GCIB 352/94.⁵⁶

July 5, Dickwella, Matara district: A group of about 100 people and 50 Buddhist monks allegedly entered the Assemblies of God Church premises breaking the gate and the fence. The pastor was away at the time. They could not enter the Church premises, but threatening notices were pasted on the walls stating that any form of Christian worship in the place was prohibited, and threatening to destroy anyone who removes the notice. A complaint was lodged with the Dickwella Police. Entry number CIB1/252/84.⁵⁷

July 28, Pannaladi, Norachcholai, Puttalam district: The Assemblies of God Church was burned down for the second time, following a previous arson attack on August 17th 2008. A temporary hall in which the Church held meetings was set on fire and was completely destroyed by unidentified persons. The structure was rebuilt and a police complaint was made.⁵⁸

August 23, Elpitiya, Galle district: Around 50 people and 3 Buddhist monks are alleged to have disrupted Sunday worship services at the Living Voice of Life Apostolic Church, physically assaulted the pastor, and verbally abused the congregation. Two of the three monks are alleged to be from the Saranankara Viharaya Buddhist temple. The incident was later reported to the police.⁵⁹

August 30, Mannar district: The Church of Jesus the Saviour was broken into by an unidentified group who broke the windows, tables, doors and the pulpit. The electrical supply of the Church was disconnected and wires and switchboxes destroyed. Burnt oil was poured inside Church premises and the roof was damaged. A complaint was made to the Mannar police.⁶⁰

October 5, Attampitiya, Bandarawela, Badulla district: A small centre used for prayer and worship called the Calvary Loving Church was demolished during the night. A complaint was made to the local police.⁶¹

October 10, Katupitiyawatte, Kurunegala district: The door, ceiling and walls of the Heavenly Vision Fellowship Prayer Centre, were damaged in an arson attack by unidentified persons. A complaint was lodged with the Potuhera Police on October 11. There were no witnesses to the incident.⁶²

November 5, Koswatta, Colombo district: Around 200 people surrounded the Jesus Never Fails Prayer Centre at 12.45pm, hurled stones at the building, damaged the building exterior, windows, air-conditioning units and the gate. They allegedly threatened to kill the pastor, accused him of unethical conversions and demanded that he stop healing services. Police were called in to stop the attacks but were unable to

⁵⁶ Records from the NCEASL

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Records from the NCEASL; Also International Religious Freedom Report 2010, Bureau of Democracy, Human Rights and Labour, 17 November 2010

⁶² Records from the NCEASL

prevent damage to the building. The prayer centre suspended services and meetings due to fear of further attacks and threats to members of the church.⁶³

November 28, Waragoda, Kelaniya, Gampaha district: The Church of the Foursquare Gospel was damaged and the Pastor and congregation threatened by a group of about 200 people that allegedly included the Minister of Labour and UPFA organizer for Kelaniya, Mervyn Silva, an MP and a provincial councilor and several police officers. The Pastor was warned to stop services and construction activity at the church, despite leave to proceed with construction being obtained from the Appeal Court of Sri Lanka on November 3, 2009. A Complaint was made to the Kelaniya police, no action has been taken against those involved.⁶⁴

December 6, Crooswatte, Jaela, Gampaha district: A group of unidentified people armed with weapons forcefully entered the Catholic Our Lady of Rose Mystica Church, set fire to the interior damaging the altar, statues and pews, and burnt two vehicles. The reason behind the attack is suspected to be resumption of a construction project to expand the church. In 2009 the Supreme Court overturned a police decision to ban construction. Police, army and special task force were deployed to maintain law and order in the area and arrest suspects who were believed to be from that locality. The numbers of people who are said to have attacked the church varies between reports.⁶⁵

December 15, Thimilaithivu, Batticaloa district: A temporary shelter in which the Calvary Worship Centre was housed was attacked at midnight by unidentified persons and destroyed. A complaint was lodged with the Vavunatheevu police (CIB 1/338/50). This church has been attacked 4 times in the past.⁶⁶

2010

March 28, Germanwatte, Pugoda, Gampaha district: At about 10.30am, a group of about 150 people allegedly led by Buddhist monks, forcefully entered the Church of the Foursquare Gospel premises, threw stones at the building, destroyed chairs and other furniture, and threatened the pastor. A complaint made to the police was later withdrawn in the hopes of reaching an amicable settlement. The church temporarily suspended services due to the tense and volatile situation that prevailed. Services resumed subsequently.⁶⁷

April 4 and April 13, Dolosbagaya, Nawalapitiya, Kandy district: A group of people hurled stones at the Apostolic Church, damaging the roof. On April 13th the church was attacked by an unidentified gang during the night. The pulpit, musical instruments and furniture used by the Sunday school children were removed from the building and set on fire. A complaint was lodged at the Nawalapitiya police station. The church had reportedly been functioning in the area for 14 years.⁶⁸

⁶³ This incident was widely televised on local media and video footage of the attack is available online; also, records from the NCEASL, and International Religious Freedom Report 2010, Bureau of Democracy, Human Rights and Labour, 17 November 2010

⁶⁴ Records from the NCEASL; Also, International Religious Freedom Report 2010, Bureau of Democracy, Human Rights and Labour, 17 November 2010

⁶⁵ 'Buddhists extremists brutally attack Catholic Church in Sri Lanka,' Catholic News Agency, 11 December 2009; 'Mob attacks church,' The Voice of the Martyrs (online), 9 December 2009

⁶⁶ Records from NCEASL; Also, International Religious Freedom Report 2010, Bureau of Democracy, Human Rights and Labour, 17 November 2010

⁶⁷ Ibid

⁶⁸ Records from the NCEASL

May 02, Thirupenthurai, Batticaloa district: An unidentified group of people attacked the Living God Prayer Centre in this area around midnight, damaging 20 concrete pillars. A complaint was lodged at the Batticaloa police station.⁶⁹

June 24, Rajagiriya, Colombo district: At around 4pm the Calvary Christian Church was demolished by officials of the UDA who arrived at the premises with a group of about 100 police officers including the OICs of the surrounding police stations. The UDA said the church was an unauthorised construction, which the Church denies. The Church was established in 1985, a permanent building was constructed in 2008 upon the authority of the Presidential Secretariat.⁷⁰

October 10, Kalutara, Kalutara district: A group of about 35 people allegedly led by 6 Buddhist monks entered the premises of the Four Square Gospel Church at about 10.25 a.m., disrupted worship services, assaulted the pastor and damaged furniture and musical instruments, The Church lodged a complaint with the Kalutara North police station (Police Entry No: CIB 1 09/116), and filed a case with the Kalutara Magistrates Court.⁷¹

Last week of October 2010, Bulathkohupitiya, Kegalle district: An unidentified group of people are alleged to have entered the premises of the Assembly of God Church while the pastor was away and set fire to the chairs and mats used by the congregation. The pastor and the congregation have reportedly faced threats on a previous occasion on October 24, 2010.⁷²

2011

January 23, Middeniya, Hambantota district: Unidentified people broke the windows of this Assembly of God Church. A complaint has reportedly been filed with local police. The pastor and his family, who were inside at the time of attack, were previously targeted in July 2008, when assailants set their house ablaze following threats to him and his church.⁷³

March 07, Ingiriya, Kalutara district: An unidentified group of people are alleged to have thrown stones at the Christian Fellowship Church around 1pm, while the Kalutara Pastors Fellowship meeting was going on. The roof of the building was reported to have sustained damage.⁷⁴

June 05, Mahawewa, Marawila, Puttalam district: The Prayer Tower Church premises was desecrated by human excrement, by unidentified persons in the early hours of the day. Later that morning, a group of about 200 people are alleged to have forcefully entered the church and threatened the pastor and congregation. Police filed action against the attackers and the church on account of breach of peace in the Marawila Magistrates court.⁷⁵

⁶⁹ Ibid

⁷⁰ Records from the NCEASL; Also 2010 Report on International Religious Freedom – Sri Lanka, United States Department of State, Bureau of Democracy, Human Rights and Labour, 17 November 2010

⁷¹ Records from NCEASL; Also 2011 Report on International Religious Freedom – Sri Lanka, United States Department of State, Bureau of Democracy, Human Rights and Labour, 30 July 2012

⁷² Records from the NCEASL

⁷³ ibid

⁷⁴ ibid

⁷⁵ Records from the NCEASL

August 1, Mahawewa, Chilaw, Puttalam district: A group of unidentified people are alleged to have broken into the Prayer Tower Church and stolen Christian books and literature from a cupboard inside the church.⁷⁶

2012

March 11, Kotiyakumbara, Kegalle district: The Assembly of God church was stoned by unidentified assailants at approximately 12 a.m., causing damage to the roof. Police entry number CIB 11/142154.⁷⁷

April 29, Kanniya, Trincomalee District: A cross at the front of the Holy Prayer Chapel was damaged and the Pastor threatened, allegedly by a group of people that included four Buddhist monks.⁷⁸

May 13, Madampe, Puttalam district: A group of about 100 people including a Buddhist monk are alleged to have entered the Calvary Pamula Namaskara Sabhawa Church while it was engaged in Sunday worship services, assaulted church members and damaged furniture and the building. Following the incident the police have reportedly advised that worship services be discontinued. The Pastor had agreed. No arrests have been made at the time of this report.⁷⁹

June 8, Mahawewa, Puttalam district: A group of about 30 people entered the Prayer Tower Church premises and caused damage. Prayer services were cancelled the following Sunday. The police, members of the Pradeshiya Sabha and Catholic clergy are reported to have appealed to the pastor and the accused to resolve the matter peacefully and not have charges filed against the attackers. They could not reach an agreement and two cases were filed by the police against seven suspects with regards to assault, damage to vehicles and theft.⁸⁰

July 29, Darga Town, Aluthgama, Galle district: A group of about 50 people including 15 Buddhist monks are alleged to have disrupted Sunday worship services, damaged furniture and stolen books and money at the Assembly of God church. The police reportedly arrived an hour and a half later. The Police informed the Pastor that he was in breach of a circular issued by the Ministry of Religious Affairs and was instructed to supply a letter of authorisation from the Ministry within 14 days.⁸¹

August 19, Deniyaya, Matara district: A group of about 30 people with two Buddhist monks are alleged to have forcefully entered the Seventh Day Adventist Church around 3.30pm, torn down the banner of the church and replaced it with Buddhist flags and banners. The pulpit and benches of the church were reportedly removed and the monks declared the premises to be a place of Buddhist worship and occupied it. A police complaint (285/200/CIB 3) was made.⁸²

October 27, Balangoda, Ratnapura District: A group of about 15 people including members of the Buddhist clergy are alleged to have entered the premises of the Siloam Evangelical Mission and destroyed the name board of the church. The group is also reported to have verbally threatened the pastor who was

⁷⁶ ibid

⁷⁷ Ibid

⁷⁸ ibid

⁷⁹ ibid

⁸⁰ ibid

⁸¹ ibid

⁸² Based on reports from NCEASL as well as reports from interviews with members of a mainstream Christian organisation in October 2012

not present at the time. The pastor reported the incident to the police, who informed him that he could continue with worship services. The Church has been in operation since 1995.

October 28, Ethangama, Kalutara District: At about 9.30am, a group of people allegedly led by 5 Buddhist monks entered the premises of the Jesus With Us Prayer Ministry church and objected to services being held. Chairs were reported to have been dashed on the ground and two church members assaulted.

November 25, Morakottanchenai, Batticaloa District: A temporary shelter used by the Living Voice of Life Church was damaged by unidentified people, the door locks broken and the door damaged. A congregation of about 100 people attends the church.

December 09, Weeraketiya, Hambantota district: A group of about 1,000 people including Buddhist clergy are alleged to have attacked the Jeevanalokaya Sabhawa Church, causing damage to church equipment, furniture and vehicles. The pastor of the church is also reported to have been assaulted. Two police officers who were present were also reported to have been assaulted by the group.⁸³

2013

January 29, Ratnapura, Ratnapura District: At about 6.45pm, three Buddhist monks are reported to have entered the premises of the New Life Church in Ratnapura and damaged the name board of the church.⁸⁴

Trends in Attacks and Related Incidents

The majority of cases reported publicly and in this report relate to attacks against Evangelical Christians, while most of the attacks are concentrated in the Southern and Central provinces of the country. In comparison to the more widespread attacks on Evangelical churches, the attacks on other Christian denominations appear fewer and more isolated.⁸⁵ However, statues adjoining Catholic churches, as well as those located in public spaces, have been vandalised, some of these in areas considered important by Buddhist communities, such as Polonnaruwa and Minneriya.⁸⁶ The fact that there are incidents reported in the media and to the authorities raises serious issues relating to religious freedom, peace and the rule of law in the post-war context.

⁸³ Tamil Guardian, Monks Attack Pastor and Vandalise Church, 10 January 2013: <http://www.tamilguardian.com/article.asp?articleid=6555>; Also, records from the NCEASL

⁸⁴ Records from the NCEASL

⁸⁵ Interviews were held with members of mainstream Christian denominations, but there were limited records kept of attacks on religious places after the war. International Religious Freedom Report 2009, Bureau of Democracy, Human Rights and Labour, 26 October 2009

⁸⁶ For instance in the Catholic Convent Prasadani in Minneriya, The Catholic National Association of the Laity reported that a 10 year old statue of Jesus Christ in the premises was vandalised: International Religious Freedom Report 2009, Bureau of Democracy, Human Rights and Labour, 26 October 2009; On 26 October 2012, in Uppuveli Trincomalee district, unidentified person/s damaged a Catholic statue near the Uppuveli police station: Information obtained from a Catholic priest in Trincomalee; 'Sri Lanka: Church vandalised in Trincomalee, mosque burnt in Anuradapura' Vivalanka.com, 27 October 2012: (<http://www.vivalanka.com/newspage/360931ai-sri-lanka-church-vandalized-trincomalee-mosque-burnt-Anuradapura>)

In several cases, the attack on a place of worship is accompanied by other acts of violence and threats, including physical attacks on the homes of Christian clergy and/or members of the church congregation.⁸⁷ In the period following the end of the war, there have been at least 22 cases reported of priests and pastors being physically assaulted - all of them from Evangelical Christian churches.⁸⁸ In addition to physical assault, threats and harassment of pastors, there have also been such incidents also against their families and members of congregations.⁸⁹ In some cases, church authorities and members of Christian clergy have reported multiple threats and attacks to themselves and places of worship. For instance, the Calvary Worship Centre was attacked four times prior to December 2009.⁹⁰ In this report each of these attacks on individual places of worship has not been counted as separate incidents.

Most of the reported cases of mob attacks on churches in the post-war context have been reported from the South, concentrated in particular districts including Gampaha, Kalutara, Puttalam, Colombo and Matara. The perpetrators in the incidents are not known in all the cases but there are several attacks in which Buddhist clergy are alleged to have been involved, as part of mobs responsible for the attacks. Mob violence is a common source of violence faced by the Evangelical community. For instance, a community centre being constructed by the Methodist Church in Mawathawewa, Anuradhapura was damaged on the 25th of November 2009, allegedly by a mob of about 100 people from the Nallamaduwa village.⁹¹ Some of the attacks on churches have been justified by the perpetrators as an

⁸⁷ For instance, on February 22 2012, the gate of the residence of the pastor from the Assembly of God Church in Ambalangoda, Galle district was vandalised. Unidentified people had written a warning message 'not to incite the village' and drawn a skull and crossbones. (Source: Documents from NCEASL). This was one of a series of threats, intimidation and attacks leveled at the same church, including a physical assault on the pastor on February 20, 2012. On January 16, 2010, the house of the pastor from the Pentecostal Assembly of Sri Lanka in Mathugama, Kalutara was allegedly set on fire.

⁸⁸ Deniyaya, Matara - On 9 August 2012, a pastor and his wife from the Assemblies of God Church were allegedly attacked by a group of 40 people including five Buddhist monks and a member of the Pradeshiya Sabha who arrived in a truck and three trishaws. According to reports, the pastor was beaten, accused of spreading Christianity and threatened him with death if he did not stop. The pastor and his wife's national identity cards, mobile phone and Bible were also reported stolen. A complaint was made to the police regarding the assault. (NCEASL)

Radawana, Gampaha district - On 25 July 2010 the pastor and his wife from the Church of the Foursquare Gospel in were physically assaulted by four men, and doused with engine oil. A complaint was made to the local police, but no arrests were made. On 1 August 2010, the pastor was summoned to the police station and questioned on the registration of the church, following a complaint by a Buddhist monk. (NCEASL).

Pannala, Kurunegala district - On 25 March 2009, an assistant pastor and worker attached to the Vineyard Community church were attacked with a machete and sustained serious injuries. A complaint was made to the Pannala police - CIB 100/509 - and a man by the name of Mahinda Dharmasiri Muthuarachchi was arrested and later released on bail (NCEASL)

⁸⁹ Darga Town, Aluthgama, Galle district - On 22 July 2012, two female church workers from the Assemblies of God Church were reportedly visiting the home of a church member in Warapitiya. A mob of 20 people allegedly dragged the women out of the house and took them by force to the Buddhist temple in the village where they were questioned by Buddhist monks and accused of attempting to convert Buddhists. The police were informed of the incident, they advised both parties to maintain the peace (NCEASL)

Galkulana, Anuradhapura district - On 8 May 2011, a Christian family from the area was allegedly visited by a group of men including a Buddhist monk demanding that they observe 'sil' a Buddhist religious practice, and told that if they didn't comply, they would be evicted from their home. The family lodged a complaint with the Thirappane police - Entry Number: 312/90 1

⁹⁰ See case in list of attacks on religious places. Source: NCEASL. Multiple attacks on the same place has not been considered as separate attacks in this report

attack against illegal or unauthorised structures, and Government regulations have been used to support these claims.⁹² Attacks have not been restricted to areas where Sinhala Buddhist form a majority, but were also observed in other areas such as Mannar, Trincomalee and Batticaloa. In some of these cases the perpetrators are believed to be from the Tamil community.

Other Perceptions of Threat and Insecurity

Apart from direct attacks on churches, there are several other sources of fear and insecurity among Christians in Sri Lanka that must be noted, many of which relate to restrictions on religious practice.

Apprehensions and fears in the South: Even while the target of violence against Christians in the South is focused on Evangelical groups, other Christian denominations have their own apprehensions. An interview with a Catholic priest in Kandy for this report indicated that, while religious freedom has improved to an extent, from a Christian perspective there continues to be a general climate of control and restriction on religion:

"We censor ourselves because we fear that it will cause problems. We get permission to do everything so that we don't face any problems. Freedom should be the same for everyone, but it is not. The police have come and asked us questions about what programmes we are conducting, who is coming, when even 25-30 people gather here. They have asked us for details of all programmes we conduct for the estate people. In a way freedom has increased, but there is still tension."⁹³

In this sense the source of fear is not just the majority community but also the State due to the Government's intolerance for dissent and its willingness to allow for groups and individuals to flout the rule of law.

Indirect harassment has been reported from villages in some predominantly Sinhala-Buddhist districts and areas considered 'sacred' to Buddhists. For example in some villages in Tantrimale, Anuradhapura, villagers who have converted to Christianity face loss of membership from influential community organisations such as the 'Maranadhara Samithiyas' or funeral welfare societies. Traditionally run by Buddhist clergy of the village or area, Christian villagers are denied benefits of membership and report being harassed

⁹¹ Records obtained from the NCEASL

⁹² For instance, the use of Urban Development Authority regulations passed in 2008 that requires the consent of two thirds of people living within a half a kilometer radius for new construction within areas designated as urban development areas. This rule could be used by law to restrict expansion of an existing place of worship in a designated area, but not remove an existing place of worship.

⁹³ Interview with a Catholic priest from the Kandy district, November 2012

by clergy and villagers who do not let them carry out Christian funeral rites. "We have been told that Tantrimale is a Buddhist area and no other religion can do anything here."⁹⁴ While the majority of attacks on places of religious worship have been in areas outside the North and East, Evangelical groups also complain of harassment in the North and the East from hostile groups, including in Mannar and Batticaloa which has seen at least two attacks since the end of the war.⁹⁵

There have also been individual cases of harassment and intimidation of Christian children in schools which are predominantly Buddhist. For instance, an incident was reported from Mahanama College in Getambe Kandy where a 14 year old Roman Catholic student was physically assaulted by a teaching Buddhist monk Venerable Rahula Thero on June 11th 2012 for not knowing the names of the parents of Lord Buddha.⁹⁶ It needs to be noted that there are complaints from children and parents of harassment based on religion in schools associated with other religions or denominations. For instance, on July 24th 2012 in Karukkuwa College, a Roman Catholic school in Madampe, Puttalam district, the Deputy Principal of the school reportedly asked Protestant Christian students to line up and 20 children were allegedly subjected to corporal punishment, and scolded for being non-Roman Catholic.⁹⁷

Challenges for non-traditional churches: In terms of the Constitution and legal regime there are safeguards to protect religious freedom and a number of Christian groups pointed out that they face no serious legal hurdles to the enjoyment of their religious rights. However, some groups, particularly the Evangelicals reported a series of problems that they have faced on the ground. In addition to facing attacks and specific instances of prevention of access to churches by mobs,⁹⁸ some communities face restrictions in the

⁹⁴ Interview with a Pastor from the Methodist Church in Anuradhapura, October 2012

⁹⁵ See list of attacks on page 35.

⁹⁶ The boy was reportedly assaulted until he was bleeding from his ear. He was warned by the monk and another teacher to not inform anyone about the assault. He was later admitted to the Kandy Teaching Hospital for treatment. A complaint was filed with the Kandy Police (Complaint Number:WCIB 1/84/16). In a circular (2009/10) Sri Lanka's Department of Education has ruled that children of faiths other than the predominant religion have the right to learn their own religious teachings, abide by the codes of their religious practices and sit for school exams. (Interview with Catholic Priest associated with the case, November 2012; 'A 14-years-old student is tortured by a Buddhist monk for refusing to learn Buddhism,' Asian Human Rights Commission as reported in the Colombo Telegraph, 15 June 2012).

In another incident in the Kalutara district, a 14-year old school girl from Kalutara Nagoda Vidyalaya attending the Church of the Foursquare Gospel was allegedly told to stop attending church and attend 'Daham Pasala' at the Buddhist temple by a Buddhist monk from the area. (NCEASL)

⁹⁷ Records obtained from the NCEASL

⁹⁸ Madampe, Puttalam district – On 27 May 2012, the road leading to the Calvary Pamula Namaskara Sabhawa church was obstructed with rocks and ropes, preventing worshippers from accessing the church. The incident was reported to the police. On June 8, 2012, three families who had attended a prayer meeting at the same church were allegedly accosted by a mob of people while on the way back home. Their vehicle was reportedly attacked by ten armed people damaging the windows, and the driver of the vehicle was beaten. The police were informed; no arrests were made (NCEASL).

building of new places of worship. Non-traditional churches point to a lack of recognition in the formal regulatory structure for religions in Sri Lanka. Matters pertaining to Christian religious affairs are handled by the Department of Christian Affairs, which comes under the Ministry of Buddha Sasana and Religious Affairs. However, the Department allegedly only recognises already established representative bodies such as the National Christian Council or the Catholic Bishops Conference, for administrative and other requirements. Evangelical groups allege that the Central Government has also been reluctant to register new churches, even as companies, while registration under the Societies and Trust Ordinance limits the ability of these churches to conduct certain financial transactions. As such, these regulations appear to affect newer Christian denominations rather than established Roman Catholic and Protestant denominations. Unlike the Catholic and Anglican churches, which have a clear hierarchy and have a longer history in the country, Evangelical churches are viewed with more suspicion and are often seen as amorphous groups operating without any official sanction. However, the Methodist Church has also reported difficulties in obtaining planning permission for even non-church buildings such as children's schools, if the applicant for permission is affiliated to a religious organisation.⁹⁹ Interviews for this report also indicate a problem of securing approval for new constructions at local government level.

Evangelical groups have said that parallel to cases of violence, the authorities and powerful Buddhist actors are using more subtle means of intimidation and restriction, including the use of existing laws and regulations.¹⁰⁰ These groups point to various instances when regulations, relating to noise pollution and urban development, among others have been used to prevent or constrain Evangelical groups from constructing places of religious worship and practicing their faith. For instance, the Circular issued by the then Religious Affairs and Moral Upliftment in November 2008 requires 'permission' from the Ministry for construction of a new religious place of worship.¹⁰¹ This Circular, discussed earlier in this report, has allegedly been used to question the legality of religious places, both new and existing. There is no requirement for religious places to register with an authority in Sri Lanka, neither is there a legal provision for a Government office to provide permission for the functioning of religious places.¹⁰² According to Evangelical groups, letters from the Ministry of Buddha Sasana and Religious Affairs are also required for churches to register with the Registrar of Marriages to conduct marriage ceremonies, and by the UDA to obtain building permits for expansion of church premises.¹⁰³ The possibility of anti-conversion

⁹⁹ Interview with a representative of the Methodist Church, September 2012

¹⁰⁰ Interview with an official of the NCEASL, August 2012

¹⁰¹ This applies to all religious places of worship constructed after 2008.

¹⁰² Interview with official at Department of Buddhist Affairs, September 2012

legislation is an additional concern for non-traditional churches. However the proselytizing by the Evangelical churches is seen as a serious challenge for the Catholic Church in particular as well as other Protestant groups.

Challenges in the North and East: During the war, the overall security situation created serious problems for exercising of religious freedoms for Christian communities in the North and East. There were also specific issues, including the violence against Christian clergy, especially the killing of priests,¹⁰⁴ and attacks against and the occupation of religious places of worship.¹⁰⁵ In the post-war context, a key issue that has been reported is continuing restrictions on access to churches in areas that remain closed off by the military, as well as specific challenges relating to religious worship. While the military has over the last three years released land and improved access to places that it continues to occupy, military encroachment on land, including church land, has been flagged as an issue in the North including the HSZ in Jaffna, and areas still closed off in Mullaitivu and in Mannar. In Mullikulam in the Mannar district for instance, the Catholic Church has been opened only for Sunday Mass and the military reportedly continues to occupy surrounding lands, of which the Catholic Church in Mannar says it has legal ownership.¹⁰⁶ There are reportedly 15 churches and at least 3 parishes within the Palaly HSZ that are still off-limits to civilians. Continued military occupation has also meant that internally displaced people (due to the war) have not been able to resettle here.¹⁰⁷ The Catholic church of Mannar has also claimed that part of the land belonging to St. Anthony's church in Kalladi is still under military occupation.¹⁰⁸

There are also restrictions on worship in the North. Churches report restrictions on conducting services during the anniversary of the end of the war (May), and in the last week or so of November, which was celebrated as 'heroes' (Maaveerar) week under the LTTE.

"We are still under army control, and on these special days, they don't like it and for them it is a terrorist function. But people want to do a mass for the souls of their

¹⁰³ Refer case in list on page 35, Calvary Christian Church, Rajagiriya, 24 June 24 2010

¹⁰⁴ Rev. Fr. Nicholaspillai Packiyaranjith a priest working for Jesuit Refugee Service was killed on 26 September 2007 while Fr. Thiruchelvam Nihal Jim Brown a Catholic Priest serving in the Jaffna Diocese disappeared on 20 August 2006.

¹⁰⁵ For instance the artillery attack on the St. Philip Neri Church in Allaipiddy, Jaffna on 13 August 2006; the attack killed 15 people and injured 54.

¹⁰⁶ Interview with a member of the Catholic clergy in Mannar; Ruki, "The struggle to go home in post war Sri Lanka: The story of Mullikulam," Groundviews, 01 August 2012, <http://groundviews.org/2012/08/01/the-struggle-to-go-home-in-post-war-sri-lanka-the-story-of-mullikulam/>

¹⁰⁷ 'Appalling Conditions of 'Resettled' Tamil IDP's in the Wannai,' dbsjeyaraj blog, 24 October 2012, <http://dbsjeyaraj.com/dbsj/archives/11895>; 'Soldiers Occupying Homes of Displaced Prevents Resettlement of IDP's,' Sri Lanka Brief, 07 October 2012.

¹⁰⁸ Interview with a member of the Catholic clergy in Mannar in October 2012

*children and loved ones. But the military comes and asks us why are you ringing bells?
But we continue to do it."*¹⁰⁹

Christian clergy interviewed for this report say they have been asked not to ring bells, light candles or conduct any worship services during this period.

*We are not relaxed around the time of the May and November celebrations. Even if we have regular mass, we are asked not to celebrate or hold services. In May (2012) we had a service because our priest died, and we faced issues of military coming and saying not to have the service."*¹¹⁰

The Director of the Commission for Justice and Peace of the Catholic Diocese of Jaffna in a public statement on August 7th 2012 outlined restrictions on religious worship including the holding of prayer services held for war victims in the North and cited "undue interference by the military."¹¹¹ There have also been reports of harassment of individual priests. While in some this may be due to their involvement in work perceived to be political or threatening to the Government, in some cases this may be linked to performing religious worship. Following an inter-faith prayer service for all war victims held on the first anniversary of the end of the war, Catholic Priest from the Jaffna Diocese, and an organiser of the event, Father Jeyasekaram was reportedly interrogated and warned and his National Identity Card was subsequently confiscated.¹¹² Several religious actors have expressed concern at continued militarisation in the post-war context, and military intervention in cultural and religious affairs. Interviews for this report also indicate a discontent at the proliferation of Buddhist related religious symbols and structures in the North in areas where few Buddhists live:

*"The Muslim communities are coming back slowly after the war and people are not showing discomfort about it when mosques are put up. But when we see Buddhist temples coming up but no Buddhist community, there is ill-feeling."*¹¹³

This concern of the resurgence of Buddhist symbols and temples appearing in the North and East was raised by members of the Christian clergy in the region and also by other minority religious groups.

¹⁰⁹ Interview with a Catholic Priest in Jaffna in October 2012.

¹¹⁰ Interview with Catholic priest, Killinochchi in October 2012

¹¹¹ Director, 'A statement: Commission For Justice and Peace of the Catholic Diocese of Jaffna', Colombo Telegraph, 7 August 2012 : <http://www.colombotelegraph.com/index.php/a-statement-commission-for-justice-and-peace-of-the-catholic-diocese-of-jaffna/>

¹¹² Ibid

¹¹³ Ibid

Response to Attacks

While it is difficult to generalise the response by the Government to attacks on Christian places of worship, in a number of interviews with groups affected by the violence they made clear that reactions varied. In a number of cases there appeared to be some follow-up by the authorities, even if the response was perceived to be ineffective or resulted in scrutiny and questioning of the Christian group by the authorities. At a national level in most cases there has been no official response to these attacks in terms of a public statement by a Cabinet Minister or the President condemning violence. Where there have been public responses they have been contradictory at best. For instance, in April 2009, Minister Rohitha Abeygunawardene, MP for the Kalutara District is reported to have informed Pastor Stanley Royston of the Assembly of God Church (AOG) in Kalutara¹¹⁴ that it was the official stance of the Government that churches must close down unless they are registered with the Ministry of Cultural Affairs.¹¹⁵ However, at a subsequent meeting between AOG Church officials and Senior Presidential Advisor and Minister for Economic Development, Basil Rajapaksa, the latter had said that churches did not require registration and that attacks on churches would be dealt with.¹¹⁶ In spite of this, as evident in this report, attacks on religious places have continued without official condemnation of the spate of incidents, or even comment. This in turn creates the impression that there is no official response condemning the violence or even a degree of tacit support for the violence either through indirect political influence or little definitive action being taken to resolve disputes and prevent recurrence.

Some Christian groups noted that they have raised issues of violence and military occupation of churches with various actors within Government. In the interviews it was also noted by some government actors to those raising issues of violence and threats that they had not received adequate information on such incidents. At local government level, there are claims that responses by police have varied from case to case, ranging from prompt action, to being unable to take action due to political or other pressure, to refusing to record a police complaint and tacitly supporting some attacks.¹¹⁷ The police in some incidents of mob attack have demanded that priests show authorisation from the relevant authorities relating to the legality of the church building. This has been the experience of Evangelical Churches in particular. While it is possible that some Evangelical churches may not be following the exact procedures, it needs to be noted that there is no legal

¹¹⁴ The Church has been functioning for more than 60 years and had faced prior attacks.

¹¹⁵ Interview with a member of the NCEASL in Colombo, August 2012

¹¹⁶ International Religious Freedom Report 2009, US Department of State, Bureau of Democracy, Human Rights, and Labour, 26 October 2009

¹¹⁷ Interviews with Christian religious organisations and Christian clergy between August and October 2012

requirement to register a religious place, although new construction after 2008 requires authorisation from the Ministry of Buddha Sasana and Religious Affairs.¹¹⁸

Although police reports have been filed in many of the cases of attack, arrests have been made only in few specific incidents. However there have been some instances of positive judicial and police action at local level in some cases. In specific instances churches and prayer centres have suspended services due to fears of further attacks. There have been reported cases where Government officials and politically connected individuals were directly involved in attacks on Christian churches. A failure to implement rule of law and prosecute those responsible for attacks, has contributed to a recurring cycle of violence.

*"The question is, 'who is the government in an issue?' At national level it is the President and the Cabinet, but at local level it is local government officials. In some cases it is the security forces. What happens may not reflect the official government viewpoint but there is no clear indication from the government, and people are given a blank sheet to do what they like."*¹¹⁹

In the case of former war zones, military presence and involvement in civilian affairs has been questioned: "The war is over, why are they [the military] here? They are interfering with people's basic human rights."¹²⁰

There is a general attempt by traditional churches to resolve issues through mediation at local level, and/or through representation at the highest levels of Government. Groups representing Evangelical churches say they do not want to set a precedent of addressing religious tensions through political favours and have instead called for more long-term solutions to ensure safety to practice their faith, social tolerance and religious equality.¹²¹ They have also called for greater recognition at institutional level. Strikingly there are a few members of parliament who happen to be Evangelical but they have been cautious in raising the issue as they do not want to risk being labelled and becoming the target of other politicians, the media, both State and private, and Buddhist nationalist groups. This in turn highlights the vulnerability of Evangelical groups who are also wary of being seen to be too vocal in the domestic context as the general public is not supportive. For instance, in terms of media coverage, attacks on Evangelical places of worship do not always get highlighted. Limited coverage is available in the English and Tamil media while the Sinhala media tends to largely ignore the issue.

¹¹⁸ See section on legal framework governing places of religious worship on page --

¹¹⁹ Interview with member of the National Christian Council, October 2012

¹²⁰ Interview with a member of the Catholic clergy in the North, October 2012

¹²¹ Interview with the NCEASL, August 2012

In comparison, the Catholic Church has more access to the authorities but there is a divergence in position between the southern and north-eastern churches. The former, at an official level at least, tends to be more cautious on how it raises such issues, preferring quiet engagement. Hence it was a challenge to obtain information about incidents. In at least one instance, CPA was told by an official from the Catholic Church that there were no incidents of violence or restrictions on churches, and there was no need for any reporting of such incidents to NGOs.¹²² In comparison clergy from the North and East provided experiences of intimidation, cases of occupation of churches and incidents. Members of the Catholic Church from the North and East did note that there have been gradual improvements in terms of the release of churches and church land occupied by the military. However, they also noted the heavy influence and even intimidation by the military, which they feel along with other issues including past and current human rights issues do not get highlighted by the national Catholic Church that is dominated by Southern clergymen. It needs to be noted that the non-Evangelical churches have not tended to be vocal on the attacks on Evangelical churches. Catholic clergy in Sri Lanka have expressed concern over 'unethical' conversions, and have publicly called for an alliance with Buddhists to deal with what they consider a threat to Catholicism. The Archbishop of Colombo Cardinal Malcolm Ranjith has reportedly called for an inter-religious committee with Buddhists to monitor and decide whether to approve the activities of evangelical churches to prevent religious conflict between Buddhists and Christians.¹²³ In this sense it is clear that even within the Christian community there are significant differences as to how the problem of violence against sections of the community will be dealt with.

¹²² Phone conversation to request interview a representative of the Catholic Church, August 2012

¹²³ Gianni Valente, 'Sri Lanka's Cardinal and the Buddhist-Catholic Axis, Vatican Insider, 11 November, 2011 <http://vaticaninsider.lastampa.it/en/world-news/detail/articolo/sri-lanka-cristiani-christians-cristianos-9858/>
'Evangelical 'conversions' cause concern: Cardinal calls for government committee to monitor activities of new churches', UCA News, 7 November 2011: <http://www.ucanews.com/news/evangelical-conversions-cause-concern/34717>

Attacks against Muslim Religious Places

For the Muslim community, particularly in the North, the end of war offered them an opportunity to rebuild their communities and enjoy their full rights, including religious freedom. While in some areas the post-war period has offered the space for reconstruction and religious revival, there have been a number of incidents of violence, intimidation and hate speech against Muslims. These include attacks on physical structures such as mosques, shrines and Islamic religious schools or 'madrasas,' that have been damaged or destroyed. In addition prayer services have been disrupted, protests have been held outside religious places, and people have been warned not to pray in some centres and hate speech has been disseminated through handbills, leaflets and websites.

During the war, insecurities for the Muslim community stemmed from multiple sources. These included the LTTE, the Government, other actors both political and non-political from broader society and groups within the community. As interviewees noted, some of these insecurities have vanished post-war while others continue to exist in a general climate of apprehension and even fear. These acts of violence take place in a context where Muslims feel that certain parts of the country have become more hostile to them and that they are observed with greater suspicion:

There has been a systematic campaign against Muslims with slogans and against the right to observe religious practices. There has been a lot of religious hatred and accusations that Muslims should return to their 'motherland'.¹²⁴

The nature of attacks on Muslim (as well as Christian) places of worship differs markedly from attacks against Buddhist and Hindu religious places. In some cases the perpetrators have been very open about their motives for targeting a place of worship. These attacks are part of a broader anti-Muslim agenda, predominantly from Sinhala-Buddhist groups. Recent months have seen an intensification of the anti-Muslim campaign, including the call for boycott of Muslim-owned shops and halal products. It needs to be noted that the attacks on religious places are sometimes tied to socio-economic and political interests, including over land.

The list of attacks on Muslim religious places discussed here are not exhaustive. There have been limited records of attacks maintained by some individuals and organisations, with some cases receiving media publicity. There is also very limited discussion of intra-community violence and intimidation, which is a serious issue that needs to be addressed.

¹²⁴ The term motherland in reference to Muslims has often been used as part of hate-speech to mean Muslim countries, indicating that Muslims have no place in Sri Lanka (Interview with an official of a Muslim aid organisation, October 2012).

List of Attacks on Muslim Places of Worship

2009
<p>July 25, Beruwala, Kalutara district: Two rival Muslim groups from the Tawheed and Tariqa groups clashed at the Rahuman Masjid Buhari Mosque in Beruwela during a traditional feast, leaving two dead, 40 people injured and the historic Buhari Mosque damaged. The clashes erupted over critical remarks made by an Imam at the Mosque, which is associated with the Tariqa group, against the Tawheed group. As many as 131 suspects were arrested following the attack. A police curfew was imposed in certain areas of Beruwela from 6am the next day for 24 hours.¹²⁵</p>
2011
<p>September 9, Anuradhapura town, Anuradhapura district: A 300 year old Muslim shrine was destroyed by a mob of over a 100 people reportedly led by Buddhist monks. The destruction was widely reported as being spearheaded by a Buddhist monk Venerable Amatha Dhamma Thero who is quoted as saying that the shrine was destroyed because local Muslims were trying to turn the shrine into a Mosque, and that the shrine was on land given to the Sinhala Buddhists 2,000 years ago. Photographic evidence shows police present at the incident but they did not intervene to stop the attack. The police claimed that they were not present and that they did not receive any complaints.¹²⁶</p>
2012
<p>April 20, Dambulla, Matale district: A group of about 2,000 people allegedly led by the Mahanayaka of the Rangiri Dambulla Chapter Venerable Inamaluwe Sumangala Thero, forcefully entered the 50 year old Masjidul Kairiya Mosque, which the group claimed was illegal. Friday prayers at the mosque had to be abandoned, and the mosque was evacuated under police protection. The mosque was reported to have then been vandalised - copies of the Quran and the cupboards they were kept in were said to have been damaged. The mosque also came under a petrol bomb attack in the early hours of the morning preceding the mob violence. There were no casualties but the building was reported to have been slightly damaged. Trustees of the Mosque say they have legal documents relating to its construction. Although the Mosque is said to have been at the site for 60 years, it was registered just a few years ago. Sri Lanka's Prime Minister and Minister of Religious Affairs D.M. Jayaratne ordered the Mosque to be relocated following the attack.¹²⁷ Residents living in the area were since issued letters in September 2012 by the Urban Development Authority to vacate as their houses were within a designated sacred area. According to the letter, alternate lands were to be provided along the Kandalama Road in Polwatta. Notice had been issued to 52 houses and 23 shops.¹²⁸</p>
<p>May 25, Dehiwela, Colombo district: Over 250 protesters allegedly led by some Buddhist monks staged a</p>

¹²⁵ R. Wijewardene, 'Schism', The Sunday Leader, 2 August 2009: <http://www.thesundayleader.lk/20090802/spotlight-1.htm>; Norman Palihawadana, 'Saturday's attack on Masjidul Rahuman mosque in Beruwela history created as 131 remanded for one incident,' Island, 28 July 2009, <http://www.island.lk/2009/07/28/news1.html>

¹²⁶ 'Sri Lanka Buddhist Monks Destroy Muslim Shrine,' BBC, 15 September 2011, <http://www.bbc.co.uk/news/world-south-asia-14926002>;

¹²⁷ 'Deeds of mosque in Dambulla and photos of damage: How is this structure illegal?', Groundviews, 24 April 2012, <http://groundviews.org/2012/04/24/deed-of-mosque-in-dambulla-and-photos-of-damage-how-is-this-structure-illegal/>; 'Sri Lanka Buddhists disrupt mosque prayers', Al Jazeera, 20 April 2012, <http://www.aljazeera.com/news/asia/2012/04/2012420105329861814.html>; 'Sri Lanka mosque forced to abandon prayers by protesters', BBC, 20 April 2012, <http://www.bbc.co.uk/news/world-asia-17781372>

¹²⁸ Azra Ameen, 'Dambulla Residents Eviction Order,' Ceylon Today, 29 September 2012; 'Deeds of mosque in Dambulla and photos of damage: How is this structure illegal?', Groundviews, 24 April 2012, <http://groundviews.org/2012/04/24/deed-of-mosque-in-dambulla-and-photos-of-damage-how-is-this-structure-illegal/>

demonstration against Madrasa 'Darul- Qur'an lil Baranil Iman charging that it was illegal and a place where goats were sacrificed. The mob threw stones and rotten meat over the gate at the madarasa demanding its closure. A member of the Trustee Board of the Madrasa was quoted as saying that the location had been used for 13 years as a place used to teach children about the religion and that it has the required legal papers. The Dehiwela-Mt Lavinia Municipal Council said that they had received complaints from a group of Buddhist monks regarding the legality of the construction and it has summoned the centre to court.¹²⁹

August 12, Pāvākōdichchenai, Batticaloa district: The Mohideen Jumma Mosque in the Unnichai village was burned to the ground by a group at 3am, while houses in the area had also been damaged. There were accusations that TMVP cadres may be involved in the incident, although this is contested.¹³⁰

August 30, Kohilawatte, Wellampitiya, Colombo district: The Mohideen Jumma Mosque was attacked sustaining damage to the loudspeaker, sound system. The Muezzin and a trustee of the Mosque were also attacked. Police have reportedly arrested two people.¹³¹

October 26, Malwathu Oya, Sinha Hanuwa, Anuradhapura district: The inside of the Thakka Mosque at Malwathu Lane was burnt by unidentified people at about 2.30am on the day of the Eid-ul-Adha festival. A formal complaint was made to police by the trustees of the Mosque. On January 9th 2013, a group including Buddhist clergy carried out a protest demanding that the mosque be removed.¹³²

November 02, Thelumbugolla, Ridheegama Village, Kurunegala district: The Thakweeth Jama Ath Mosque begun by the Tawheed Jamaat in the Ridheegama village was damaged following clashes between its members and local people, who were also allegedly Muslims from the village. 18 people were reported to have been injured.¹³³

2013

January 31, Kandy Town, Kandy District: An unidentified person/group of people defaced a wall of the Meera Makkam mosque in Kandy town in the early hours of the morning on January 31st with an apparent threat against Muslims. Written on the wall were the words in Sinhala, "hariyata hitapang. Mehe Sinhala rata yako," (Loosely translated to "Behave properly! This is a Sinhala country, you devils"). Trustees of the mosque are reported to have made a complaint to the police.¹³⁴

¹²⁹ Joseph Hammond, 'Muslims Under Siege', Daily FT, 30 June 2012: <http://www.ft.lk/2012/06/30/muslims-under-siege/>; Azra Ameen, 'Buddhists monks and villages protest', Ceylon Today, 26 May 2012, <http://www.ceylontoday.lk/16-6873-news-detail-buddhists-monks-and-villages-protest.html>

¹³⁰ 'Steps take to renovate mosque and houses destroyed by fire', Lanka Sri, 13 August 2012; 'Mosque in Unnichchai set on fire,' (Translation from Tamil), Sudar Oli, 13 August 2012; Also, video source by 'Knowledge Box - Batticaloa Muslims Current Situation' at <http://www.youtube.com/watch?v=KjCAmBBCNqY>; Incident also confirmed by reports from Muslim religious organisations.

¹³¹ Interviews with religious and community organizations between September and October 2012

¹³² Lanka Sri, October 27, 2012 Mosque set on fire in Anuradhapura, and reports from a community member; Tamil Guardian, 'Buddhist Monks Demonstrate Demanding Removal of Mosque...Again,' 10 January 2013: <http://www.tamilguardian.com/article.asp?articleid=6788>;

¹³³ 'Clash between two groups damage a mosque,' (Translation from Tamil), Veerakesari, 3 November 2012; A photograph of the damaged mosque was also carried in the Veerakesari, 4 November 2012; Also, reports from Muslims interviewed for this report, September and October 2012.

¹³⁴ Information obtained from a Muslim aid organisation in February 2013

Trends in Attacks and Related Incidents

Physical attacks on Muslim religious places do not appear to be restricted to particular geographical locations, but all cases reported here have been outside the North, with Colombo and Anuradhapura districts recording more than one incident during this period. Some of the reported attacks have been preceded by threats and intimidation. In addition to the physical structures being damaged or even destroyed during these attacks,¹³⁵ prayer services have been disrupted, protests have been held outside religious places, and people have been warned not to pray in some centres. For instance, Buddhist monks from a temple in the area are alleged to have entered the Al Akram Mosque, Ariyawatte, Kurunegala mosque on May 25th 2012 and conducted Buddhist religious services inside.¹³⁶ In another incident, a group of people including a Buddhist monk are alleged to have entered the mosque - Makuluwewa Al-Akram Thakiya Mosque, Deduruoyagama in Wellawa Police Division and tried to prevent Muslims from performing religious observances during Ramazan on July 24th 2012. The IGP of the area was informed.¹³⁷ These incidents have taken place in a context that includes anti-Muslim protests and hate speech, which have been disseminated through handbills, leaflets and websites. Some of the mosques and shrines that have been attacked have been in existence for decades.

While investigations in many of these attacks are continuing, in some attacks, the perpetrators are not unknown and in others, groups have claimed responsibility. More than half of the attacks have allegedly been carried out by Buddhist groups, sometimes including members of the Buddhist clergy. Some of these groups have opposed religious structures of other faiths in the vicinity of Buddhist temples, in some public spaces considered sacred to Buddhists, as well as on private lands in areas perceived by them to be in areas that are predominantly Buddhist. For instance, the Sinhala Ravaya organisation have claimed responsibility for the attack on the shrine in Anuradhapura, as well as the attack on a mosque in Dehiwela, on their official website -www.sinhalaravaya.com. However as of January 30th 2013, this website no longer seems to function. However their Facebook page continues to be active.¹³⁸ Leaflets and handbills with inflammatory content and signed by 'clergy and laymen patriots' was distributed in 2011 weeks before the attack on a Muslim shrine in Anuradhapura. The leaflets call for a 'reawakening' of a Sinhala Buddhist nation, for mosques (and churches) established on 'Buddhist heritage sites' to be destroyed immediately, to stop animal slaughter, boycott Muslim shops and businesses,

¹³⁵ See table of attacks earlier in this chapter.

¹³⁶ Latheef Farook, 'Is Sri Lanka heading towards another July 83?', Sunday Times, 10 June 2012, http://www.sundaytimes.lk/120610/News/nws_50.html

¹³⁷ Interviews with community leaders and organisations, September and October 2012.

¹³⁸ <https://www.facebook.com/SinhalaRavaya>

and forbidding inter-marriage with Muslims. It also warns Muslims to be ready for a 'religious war.'¹³⁹ Hence, in some of these incidents it is important to take note of the wider context and the incidents preceding and after the incident to get a better understanding of what is happening and its impact. Of the eight cases listed here, three show a clear involvement of Sinhala Buddhist groups and Buddhist clergy, two are intra-religious attacks, in one case members of a Tamil political group are suspected, while in the remaining cases, perpetrators have not been identified, although there were incidents leading up to the incident or after in at least two of the cases where Buddhist groups had protested against the mosque.

As demonstrated in the list of incidents above, there have been a few incidents of intra-Muslim violence. The incidents of vandalism and violence reflect continuing tensions between mainstream Sunni Muslim groups and groups such as 'traditional Muslims,' Sufis or Ahmadiyyas. There have also been conflicts between factions that preach a more orthodox interpretation of Islam versus more moderate interpretations. For instance, more orthodox groups such as the Tawheed Jamaat have come under increased scrutiny, and even attack in some cases. Orthodox Islamic groups have been accused of trying to propagate an extremist interpretation of Islam, and of harassment and even violence against Muslims seen to be more Sufi or traditionalist.¹⁴⁰ The groups seen to be more 'traditional' have also been accused of harassment and intimidation of the orthodox groups. There are also individual cases of persons being harassed by orthodox groups in their communities for alleged actions or statements. On June 29th 2011 two girls in Kathankudy were subjected to violence at the Mosque Federation Building for reportedly looking at pornography in an internet café,¹⁴¹ a charge which they denied. The Mosque Federation subsequently retracted the allegations and exonerated the two girls in a public announcement, following a court order.¹⁴²

Some of the incidents reported appear to be triggered by perceived insult such as a visible flouting of religious customs, or a sermon seen as being offensive to the religious practices of one group. For instance, on August 26th 2012, a supermarket in Ukwatte, Galle district was set ablaze following clashes between two rival Muslim groups belonging to the Tawheed and Tariqa factions, over burial rites during a funeral. The authorities have on occasion become involved, particularly when the disputes turn violent. However they have also made other interventions. In early 2012, Sri Lanka's Department of Immigration

¹³⁹ Copies of the leaflets were obtained by the CPA.

¹⁴⁰ 'Unholy Tensions in Lanka's Muslim East,' The Sunday Times, 16 August 2009.

¹⁴¹ 'Sri Lanka mosques exonerate 'pornography girls',' BBC News South Asia, 29 June 2011, <http://www.bbc.co.uk/news/world-south-asia-13959901>

¹⁴² 'Sri Lanka mosques exonerate 'pornography girls',' BBC News South Asia, 29 June 2011, <http://www.bbc.co.uk/news/world-south-asia-13959901>

ordered 161 members of the Tablighi Jamaat group to leave the country for flouting visa regulations. There were also complaints that the preachers were not teaching a moderate form of Islam.¹⁴³ The Tablighi Jamaat group is known to be largely apolitical but preaches an orthodox interpretation of the religion. The Ahmadiyya movement, which saw an attack on its mosque in Negombo and two recorded incidents of its members being killed prior to the end of war,¹⁴⁴ has said that it has not suffered attacks on its places of worship in the post-war period.¹⁴⁵ In general it does appear that the incidents of violence within the Muslim community that is perceived to be intra-religious have relatively reduced when compared to a peak in 2006-2007.¹⁴⁶ However, this needs to also be viewed in light of difficulties in obtaining information on incidents of intra-religious violence.

Other Perceptions of Threat and Insecurity

Many of the concerns highlighted by interviewees and incidents that have taken place since May 2009 are not necessarily unique to the post-war period. While the threats faced by the Muslim community in terms of religious freedoms may be similar to other communities, both in terms of the scale and intensity of the incidents it appears that the last year in particular has seen an upsurge in violence and other challenges to the Muslim community, particularly in the South of the country.

Hate speech and anti-Muslim campaigns: However, interviews for this report indicate an emphasis on anti-Muslim rhetoric by individuals, clergy, and groups, in public and private media as well as online. Muslims have been accused of unethical conversions of people through education, inter-marriage and the organised purchase of land around Buddhist places of worship.¹⁴⁷ The Report of the Commission to Inquire into Unethical Conversions of Sri Lankan Buddhists¹⁴⁸ talks of a revival of fundamentalist Islam, which it says is evidenced by more Muslims adopting orthodox attire, among other developments.

¹⁴³ 'Sri Lanka expels 161 Muslim Preachers', BBC, 22 January 2012, <http://www.bbc.co.uk/news/world-asia-16675086>

¹⁴⁴ The Masjid Fazl mosque of the Ahmadiyya community in Periyamulla, Negombo was reportedly attacked by a group of mainstream Sunni Muslims from the area in 2007, and their worship services disrupted. The Ahmadiyya Jamaat Sri Lanka have also reported two incidents of its members being killed allegedly by Sunni Muslim groups – Shaheed Rasheed Ahmed on June 27, 1979 in Negombo and Shaheed Abdullah Niyas Ahmed on October 14, 2006, also in Negombo. The Ahmadiyya community has five branches in Colombo, Negombo, Pasyala, Puttalam and Polannaruwa.

¹⁴⁵ Interview with an official of the Ahmadiyya Muslim Jamaat, September 2012

¹⁴⁶ The limited cases also reflect a difficulty in obtaining information from minority Muslim sects and the number of incidents may or may not be higher than reported.

¹⁴⁷ Interviews with Buddhist clergy in September and October 2012

¹⁴⁸ *Report of the Commission appointed to Inquire and Report on the Conversion of Buddhists in Sri Lanka to Other Religions by Immoral and Fraudulent Means 2009*, (English translation published in 2012), All Ceylon Buddhists Congress.

Instances of anti-Muslim hate speech preceding attacks on mosques and other religious places were also discussed earlier. There have been posters both online and placards denigrating Muslim religious symbols. There have also been protests on international issues where Muslims are alleged to be involved in violence against Buddhists in other countries but also on local issues. On October 25th 2012 Bodu Bala Sena conducted a protest in Badulla town against the conversion and vandalism of Buddhist heritage in Bangladesh and the threat to Bodh Gaya, India by the Mujahideen terrorist group.

This anti-Muslim campaign manifested in a variety of ways, with a number of Sinhala Buddhist groups playing a very public role. The radical Sinhala-Buddhist group Bodhu Bala Sena led by Buddhist clergy have openly called for a boycott of 'halal' consumer products, which are associated with Muslims. General Secretary of the Bodhu Bala Sena Venerable Galagodaththe Gnanasara is quoted as saying that "if Muslim people want halal goods they can buy it from their mosque," and have threatened an island-wide campaign to get people to reject halal products.¹⁴⁹ The anti-halal campaign also has a strong-online presence with Facebook groups and pages.¹⁵⁰ There have been a number of protests against halal including in Kuliyaipitiya, Kurunegala district and in Embilipitiya, Ratnapura district on December 25th 2012.¹⁵¹ In addition to the boycott of halal products these online groups and others like Bodu Bala Sena also call for the boycott of Muslim-owned companies such as No-Limit and Fashion Bug.¹⁵² Protests outside the No-Limit store in Maharagama on January 19th were widely attributed to the group, but the organisation has since denied their involvement in the incident.¹⁵³ There have been other protests such in Kulliyapitiya on January 24th 2013 against Halal labeled foods.¹⁵⁴

Even while the protests might be carried out a relatively small number of persons, there are reports that over early 2013 there has been a knock on impact on Muslim owned

¹⁴⁹ Sujith Hewajulige, 'Products with Halal Branding Should Be Boycotted', Lankadeepa, 20 November 2012

¹⁵⁰ These pages can be accessed; <https://www.facebook.com/protectbuddhismlk>; <https://www.facebook.com/sorry.comsdic>; https://www.facebook.com/sinhala.buddhist?group_id=0; <https://www.facebook.com/hela.dayakkaraya>; <https://www.facebook.com/sinhalayagehada2012>; <https://www.facebook.com/sinhalarayapage>; <https://www.facebook.com/001sihanada?fref=pb>; <https://www.facebook.com/pages/%E0%B7%83%E0%B7%92%E0%B6%82%E0%B7%84-%E0%B7%84%E0%B6%AC/344286468916312?fref=pb>; <https://www.facebook.com/mahasohon?fref=pb>

¹⁵¹ 'Sri Lanka Buddhist monks protest Halal certificate,' Colombopage, 25 December 2012, http://www.colombopage.com/archive_12B/Dec25_1356459968KA.php, dbs.jeyaraj, 'Hela Sihila Hiru Stages Provocative Anti-Muslim Demonstration with Placards and Effigy of "Allah" in North-Western town of Kuliyaipitiya,' 28 January 2013, <http://dbsjeyaraj.com/dbsj/archives/15264>

¹⁵² Refer to the following link, <https://www.facebook.com/photo.php?fbid=115290801979791&set=a.108744865967718.14455.100004966149855&type=1&theater>

¹⁵³ 'The Slow Spread Of Discord,' Sunday Leader, 03 February 2013, <http://www.thesundayleader.lk/2013/02/03/the-slow-spread-of-discord/>

¹⁵⁴ 'Bodu Bala Sena protest', Daily Mirror online, 25 October 2012, <http://www.dailymirror.lk/caption-story/22961-bodu-bala-sena-protest.html>; dbsjeyaraj, 'Hela Sihila Hiru' Stages Provocative Anti-Muslim Demonstration with Placards and Effigy of "Allah" in North-Western town of Kuliyaipitiya," dbsjeyaraj, 28 January 2013, <http://dbsjeyaraj.com/dbsj/archives/15264>

businesses and that this economic boycott is spreading, which will have multiple repercussions both in terms of the Muslim community but also for Muslim-Sinhala relations. The steady and seemingly unchecked growth of this campaign has increased fears within the Muslim community that the protests, individual incidents of violence against buildings and the hate speech could incite widespread violence. The spectre of the 1915 'Sinhala-Muslim riots' has been raised both within the community but also by Sinhala Buddhists including the JHU politician, Udaya Gammanpila.¹⁵⁵

Challenges to carrying out religious practices: A number of Muslim individuals and groups who were interviewed reported a general sense of being besieged by threats and attacks on their identity and faith. They also claimed that there was a general misunderstanding of religious practices associated with Islam. Some prayer services have been disrupted, protests have been held outside religious places, and people have been warned not to pray in some centres.¹⁵⁶ On July 29th 2012 in Rajagiriya in the Colombo district, a group of people tried to forcefully enter the Jamiyathul Darul Iman mosque while religious prayers observed during Ramazan were taking place. Due to fear of further attacks, prayer services at this centre have since been stopped.¹⁵⁷ Some groups also say that they have little practical support from the apex Ministry of Buddha Sasana and Religious Affairs. In a letter dated August 02nd 2012, the Department of Muslim Religious and Cultural Affairs ordered the Darul Akram Madrasa in Dehiwela to stop its activities because it was an outwardly visible place of worship and its religious observances could lead to a disruption of religious harmony in the area.

The killing of animals as a sacrifice during certain times of the year,¹⁵⁸ a practice commonly associated with Muslims, has been opposed by some sections of Buddhists as well as animal rights activists. Animal sacrifice as a practice is not unknown among other communities as well, for instance at Sinhala *thovil*¹⁵⁹ and at the kovil in Munneswaran.¹⁶⁰

¹⁵⁵ In a weekly column on the Ceylon Today Minister Udaya Gammanpila was quoted saying, "As someone who has studied the Sinhala – Muslim clashes in 1915, I strongly feel a repetition of that disaster is imminent. The promotion of Halal products, unauthorised mosques and organising competitions to learn Islam for non-Muslim children are among the present day causes. The latest addition to the list is the Law Entrance Exam results." (Udaya Gammanpila, "Avoiding a repeat of what happened 100 years ago?," Ceylon Today, 20 January 2013, <http://www.ceylontoday.lk/76-22299-news-detail-avoiding-a-repeat-of-what-happened-100-years-ago.html>)

¹⁵⁶ May 25, 2012 – Al Akram Mosque, Ariyawatte, Kurunegala: Buddhist monks from a temple in the area are alleged to have entered the mosque and conducted Buddhist religious services inside. No action was taken by the mosque (Interview with Muslim civil society actor, October 2012).

July 24, 2012 - Makuluwewa Al-Akram Thakiya Mosque, Deduruoyagama, Wellawa Police Division: A group of people including a Buddhist monk are alleged to have entered the mosque and tried to prevent Muslims from performing religious observances during Ramazan. The IGP of the area was informed.
(Source: Interviews with community leaders and organisations between September and October 2012)

¹⁵⁷ Interviews with Muslim community organisations between September and October 2012

¹⁵⁸ Animals, usually goats and cattle, are traditionally sacrificed by Muslims during the Hajj Festival, also called Eid Ul Adha.

¹⁵⁹ In some *thovil* or exorcism ceremonies carried out largely by members of the Sinhala community chickens are sacrificed.

¹⁶⁰ See Chapter on Attacks against Hindu Places of Worship on page --

During the Id-Ul-Adha or Hajj festival in October 2012, Pradeshiya Sabhas (local government offices) in some areas of the Central Province have reportedly not issued permits for animal slaughter, effectively curtailing the ritual that takes place at this time.¹⁶¹ In September 2012 the Kandy Municipal Council is also reported to have passed a resolution banning animal slaughter within municipal council limits.¹⁶²

The issue of conversion to Islam has also been a sensitive issue. In a widely publicised case, Buddhist convert to Islam Sara Malani Perera was detained by Sri Lankan authorities on March 20th 2010 on a 30 day detention order from the Defence Ministry for writing two books about her conversion in 1999, which was allegedly offensive to Buddhism.¹⁶³ There are also accusations leveled against Sinhalese claiming that there is organised conversion of Muslims through inter-marriage.¹⁶⁴ The head scarf (hijab) and face covering (niqab) have also come back into focus, with Sinhala newspapers for instance running polls as to whether the latter should be banned¹⁶⁵ and with individual incidents being reported of Muslim girls with scarves being harassed.

Land disputes and the eviction of Muslims from 'sacred areas': In some areas the physical violence is accompanied by other measures to push out a Muslim presence from particular areas. Both in Dambulla and Anuradhapura there are efforts to declare them as 'sacred areas'. The identification of these areas as sacred areas is also combined with urban development and cultural protection, hence Muslim religious places and even residents have faced both legal and extra-legal processes to evict them from these areas. For instance in Dambulla, following the attack on the Masjidul Khairiya Mosque, people in the area were issued eviction notices from the UDA to vacate the area by the end of October 2012 on the basis of the area being sacred. In interviews for this report, Muslims in Anuradhapura report opposition to them settling within town limits, with demands for people and some

¹⁶¹ Pradeshiya Sabhas in Harispattuwa in Katugastota and Poojapitiya in the Matale district have reportedly stopped issuing permits for animal slaughter, although business permits to sell meat in these areas have been given. (Interview with a Muslim lawyer from Kandy in November 2012).

¹⁶² 'Cattle slaughter banned,' Sunday Observer, 30 September 2012, <http://www.sundayobserver.lk/2012/09/30/new60.asp>; L.B Senaratne, 'Kandy MC bans animal slaughter within city limits,' Daily Mirror, 26 September 2012.

¹⁶³ Sara Malani Perera was arrested under the country's tough emergency law – the Prevention of Terrorism Act, and was released on bail on April 20th 2010. She is a Sri Lankan origin Bahraini resident and was on holiday in Sri Lanka when she was arrested by the Wellampitiya police before being handed over to the Mirihana police. Reports say her books 'From Darkness to Light' and 'Questions and Answers' were being printed in Sri Lanka and was being mailed overseas. The arrest was allegedly made following a tip-off by an employee at the cargo company handling the books. The charges were dropped in May 2011. (FarookThajudeen, 'Convert Sara Released on Bail', Daily Mirror, April 20, 2010: <http://www.dailymirror.lk/index.php/news/3225-convert-sara-released-on-bail.html> ; 'Author Sara Malani Perera Held 'for .Offending Buddhists' in Sri Lanka,' CNN iReport, 16 April 2010; 'Sri Lankan Muslim Convert To Be Tried Under Emergency Law,' BikyaMasr, 16 May 2010, <http://bikyamasr.com/wordpress/?p=12610>; SunandaDeshapriya, 'Lawyers Deny Detained Sri Lankan Author Linked to Islamist Militants, Blames Religious Bias, Freedom of Expression on Sri Lanka,' by SunandaDeshapriya (blog), 3 April 2010: <http://sunandadeshapriya.wordpress.com/tag/sarah-malini-perera/>).

¹⁶⁴ Interview with a teacher and community member from a village in Anuradhapura, October 2012

¹⁶⁵ 'Ban the burqa,' Ceylon Today, 17 February 2013, <http://www.ceylontoday.lk/16-24545-news-detail-ban-the-burqa.html>; <http://www.facebook.com/womeninislam/posts/428035660608065>

places of worship to be relocated. In 2011, land that was due to be given to 200 families relocated out of Kurunegala Junction in Anuradhapura, has instead reportedly been used for development of a Bhikku University for female Buddhist monks.¹⁶⁶ That the UDA is involved in some of these relocations raises concerns that there is a concerted effort both by radical Sinhalese and the Government to evict Muslim families from the centre of specific towns and cities.

The issue of land is a key source of contention. In Kandy town there have been accusations levelled against Buddhist clergy and others being involved in attempts to seize land or force individuals and traders to sign new agreements with representatives of particular Buddhist devales or temples, on the basis that the land originally belonged to the temples.¹⁶⁷

*"Sometimes police accompany these monks to these places and ask for deeds. They only talk about unauthorised structures in Muslim areas. There is no point in making complaints to the police or courts, because the mentality of the people or the police is not going to change."*¹⁶⁸

Restrictions on construction of religious places: Related to these attacks has been the attempt to use indirect means such as Government regulations to control the construction and activities of religious places. Government regulations have been used selectively by groups leading the attack, to demand the removal of existing places of worship, and restrictions on the construction of mosques and other religious places. There are accusation that some Muslim groups set up mosques and madrasas without notifying the authorities. There is no legal requirement to register new or existing places of worship, although for construction of places of worship permission is required. In attacks however, perpetrators leading the attack have often demanded proof of registration and used the lack thereof to claim illegality, justify threats and attacks. The attack on the Dambulla Masjidul Khairiya Mosque also saw allegations that it was an unauthorised construction, although the Mosque has been in existence for over 60 years.¹⁶⁹ Interviews for this report say that the 2008 Circular which requires permission from the Ministry of Buddha Sasana

¹⁶⁶ In a case dating back to the 1980's, mostly Muslim and few Sinhala families were to be relocated from Kurunegala junction in Anuradhapura to a land in Malwattu Oya. Over time, the case took on communal and religious overtones, culminating in the destruction of houses at Kurunegala junction and its takeover by the military, the demolition of the Sikkander Oliulla Dharga in the same area, and the takeover of the alternate land in Malwattu Oya to set up a Bhikku university for female Buddhist monks. (Interview with a journalist from Anuradhapura who has maintained records of the case, October 2012.)

¹⁶⁷ Interview with a lawyer from the Kandy district, November 2012; some incidents have been reported from Peradeniya Road and William Goppallawa Mawatha in Kandy. Some people claim to have lived in the area for decades and claim to hold deeds for the disputed properties/lands.

¹⁶⁸ Interview with a lawyer from the Kandy district, November 2012

and Religious Affairs to build new religious places has restricted construction of new mosques in practice.

As one interviewee said, "It is now impossible to put up a mosque or even a Muslim religious school in a multi-religious, multi-ethnic area because people in those areas don't like it."¹⁷⁰ This seems to stem largely from a fear of 'Muslim expansion' and a suspicion of Muslims socio-religious practices in general. Muslims are accused mostly by Buddhist groups of changing the demography of the country through their high fecundity. The recent all-island census for instance has raised renewed concerns that the Muslim population is growing at a faster rate than other communities.¹⁷¹ There are also fears that Islam will spread rapidly due to a resurgence of interest in orthodox forms of the religion and the mushrooming of mosques and religious centres.

"When Muslims start a Madrasa in a neighbourhood, people fear that it will develop into a mosque and so people start protesting. There is not much consultation for these constructions, most of them are illegal and they don't seek approval from local authorities. When many of these people (Muslims) come to the mosques, they are arrogant, they are not disciplined, they slaughter animals. So unfortunately, people have found that building mosques in the vicinity is an obstacle to peace in the area."¹⁷²

As this interviewee pointed out, in some areas it is possible that some communities may not inform the authorities when they establish religious centres.

Land disputes in the East and North: In the East there are various land disputes between the various ethnic communities, including over religious sites. Muslims have been accused of encroachment in areas considered sacred to Buddhists including temple lands, for instance in Deegavapiya in Ampara. The alleged encroachment has been portrayed as an attempt by Muslims to 'colonise' the area.¹⁷³ All communities in the East have also claimed various forms of prejudice, such as an alleged reluctance to sell land to each other and also of land grabs.¹⁷⁴ In Batticaloa, officials with the Masjidul Firdouse Mosque in Muslim Colony have made complaints of encroachment on land where the mosque once stood. The land currently contains a meditation centre called Brammakumaris Rajayogam which was constructed, allegedly, with approval from local Government officials.¹⁷⁵

¹⁷⁰ Interview with a government official dealing with Muslim affairs, September 2012

¹⁷¹ Chathura Pamunuwa, 'Steep drop in city's Sinhala population,' Island, 11 December 2012, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=68054

¹⁷² Interview with a member of the Jathika Hela Urumaya (JHU), September 2012

¹⁷³ Discussed in the section on Attacks on Buddhist places of worship on page ---

¹⁷⁴ Bhavani Fonseka and Mirak Raheem, *Land in the Eastern Province: Politics, Policy and Conflict*, Centre for Policy Alternatives, May 2010

The use of religious symbols has also been a flash point for tension and dispute. A concern raised by all minorities including Muslims is the 'Sinhalisation' of several areas, especially in the North and East through the construction of Buddhist statues, shrines and religious symbols in predominantly minority areas.¹⁷⁶ The construction of symbols of other religions is seen as a threat as it is also understood as a claim of ownership to land.¹⁷⁷ In Trincomalee, there are claims that there are efforts to build a Buddhist centre in Jabbal Nagar just outside the predominantly Muslim town of Muttur.¹⁷⁸ In Mannar there are tensions between the Muslim and Tamil communities, many of whom are Catholic, in some areas. For instance there has been a long-standing dispute between Tamil and Muslim communities in Uppukulam in Mannar, over fishing rights. The case is currently being arbitrated in court, but Muslims from the area report that a Christian cross was recently installed on the 1,500 acre stretch of disputed land by unidentified persons.¹⁷⁹ In a separate incident, some Muslims have expressed their concern that a Catholic statue has been installed in a public space at the Silavathurai junction in Mannar. An interviewee for this report said, "We are sad that this has happened. We are becoming less important. This could be a problem in five years."¹⁸⁰ Muslims from these areas also report fears of a changing demography in what they consider traditional Muslim areas. "The ratio of Muslims is changing here. We don't have money and Tamils are buying up land."¹⁸¹

Military restrictions in North and East: Issues of religious freedom in areas that opened up following the end of the war differ in some respects from the rest of the country. In the North where Muslims had significant populations prior to the 1990 expulsion, people are slowly returning and rebuilding their mosques and other places of religious worship. However, access to some mosques and other religious places are still restricted. While there is no comprehensive list, CPA compiled at least four cases of mosques under military occupation:

¹⁷⁵ Interviews with a mosque official and official documents relating to the case; The incident follows a protracted conflict over encroachment on the land going back a decade, with Muslims claiming ownership of the site as far back as 1962, long before they were evicted from the area during the war and their mosque demolished (Mosque registration number: R1302/BT/152). Mosque officials allege that the relevant local government official at the Divisional Secretariat has indicated an open unwillingness to assist them, despite them having a legitimate claim as recorded in Map No. 84 of the Land Survey Department.

¹⁷⁶ This has been raised as a concern in several interviews conducted for this report across all minorities, including Muslim religious leaders, non-governmental and other organisations, as well as a Muslim Government official who spoke freely on condition of anonymity.

¹⁷⁷ The return of Muslims who were evicted from these areas during the war, or who left, has also given rise to disputes over land. Muslims have questioned the legality of land sales or even allocation of state land (some of which Muslims claim they had permits to) to Tamils during the period of LTTE dominance in these areas.

¹⁷⁸ Maryam Azwer, "Concerns Raised Over Construction of Buddhist Centre in Muttur," Sunday Leader, February 21 2013.

¹⁷⁹ Interview with a Muslim rights activist and resident in Mannar, October 2012

¹⁸⁰ Interview with a community member and mosque official in Mannar, October 2012

¹⁸¹ Interview with a community member and mosque official in Mannar, October 2012

- 1) Talaimannar, Mannar district - The mosque here was partially opened in mid-2012. There is a fence surrounding it and people cannot go outside. Private lands surrounding the mosque have still not been handed over by military officials to people from the area.
- 2) Silavathurai, Mannar district – The mosque here is still entirely under Navy control. A naval base has been established in the heart of the Silavathurai town with most public service buildings and residential areas not available for civilian access.
- 3) Marichchakatti, Mannar district – The Jumma Mosque is under Navy control. The site borders the Mullikulam military camp. Due to continued occupation by the Navy, the community in Marichchikatti has had to construct a temporary mosque.¹⁸²
- 4) Karumalayuttra, Trincomalee district – Much of the village was under the control of the Army and is now under the Air Force, and access to the Masjidul Rafiya Mosque in the village which is said to be around 180 years old, has been restricted.¹⁸³

In addition in Ashraf Nagar in Addalachchennai DS, Ampara the military is reported to have taken over land belonging to 69 Muslim families, including land that was allotted for a Muslim burial ground.¹⁸⁴

Attacks on clerics: There have been a few reported incidents of attack on religious leaders, although the motives are unclear and the incidents are concentrated in the East. In one incident Moulavi S.L.M Haneefa, President of the Eastern Province Mosque Federation and Secretary of the Ampara district Muslim Peace Secretariat was abducted on September 22nd 2009 by an armed gang and allegedly with the involvement of a Muslim Minister, and later released.¹⁸⁵ In another incident, an unidentified group of people had allegedly assaulted a Moulavi (religious leader) from the Jumma Mosque in Ismailpuram, Sammanthurai on August 4th 2012 following which the mosque was temporarily closed.¹⁸⁶

¹⁸² An exact number of mosques still occupied by the military could not be obtained. The cases are based on CPA's prior research and follow-up interviews conducted during this research. It is notable that even among Muslim civil society leaders at the district level in Mannar there is limited awareness on the cases. (See Bhavani Fonseka and Mirak Raheem, *Land in the Northern Province: Post-war Politics, Policy and Practices*, Centre for Policy Alternatives, December 2011.)

¹⁸³ 'Muslim people request to get back their village Karumalaiyutru in Trinco, which is currently being Acquired by SLAF and SLA' (Translated from Tamil), Veerakesari, 22 July 2012; 'Mosque in Karumalaiyuttru under Army control, village people grieve,' (Translated from Tamil), Navamani, 15 July 2012; The Mosque is reported to have been registered in 1947 (NO R/854/7/47).

¹⁸⁴ 'Concerned citizens statement against religious intolerance,' Asian Human Rights Commission, 26 April 2012

¹⁸⁵ 'Abducted president of Eastern province mosque federation released,' Muslim Guardian, 25 September 2009; M.I.M.S Anver, 'Abducted moulavi given a lecture by politico,' The Nation, 27 September 2009

¹⁸⁶ 'Jumma Mosque in Ismailpuram Sammanthurai attacked', (Translated from Tamil), Thinnakkural, 6 August 2012

Response to Attacks

The attacks have had multiple impacts. Muslim individuals and groups interviewed for this report say their religious liberties are being violated, and some mosques and madrasas have even stopped activities in fear of further attack.¹⁸⁷ The lack of or weak response to attacks both by the authorities and Muslim community representatives were raised by interviewees. People interviewed for this report indicate that while attacks on places of worship may not have the direct approval of the Government, there appears to be tacit approval as evidenced by official responses that appear to support demands of the attackers. Eye witness accounts stated that police protection for the site was removed allowing the mob to move in to destroy the site.¹⁸⁸

The response to the attack on the Dambulla Mosque is a telling example of the confusing and contradictory statements by Government actors. The Prime Minister D.M. Jayaratne as Minister of Religious Affairs advised trustees to relocate the 60-year old Mosque. However, Minister of Lands and Land Development Janaka Bandara is reported to have said that the Mosque cannot be removed.¹⁸⁹ Muslim politicians claim that the decision to relocate the Mosque was made without their consultation,¹⁹⁰ and a trustee has objected to the forced relocation.¹⁹¹ There have also been reports that the Government through the Ministry of Buddha Sasana and Religious Affairs is considering paying compensation for mosques, kovils and other religious entities to leave the Dambulla sacred area.¹⁹² At national government level, President Mahinda Rajapaksa is yet to make a statement condemning the violence at the Dambulla Mosque.¹⁹³ A few weeks after the incident the CID visited the Muslim Affairs Department to collect information regarding registered mosques, prayer centres and names of trustees, which raised concerns as to how the Government was

¹⁸⁷ For instance, the Jamiyathul Darul Iman Mosque - a case discussed earlier in this section.

¹⁸⁸ See also Charles Haviland, "Sri Lankan Buddhist Monks Destroy Muslim Shrine," BBC, 15 September 2011

¹⁸⁹ 'Mosque in Dambulla sacred area cannot be removed', Sri Lanka Mirror, 25 April 2012; 'Government issues statement on Dambulla', Hiru News, 25 April 2012, <http://www.hirunews.lk/32912>

¹⁹⁰ A statement was issued by the Prime Minister D.M Jayaratne ordering the demolition of the mosque in Dambulla, and its rebuilding elsewhere. The statement also claimed that the decision was made with the consent of senior ministers AHM Fowzie and Deputy Minister M.L.A.M Hizbullah, Western province Governor AlaviMoulana and Parliamentarian A.R.M Abdul Cader. All four politicians denied that the meeting took place.

Government press release on Dambulla violence can be found here: <http://www.scribd.com/doc/91189440/Government-Press-Release-on-Dambulla-violence>; Dinidu de Alwis, 'Government decides to demolish mosque', Ceylon Today, 22 April 2012.

¹⁹¹ 'Sri Lanka backs monks in fight over mosque', AFP Colombo, 23 April 2012, <http://english.alarabiya.net/articles/2012/04/23/209660.html>

¹⁹² Nirmala Kannangara, 'All Mosques, Kovils, Churches to be paid and evicted from Buddhist Sacred City -ADC,' 25 April 2012, <http://www.lankastandard.com/2012/04/deeds-to-the-disputed-mosque-in-dambulla-sri-lanka-emerge/>

¹⁹³ 'A quotidian Response: A letter to President regarding religious extremism,' Groundviews, 30 July 2012: <http://groundviews.org/2012/07/30/a-quotidian-response-letter-to-president-regarding-religious-extremism/>

responding to the overall problem.¹⁹⁴ In early 2013 the Government became more active, at least in terms of putting out statements calling for greater tolerance. President Rajapaksa also met with representatives of the Bodu Bala Sena, thought to be behind recent anti-Muslim protests, and urged them not to incite communal hatred and violence but that they could continue to take steps to protect Buddhism.¹⁹⁵ At least publicly the Government is on specific occasions calling for peace, but is careful of not condemning the growing hate campaign, engaging in symbolic but significant actions such as visiting a 'No Limit' or Muslim owned businesses, nor taking serious action against groups believed to be responsible.

Muslim officials allege that arrests have been made in only one incident of an inter-religious attack on a Muslim place of worship post-war, which was the attack on the Mohideen Jumma Mosque in Wellampitiya in August 2012. While some constituent parties of the Government have condemned some attacks, this does not appear to have led to significant action being taken against perpetrators. Despite the heavy Muslim presence within the Government, including a majority of Muslim minor political parties and a substantive representation of Muslims within the leading party in the UPFA alliance, the SLFP, the Muslim political leadership for the most part appears to be fearful of raising the issue, especially in public. Ironically, a number of Muslim politicians have lobbied on behalf of the Government's position at the United Nations Human Rights Council that significant progress is being made with regards to peace and reconciliation.¹⁹⁶ The response from Muslim political parties has been criticised as being ineffective, inadequate,¹⁹⁷ and at times misleading.¹⁹⁸ In the wake of the attack on the Dambulla Mosque and other incidents, Sri Lanka Muslim Congress (SLMC) leader Rauf Hakeem made a statement at a public meeting in Kalmunai saying that the President should defeat "yellow-robe terrorism" as he had defeated other forms of terrorism.¹⁹⁹ Ostensibly the term referred to the involvement of Buddhist monks in acts of violence against other communities. However, it was widely

¹⁹⁴ Chris Kamalendran, 'Fowzie to protest CID collecting info from Muslim Affairs Dept,' Sunday Times, June 23 2012

¹⁹⁵ 'President Urges Bodu Bala Sena Not to Stir Hatred,' Daily Mirror, 28 January 2013; <http://www.dailymirror.lk/news/25311--president-urges-bodu-bala-sena-not-to-stir-hatred.html>;
'Bodu Bala Sena Meets President Mahinda Rajapaksa,' Ceylon Today, January 27, 2013, <http://www.ceylontoday.lk/16-23024-news-detail-bodu-bala-sena-meets-president-mahinda-rajapaksa.html>

¹⁹⁶ 'Sri Lanka is being unfairly targeted - Justice Minister,' Tamil Guardian, 15 July 2012, <http://www.tamilguardian.com/article.asp?articleid=5281>

¹⁹⁷ Interviews with leading non-governmental Muslim organisations and community leaders, September and October 2012

¹⁹⁸ 'All Ceylon Jamiyathul Ulema Council condemned Hisbullah's claims', Colombo Telegraph, April 24, 2012, <http://www.colombotelegraph.com/index.php/all-ceylon-jamiyyathul-ulema-council-condemned-hisbullahs-claims/>

¹⁹⁹ 'Apologising for Saffron Terror', The Island, 21 August 2012 - http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=59710 ; Fredericka Jansz, 'We wait to see the outcome of Rauff Hakeem's battle with yellow robe terrorism', Colombo Telegraph, 11 August 2012.

considered offensive and insulting to the Sangha, and following public condemnation, he later apologised for the comment.²⁰⁰

There are also powerful political actors within Government who are seen to be hostile to Muslims, most notably the JHU. Police response is said to vary from case to case, sometimes influenced by the level of political or other pressure that is brought to bear on the incident but in some cases there have been arrests. Other political parties including the TNA have come out strongly against the incident at Dambulla.²⁰¹ The main opposition party, the UNP has taken a more active role over recent weeks including in promising to put a list of attacks on mosques before Parliament²⁰² and in holding discussions with the Bodu Bala Sena.

The mainstream Muslim Community represented by the All Ceylon Jamiyathul Ulema (ACJU) and the All Ceylon Muslim Council have responded to incidents of violence through mediation, and representation to relevant authorities at local and national level. For instance, following the attack on a historical mosque in Dambulla, the ACJU urged Muslims in a public statement to adopt peaceful responses to provocation such as fasting and prayers, and that justice should be sought through legal means and not through “improper demonstrations causing inconvenience to the public.”²⁰³ It has also said that it does not organise public protests or hartals on principle. However, in some instances, members of the Muslim community have protested against the attacks, such as in the demonstrations in Colombo and Puttalam against the incident in Dambulla. Shops were closed in protest in Kathankudy, Kalmunai, Samanthurai, Akkaraipattu, and Saindamaradu in the East, even while Government ministers were reportedly instructed by the Government to thwart such protests.²⁰⁴ The ACJU is responsible for providing halal certification so is attempting to put forward options for addressing this issue, including in turning over the process to Government, but it is not clear that the Government is willing to come forward with a practicable process through which the halal system can be maintained both for religious and economic purposes.

²⁰⁰ 'Apologising for Saffron Terror', The Island, 21 August 2012 - http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=59710; Fredericka Jansz, 'We wait to see the outcome of Rauff Hakeem's battle with yellow robe terrorism', Colombo Telegraph, 11 August 2012.

²⁰¹ 'TNA statement on Dambulla mosque incidents,' TNA, 26 April 2012, <https://docs.google.com/file/d/0B0vgVMXCVudFUHJSa3FEZDZyTWs/edit>

²⁰² Sandasen Marasinghe and Disna Mudalige, 'Opposition Leader's statement, threat to communal harmony,' Daily News, February 20 2013.

²⁰³ "Muslims call prayer meeting on Dambulla," BBC Sinhala, 25 April 2012, http://www.bbc.co.uk/sinhala/news/story/2012/04/120425_muslimlanka.shtml

²⁰⁴ A silent hartal was held in Kattankudy on April 26th, 2012 in Batticaloa. Prior to the hartal a petrol bomb was thrown at the office of the Federation of Kattankudy Mosques and Muslim Institutions. Schools, businesses and the public market stopped operations on orders of the mosque ('Mosque set on fire in Kattankudy', Colombo Telegraph, 26 April 2012, <http://www.colombotelegraph.com/index.php/mosque-set-on-fire-in-kattankudy/>; 'This is a Tragedy: Dambulla residents', The Sunday Leader, 29 April 2012, <http://www.thesundayleader.lk/2012/04/29/this-is-a-tragedy-dambulla-residents/>)

In a number of instances, it appears that Muslim political and civil society leaders opt for constructive engagement with the Government and want no part in activities that would be seen as critical or antagonistic to the Government such as protests or legal action. A number of prominent Muslim personalities and civil society actors such as the Muslim Council of Sri Lanka have attempted to meet with key actors including the Defence Secretary, the JHU and the Bodu Bala Sena in order to explain the position of the community and to mediate some understanding. The lack of public advocacy, including statements on individual attacks, has however meant that it is much easier to deny both the seriousness and scale of the threat. There are however increasing efforts to explain Islamic religious practices to other communities including through greater engagement with the media.

Information on intra-religious disputes has also been scarce and may or may not be significantly higher than what is listed here. The limited cases reported also reflect a difficulty in obtaining information from minority Muslim sects. Mainstream Muslim organisations interviewed for this report have reported a reluctance to maintain records of intra-religious attacks. The reasons range from intra-religious attacks being perceived as less important than inter-religious attacks, to the need to maintain communal harmony in the face of 'external' threats, and ambivalence in the face of intra-religious attacks by the majority Sunni Muslims. As one interviewee noted about the destruction of the dargha in Anuradhapura (which is not a mainstream Muslim place of worship): "People of all religions go to the Anuradhapura shrine, but it is not a very important place, it could have easily been removed quietly, but the way it was done was the problem, with protests and all that."²⁰⁵ With regard to intra-religious attacks, Muslim leaders have on occasion, however called for unity and dialogue in the face of sectarian violence, but at the same time, mainstream Muslim organisation the ACJU has previously publicly condemned specific sects such as the Ahmadiyyas.²⁰⁶ The Ahmadiyya Muslim Jamaat says that it faces problems of recognition of its concerns by mainstream organisations such as the ACJU, and a lack of support when it attempts to use the media to share its views.²⁰⁷ It is evident that there is a need for Muslim religious and other civil society leaders to take a more active role on creating greater tolerance and acceptance within Muslim society.

There is a feeling of powerlessness expressed by Muslim communities at the local level who feel that the national level politicians and civil society actors are either unable to

²⁰⁵ Interview with a community member from Anuradhapura and a member of the Jamaate Islam group, October 2012.

²⁰⁶ The ACJU in a 'National Convention on Defending the Finality of the Prophethood' on March 17th, 2007 resolved that it would 'appeal to all Muslims to refrain from associating in any way with Qadiyanis alias Ahmadi in whatsoever form or manner,' while at the same time appealing to 'fellow Sri Lankans and others to refrain from all acts which may tend to create inter-faith disharmony.' (A.H GhouzulAmeen, 'Qadianis are not Muslims' Daily Mirror, 21 April 2012.)

²⁰⁷ Interview with official associated with the Ahmadiyya Muslim Jamaat, September 2012

unwilling to support them, resulting in these communities having to take a largely self-reliant approach to attacks. For example, the religious leader of a madrasa that was attacked in Dehiwela used money raised from within the local community to install protective metal screens around the property to protect it from future attacks,²⁰⁸ while others have chosen to stop conducting religious services though not legally obligated to do so.

Some Buddhist clergy and Sinhala Buddhist leaders interviewed for this report condemned violence as a means to solving conflicts with Muslims, and attributed violence to small extremist groups. Members of more radical Sinhala Buddhist groups stated that they saw no other option in the face of perceived State inaction in tackling concerns of the Sinhala-Buddhist community with regards to Muslim expansion. The Sangha did not respond to the Dambulla incident with a public condemnation at least with regards to the use of violence. In fact, the chief prelate of the Asgiriya Chapter even expressed a similar opinion to the Dampulla priest involved in the violence regarding the need to remove 72 'illegal structures.'²⁰⁹ There was some measure of public outrage following the Dambulla incident. In one initiative called 'Not in Our Name' by citizen journalism website *Groundviews*, the public was encouraged to sign a petition to make clear their opposition to the violence in Dambulla, which was one of the more public expressions of civic outrage across religious lines.²¹⁰ In general, however the response from non-Muslim groups has been muted.

²⁰⁸ Joseph Hammond, 'Sri Lanka's Muslims under siege', Colombo Telegraph, 28 June 2012, <http://www.colombotelegraph.com/index.php/sri-lankas-muslims-under-siege>

²⁰⁹ Azra Ameen, '72 Illegal structures around in Dambulla Including Mosque and Kovil to be Removed within 6 Months,' Transcurrents, 24 April 2012, <http://transcurrents.com/news-views/archives/11573>

²¹⁰ A total of 1,400 people responded with comments in English, Sinhala and Tamil condemning the violence and religious intolerance. Copies of the petition were sent to the Presidential Secretariat, the Prime Minister's Office, the Ministry of Buddha Sasana and Religious Affairs, the Buddhist, Hindu, Muslim and Christian Departments of Religious Affairs, and the Chief Prelate of the Dambulla Temple. ('Not In Our Name: 1,400+ signatures against religious extremism in Sri Lanka', Groundviews, 1 June 2012: <http://groundviews.org/2012/06/01/not-in-our-name-1400-signatures-against-religious-extremism-in-sri-lanka/>)

Attacks against Buddhist Places of Worship

Following the end of the war there appears to be a resurgence of Buddhism along with increased religiosity within the Buddhist community in Sri Lanka. The perception of increased religiosity was confirmed in interviews with Buddhist clergy and leaders who pointed to an increased public interest and involvement in Buddhist religious practices. This has been supported by post-war developments such as the return of Sinhala-Buddhist displaced persons to areas they were displaced from, and the opportunity for Buddhists to engage in religious pilgrimages to areas such as the North, which were inaccessible or difficult to access during the war. The post-war resurgence has included the construction or reconstruction of Buddhist temples, road side statues and related structures, especially in the North and East. The Government and state institutions such as the army have played a key role in this construction. The former has announced that peace stupas would be constructed in nine districts.²¹¹ Along the A9 highway that connects North and South Sri Lanka, there are reportedly 28 Buddha statues that are said to have been built along this route after the war.²¹² There have also been claims made of 23 Buddhist temples being set up in Batticaloa by the Sri Lanka Army.²¹³ The Government also engaged in a number of efforts re-affirming its commitment to uphold Buddhism, which has foremost place in Sri Lanka's Constitution, including through the official commemoration of the 2550 *Buddha Jayanthi* which was celebrated in May 2011.

However, despite these developments, there also appears to be a perception of insecurity among sections of Buddhist society. Fears have been expressed, including by Buddhist priests and political leaders interviewed for this report that Buddhism as the de facto state religion is not receiving due importance, that is it inadequately protected by the state, and that Sri Lanka is losing its identity as a Sinhala-Buddhist nation particularly due to the rapid growth of minority religions. Minorities, especially Muslims and Christians, have come under retaliatory attack in response to these fears in the post-war period.

Buddhist places of worship have also come under physical attack in the same period. Interestingly however, the cases of attacks on Buddhist places of worship do not appear to be linked to the main fears expressed above by Buddhist clergy and groups interviewed regarding minorities. Direct attacks on Buddhist places of worship listed below are mainly cases of vandalism and theft and violent acts including against clergy within the compounds of Buddhist temples. There have also been physical attacks on sites of

²¹¹ Kapila Somaratne, 'Nine stupas in nine districts,' *The Daily News*, 26 January 2011; 'Kusal Chamath, 'Nine stupas as war memorials,' *Daily Mirror*, 21 January 2011.

²¹² Tamil National Alliance, *Situation Report, North and East Sri Lanka*, 21, October 2011; Imaad Majeed, 'Misguided Buddhist Zealots,' *The Sunday Leader*, 5 February 2012

²¹³ '23 Buddhist viharas spring up after the war,' *Sudar Oli*, 8 February 2012.

alternative Buddhist worship from groups and individuals claiming to protect Theravada Buddhist teachings and practice. These are also attacks where the motives maybe due to personal or political motives. In none of these physical attacks have minority religious groups been directly blamed. The majority of documented attacks were reported primarily from the Western and Southern provinces. While several allegations were made of 'attacks' on Buddhist sites, not all of them fit into the definition of an attack on a religious place used in the report.

List of Attacks on Buddhist Places of Worship

2010
<p>January 25, Poramba, Ambalangoda, Galle district: The Shri Sugatha Bimbaramaya temple was attacked by an unidentified group, damaging doors, windows and notice boards. The attack is thought to be politically motivated as the Chief Monk of the temple Venerable Vijitha Dhamma had blessed opposition Presidential Candidate Sarath Fonseka, following which Ambalangoda urban councilor Bertie Ranasuriya allegedly installed a cut-out of the UPFA candidate. The Chief Monk had removed it, following which the temple was attacked.²¹⁴</p> <p>July 23, Arugam Bay, Ampara district: Buildings belonging to Buddhist temple the Sambhodi Viharaya in Arugam Bay is alleged to have been demolished to construct a hotel. The attack on the Sambodhi Viharaya was allegedly carried out by a group that included a businessman who claimed the land belonged to him. A shrine room and the monk's residence were reported to have been destroyed. There are allegations that the Pottuvil police is complicity in the attack. The Chief Incumbent of the Sambodhi Viharaya Venerable Sivuralumulle Dhammasiri Thero filed a rights plea with the Supreme Court requesting compensation, while a protest was also held by Buddhist organisations in Ampara on August 2 2010.²¹⁵</p>
2011
<p>September 23, Colpetty, Colombo district: About 100 people attempted to enter the Vichiren Shosu Mahayana Buddhist Temple in an apartment in the Liberty Plaza building in Colombo 03. The occupants barricaded themselves inside the apartment and it took the police more than three hours to disperse the protesters. The attack was allegedly led by Venerable Akmeemana Dayaratne Thero and Venerable Hakmana Nandajothi Thero of Sinhala Ravaya. Both groups lodged complaints with the police for assault.²¹⁶</p>

²¹⁴ 'Attack on Ambalangoda temple is reflection of Rajapaksa's rage', Lanka-Views, 25 January 2010, http://lankaviews.com/en/index.php?option=com_content&view=archive&Itemid=112&limitstart=2600

²¹⁵ Nirmala Kannangara, 'Temples vs hotels,' The Sunday Leader, August 8, 2010, <http://www.thesundayleader.lk/2010/08/08/temples-vs-hotels/>; Vasantha Maldeniya, 'Land grabbers rampage in the East,' The Nation, 1 August 2010: <http://www.nation.lk/2010/08/01/newsfe2.htm>; Wasantha Ramanayake, 'Rights plea filed against bulldozing of temple buildings,' Daily News, 17 August 2010, <http://www.dailynews.lk/2010/08/17/news40.asp>

²¹⁶ Jayantha de Silva, 'Protesters storm Japanese Mahayana temple at Liberty Plaza: claims devotees being fleeced', The Island, 24 September 2011, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=35440 ; Lakmal Bogahawatta, 'A meaningless religion in the 'members only' temple', Sunday Divaina, 02 October 2011; Dinouk Colombage, 'Temple Controversy: Monks Silent,' The Sunday Leader, 2 October 2011 <http://www.thesundayleader.lk/2011/10/02/temple-controversy-monks-silent/>

<p>November 7, Bellantara, Dehiwela, Colombo district: A group of Buddhist monks and laymen are alleged to have forcibly entered the Sri Sadaham Ashramaya and demanded that Venerable Pitiduwe Siridhamma the chief of the institution and a popular television preacher, stop all activities detrimental to Theravada Buddhism. He was accused by other Buddhist priests of “perverting” Buddhism and also behaving in a manner “unbecoming of a Buddhist monk”.²¹⁷</p>
<p>2012</p>
<p>January 12, Mahara, Gampaha district: A Dagaba of the Pilikuttuwa Raja Maha Viharaya, which dates back to the Anuradhapura period was found damaged, allegedly by people seeking treasure and other valuables believed to be buried inside. The temple had reportedly been attacked on three previous occasions. The Gampaha police were notified and the priest of the temple is reported to have asked for security from the Department of Archaeology.²¹⁸</p>
<p>January 24, Imaduwa, Mawella, Galle district: An armed group vandalised Kalupahanamulla temple. The group allegedly threatened and tied three monks including the chief monk and robbed valuables from the temple. Money, valuable artifacts, mobile phones were stolen and the dagaba was reported to be damaged by the group.²¹⁹</p>
<p>March 25, Kotte, Colombo district: Two monks were found murdered, allegedly by two people who tried to rob the Kotte Raja Maha Viharaya. Both suspects were caught, although one was subsequently killed in an unrelated riot at the Welikada Prison on November 9th 2012.²²⁰</p>
<p>June 25, Wanduramba, Galle district: A protest by about 2,000 people allegedly led by Buddhist monks outside a Buddhist center named the Sumedha Sangaramaya in Wanduramba, Galle turned violent. The leader of the Sumedha Sangamaya had claimed to be an incarnation of the Maitri Buddha (the expected next Buddha) which was seen as an affront to Theravada Buddhism. The protest and subsequent actions were allegedly led by Venerable Galagodaththe Gnanasara Thero and his organisation 'Bodu Bala Sena.'²²¹</p>
<p>July 01, Weeraketiya, Tangalle, Hambanthota district: The Peelawela temple was vandalised by a group of treasure hunters. The group has allegedly excavated the dagaba, destroyed Buddha statues and robbed treasure from the temple. The Hungamuwa police arrested four suspects in connection to the incident in August and was able to recover a number of stolen items, including an 18 inch Buddha statue, two relic caskets.²²²</p>

²¹⁷ Nirmala Kannangara, 'Thero Sells Poya Danaya', The Sunday Leader, 21 August 2011, <http://www.thesundayleader.lk/2011/08/21/thero-sells-poya-danaya/>

²¹⁸ Vincent Palihawadana, 'Ancient dagaba in the Pilikuttuwa Rajamaha Viharaya dug by treasure hunters,' (Translated from Sinhala) Divaina, 12 January 2012.

²¹⁹ Kumara Kodithuwakku, 'Kalupahanamulla Temple vandalized'(Translated from Sinhala),Divaina, 25 January 2012.

²²⁰ 'Fiends who spill blood on monks robes! The murder of two monks in Kotte' (Translation from Sinhala), 25 January 2012; 'Kotte Monks Killer Suspect Among 27 Dead, Welikada Prison Mayhem,' The Island, 11 November 2012, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=65852

²²¹ 'Police Open Investigations Over Buddhist Centre in Galle,' The Sunday Times Online, 25 June 2012 http://sundaytimes.lk/index.php?option=com_content&view=article&id=20872:police-open-investigations-over-attack-on-buddhist-centre-in-galle&catid=1:latest-news&Itemid=547

²²² S.H Mithrapala, 'Police on the hunt for treasure hunters,' Ceylon Today, 06 July 2012, <http://www.ceylontoday.lk/51-9084-news-detail-police-on-the-hunt-for-treasure-hunters.html>

August 11, Ambanpola, Kurunegala district: Five people were arrested for stealing a bell from the Embulgiriya Rajamaha Viharaya and were remanded until August 13th by the Mahawa magistrate.²²³

Trends in Attacks and Related Incidents

It is difficult to ascertain the motives for the cases given the limited and sometimes contradictory information that is publicly available. Broadly, the main trends in attacks on Buddhist places of worship appear to be a) related to theft, vandalism and treasure seeking; b) intra-religious attacks. In addition there are other types of incidents including at least one reported case of physical attack appears to be related to a politically motivated dispute,²²⁴ while in another instance there is physical damage to a temple due to development activity.²²⁵ The section below will discuss the broader trends related to the cases above, including incidents which do not fit into the definition but other forms of violence against and threats to Buddhist symbols and clergy. This case has been included in the list of attacks because it is by private developers and appears, at least on the face of it, that no due process has been followed. The list does not include instances of attacks on clergy outside temples or shrines. Neither does it list attacks on places that are not recognised or used as temples or shrines. For instance, there are allegations of quarrying on sites claimed to be religious in nature in Yahangala, which have not been verified.²²⁶

Theft, Vandalism and Treasure Seeking: Of the cases listed here, half are related to theft and vandalism. In a case listed above, the alleged motive for the murder of two Buddhist priests within a temple complex is reported to have been the theft of cash and a valuable artifact from the temple although investigations are on-going. Both the Southern and Western Provinces experienced two sets of robberies of religious and historical artifacts and other objects from temples.

In addition to attacks on temples there have been incidents of robberies at historical sites associated with Buddhism. The Department of Archaeology has also reported cases of destruction of ancient Buddhist ruins at archaeological sites by unidentified groups.²²⁷

²²³ Yasaratne Gamage, 'Police Log', Daily News, 11, August 2012, <http://www.dailynews.lk/2012/08/11/sec03.asp>

²²⁴ Shri Sugatha Bimbaramaya temple, Poramaba, Ambalangoda – See list of cases in this section

²²⁵ Damith Wickremasekara, "Two cases a day: Treasure-hunters on the rampage," Sunday Times, 08 April 2012, http://www.sundaytimes.lk/120408/News/nws_43.html; Jayampathy Jayasinghe, "Police outrun treasure hunters," Sunday Observer, 20 January 2013, <http://www.sundayobserver.lk/2013/01/20/sec04.asp>

²²⁶ Gamini Samranayake, 'Sections of Yahangala holy ground taken by force' (Translation from Sinhala), Dinamina, 2 February 2011: http://www.dinamina.lk/epaper/art.asp?id=2011/02/02/Pg27_3&pt=p&h

²²⁷ For instance, in same village above, a Christian cross was built on top of the ruins of a Buddhist stupa. It was then removed following intervention by the Department of Archaeology: Interview with officials of the Department of Archaeology.

Some Buddhist groups have said that archaeological sites are under a greater threat of theft and vandalism following the war, as they are now open to the public without adequate protection.²²⁸ Some of the archaeological sites that have been subjected to treasure hunting include the Abayagiri archaeological reserve²²⁹, Nagalena Rajamaha Vihara (Temple) in Arankelle²³⁰ and Naipena temple in Polonnaruwa which dates back to the medieval period.²³¹ Archaeological sites with relevance to Buddhism are seen to be under threat from other sources as well. For instance in Akkaraipattu in the Ampara district an ancient Buddhist archaeological site in the Sagama village was allegedly destroyed and turned into farmland.²³²

Intra-religious Violence: In the past two years there have been three cases where individuals and groups have allegedly been preaching variations of orthodox Buddhist doctrine. The radical Sinhala-Buddhist group, the Sinhala Ravaya, has openly taken responsibility for the attacks on the Buddhist centres in Bellantara and Colpetty,²³³ while the Bodu Bala Sena is alleged to be involved in the other.²³⁴ Individuals and groups involved in the attacks see the emergence of these alternate forms of Buddhism as being a distortion of Theravada Buddhism from within its ranks.

*"To destroy the clergy, they (alternate Buddhist groups) are using people within the clergy. Most of them have no clergy certificate or documents. They want to destroy it (Buddhism) from within. They are trying to distort and destroy the Sasanaya."*²³⁵

In two of the incidents listed here, the names of Buddhist clergy and individuals involved in the attacks have been publicly reported though no action has been taken to apprehend the perpetrators.

²²⁸ Interview with Sinhala-Buddhist nationalist group Sinhala Ravaya, September 2012

²²⁹ 'Abayagiri Monastery comes under attack from treasure hunters,' (Translated from Sinhala), Lankadeepa, 21 January 2012; 'Abayagiri Archaeological reserve comes under attack from treasure hunters,' (Translated from Sinhala), Hiru News, 15 June 2012, <http://www.hirunews.lk/sinhala/36652>

²³⁰ 'Treasure hunters damages a Buddha statue and rob valuable treasures from the Arankelle Ancient Naga Temple,' (Translated from Sinhala), Dinamina, 26 April 2012.

²³¹ 'Treasure hunters attack Naipena temple,' Lankadeepa, 02 February 2013, <http://www.lankadeepa.lk/index.php/articles/96042>

²³² P. Jayasinghe and Susantha Amarabandu, 'Archaeological site in Sagama including an ancient dagaba razed to the ground' (Translation from Sinhala), Divaina, 25 November 2012

²³³ The Sinhala Ravaya has claimed responsibility for attacks on Buddhist centres they say are distorting Theravada Buddhist teachings on its website www.sinhalaravaya.com. 'Pitidoowe Siridhamma, destroyer of the Sasana, seeks the forgiveness of the race and the Sasana.' (Translation from Sinhala), www.sinhalaravaya.com, 7 November 2011; 'Sinhala Ravaya raids the illegal religious place in Liberty Plaza,' (Translation from Sinhala), www.sinhalaravaya.com, 24 September 2011

²³⁴ Priyanka Kuragala, 'Focus on unethical activities' Daily News, 27 June 2012, <http://www.dailynews.lk/2012/06/27/news21.asp> also on <http://bodubalasea.org/sinhala/2012/08/focus-on-unethical-activities/>

²³⁵ Interview with a member of the Sinhala Ravaya, September 2012

Other Attacks: Buddhist clergy and temples have also faced violence due to other reasons such as political, land or personal disputes. There have been one-off incidents of attacks on Buddhist places of worship such as the attack on the temple of Shri Sugatha Bimbaramaya Temple in Ambalangoda during the presidential election campaign in 2010. However it needs to be noted that there have been other incidents of violence and intimidation against Buddhist clergy that have taken place outside temple compounds allegedly for political reasons. For instance, a Buddhist monk who took part in a protest in Maharagama against the arrest of opposition presidential candidate Sarath Fonseka was assaulted by the Police in February 2010, and Buddhist priests involved in other protests have also been assaulted.²³⁶ A 'Mahasangha Sammelanya' called by the Mahanayakas (chief prelates) of four Chapters to convene Buddhist priests in order to discuss the prevailing political situation in the country on February 18th 2010 was suspended due to security reasons.²³⁷ It was alleged that the organisers were threatened with violence by actors allied with the Government.²³⁸

In the post-war period, members of the Buddhist clergy have faced intimidation and even violence. While investigations are still on-going in these cases, the reasons for the attacks range from personal disputes and attempted robberies of temples to political-related violence and intra-Buddhist tensions. However, there have been other cases of violence against clergy. Although not listed here as they fall outside the definition of this report, they are nevertheless worth mentioning. On February 03rd 2013 for instance, the Chief Incumbent of Egoda Uyana Sunanda Upananda temple Ven. Matigahatanne Wimalawansa Thera was killed outside the temple. The monk was brutally stabbed and killed by a gang reportedly affiliated to a local politician over a land dispute.²³⁹

²³⁶ 'Police resorts to violent tactics to disperse Maharagama peaceful protest', Lankaenews, 11 February 2010, <http://lankaenews.rsf.org/English/newsd32b.html?id=9080>; Dasun Edirisinghe and Nilantha Madurawala, "Bhikku undergrads attacked university officials – J'pura VC We were attacked — Monks," Island, 26 October 2010, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=9751; Isuri Kaviratne, "Battered student-monks vow to strike back," Sunday Times, 29 June 2008, <http://www.sundaytimes.lk/080629/News/timesnews0027.html>

²³⁷ 'Prelates postpone Sangha Convention,' Daily Mirror, 17 February, 2010

²³⁸ Nirmala Kannangara, 'Mahanayakes Threatened With Temple Bomb Attack' — Prelate, ' Sunday Leader, 21 February 2010, <http://www.thesundayleader.lk/2010/02/21/%E2%80%9Cmahanayakes-threatened-with-temple-bomb-attack%E2%80%9D-%E2%80%94-prelate/>

²³⁹ Hemantha Randunu, Norman Palihawadana and Madura Ranwala, 'Monks killing: Moratuwa Dy. Mayor arrested suspected killers abducted, shot dead: Angry mobs demolish suspects' houses,' 04 February 2013, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=71926

Other Perceptions of Threat and Insecurity

Many Buddhist clergy and followers of Buddhism in the country consider Sri Lanka as the custodian of Theravada Buddhism and so it is seen as having a unique role in protecting and defending the religion. The post-war period has seen a renewed assertion or resurgence of this Buddhist identity, and a discussion of insecurities and perceived threats to Buddhism needs to be seen in this context. It should be noted however that these insecurities have not been linked to physical attacks on Buddhist places of worship. However, these fears are seen as a challenge to the foremost place of Buddhism as a de-facto state religion and Sinhala-Buddhists as the dominant community.

Perceived threats: Buddhist clergy and leaders, ranging from those considered more moderate to the more radical, have cited several threats to Buddhism. These include the assertiveness and increased strength of other religious communities in Sri Lanka; demographic changes; other religious communities using overt or covert means to spread their faith through religious conversion; encroachment in areas important to Buddhists and Sinhalese in general, and the damage to and loss of sacred sites. The two communities who are seen as most threatening in the post-war context are the Evangelical Christians and Muslims. These two communities have long been accused of unethical conversions of Buddhists through preaching, the use of material inducements, and inter-marriage. A Commission of Inquiry appointed by the All Ceylon Buddhist Congress was appointed to look into the unethical conversion of Buddhists. The Commission published its findings in 2009. It details cases that it considers are unethical conversions,²⁴⁰ and lists organisations it alleges are involved in unethical conversions.²⁴¹ According to views expressed in interviews for this report however, the resurgence of Sinhala-Buddhist nationalism following the end of the war has, to an extent, 'controlled' the threat of conversion.²⁴² Nationalist political parties have not ruled out anti-conversion legislation.²⁴³ However, it is not considered politic as the government is courting international aid and support following the war.²⁴⁴

²⁴⁰ However, based as it is on perception, what constitutes an unethical conversion varies from case to case.

²⁴¹ Report of the Commission appointed to Inquire and Report on the Conversion of Buddhists in Sri Lanka to Other Religions by Immoral and Fraudulent Means, (English translation published in 2012), All Ceylon Buddhists Congress, 2009

²⁴² "Fundamentalists (from other communities) are shocked by the Buddhist revival in the country after the war. Buddhists are vigilant about what is happening now..... This is a temporary setback for Christians. Conversions still take place but it is not very visible these days. Now they (Christians) are very tactful about the way they do it..." (Interview with a politician from the JHU, September 2012)

²⁴³ The JHU attempted to pass 'A Bill on Prohibition of Forcible Conversions of Religion' in 2004 but sections of it were deemed unconstitutional by Sri Lanka's Supreme Court. A number of Buddhist groups largely support anti-conversion legislation; some Hindu groups nominally support it. Muslim groups have not taken a public stand on the issue, though several Muslim leaders expressed dismay.

²⁴⁴ Interview with a politician from the JHU, September 2012

The threat to Buddhism is seen in spatial and demographic terms. In the North the continuing strength of Tamil nationalism is seen to be a key challenge and in the South the Muslim community is considered a threat due to its growing population and economic position.²⁴⁵ In war-affected districts, Government actors have stated that the North and East are not for Tamils alone and that Sinhalese should be able to settle there.²⁴⁶ There have also been accusations of encroachment of religious places and other buildings belonging to other minorities on lands sacred to Buddhists. These accusations are often reduced to arguments over which religious structure was located there first; contestation over ownership and boundaries; questions over registration and which structure has a legal and/or moral right to be there and disputes over archaeological histories of various sites.²⁴⁷ The Mahanayake (Chief Prelate) of the Asgiriya Chapter Venerable Uduyama Buddharakkitha Thera is reported to have said that there are organised attempts by non-Buddhists to drive Sinhala-Buddhists out of urban areas. He is quoted as saying, "We must protect this country from non-Buddhists who stealthily try to expel Sinhala-Buddhists from the main cities and acquire lands with the help of politicians who are greedy for money."²⁴⁸

There have also been allegations of threats facing sacred areas including Anuradhapura, Dambulla and Kelaniya. There have been efforts by some Buddhist groups to try and force out other religious communities and places of worship from these areas, particularly Muslim and Evangelical actors.²⁴⁹ As documented in this report there has been a spate of attacks in the post-war context against Evangelical Christian and Muslim places of worship and religious sites. Muslims have been specifically accused by Buddhist groups in several cases of alleged land encroachments, especially on archaeological sites and areas considered sacred to Buddhists. One of the more controversial cases dating back to the

²⁴⁵ "We cannot blame them; this is their (Muslims) way of expanding their community: they ask their community to have more and more children. Another way they spread Islam is through buying land for unbelievable amounts of money. And Sinhalese people cannot help it or do anything about it, they are being bought with money. This is done on purpose everywhere according to a plan. There is no fight as such against them but in the future this may be a problem." (Interview with a member of Sri Lanka's Buddhist clergy)

²⁴⁶ In an interview with Charles Haviland from BBC, Gotabaya Rajapaksa was asked whether Tamil people should consider the North as a predominantly Tamil place?. In response he said, "Why should be that? Why should be that? I come from Hambantota. When I was small I didn't see any Tamil family in this area. But today there are so many Tamil families. Why? So then why can't it happen the same thing in the North? If you are a Sri Lankan citizen you must be able to go and buy the properties from anywhere." And further claimed, "you can't give any area to any particular community, it's very unfair to say that." (Sri Lanka's Defence Secretary Gotabhaya Rajapaksa as reported by Charles Haviland, 'Gotabhaya Rajapaksa: Sri Lanka North not just for Tamils,' BBC News, 28 May 2012, <http://www.bbc.co.uk/news/world-asia-18207198>; Charles Haviland, "Gotabhaya Rajapaksa on ethnicity in Northern Sri Lanka post-war," Groundviews, 04 June 2012, <http://groundviews.org/2012/06/04/gotabhaya-rajapaksa-on-ethnicity-in-northern-sri-lanka-post-war/>)

²⁴⁷ Sandun Jayawardana, 'East's excavations suggest Buddhism was early bid', The Nation, 7 October 2012: <http://www.nation.lk/edition/fine/item/11150-east%E2%80%99s-excavations-suggest-buddhism-was-early-bird.html>

²⁴⁸ President Rajapaksa in a statement in January 2013 pointed out that land used by non-Buddhists religious places had historically been provided by temples: "The Venerable Buddhist priests have given these lands to non-Buddhists because Buddhism teaches us to give donations. We are ready to donate at any time as Buddhists. The Maha Sangha and all Buddhists are free of no racialism and regionalism." (M.W. Somarathna, 'Plan to expel Sinhala Buddhists from cities', Daily Mirror, 19 November 2012; "Most non-Buddhists use Buddhist temple land-MR," Daily Mirror online, 21 January 2013, <http://www.dailymirror.lk/news/25159-most-non-buddhists-use-buddhist-temple-land-mr.html>)

²⁴⁹ Also refer to related incidents in the chapter on attacks on Muslim places of worship on page 51

1990s has been at the Deegavapiya religious and archeological site in Ampara in the East.²⁵⁰ Another similar case of encroachment has been reported at the Kuragala archaeological site in Balangoda, Ratnapura district, which also houses a Muslim sufi shrine Daftar Jailani.²⁵¹ In a number of these cases political Buddhist groups were involved: including the JHU in the Deegavapiya legal challenge and the Bodu Bala Sena in the Kuragala incident. There are also allegations that over the course of the war Tamil Hindus have attempted to take over Buddhist places of worship.²⁵² The Department of Archaeology has also reported cases of destruction to ancient Buddhist ruins on archaeological sites by unidentified groups.²⁵³ However, there have also been cases of Buddhist groups constructing temples and installing related imagery on ancient sites such as in Kandharodai, Jaffna perhaps as a means to claim it.²⁵⁴ The Archaeological Department is also facing a problem in some sites as there are attempts to construct new structures which could damage historic buildings and ruins.²⁵⁵ Buddhist archaeological sites are also facing threats due to the development of land. For instance in Akkaraipattu in the Ampara district an ancient Buddhist archaeological site in the Sagama village was allegedly destroyed and turned into farmland.²⁵⁶

²⁵⁰ This site is venerated due to the belief that it is a site visited by the Buddha and its history as a third-century Buddhist temple and an archeological site. Muslim settlers from neighbouring areas have been accused of encroachment onto the site, and Muslim politicians have been accused of trying to create a "Muslim sacred area" in the East through pushing out Buddhist from the area. (Darmitha Kotte, 'Muslim invasion in the East of Sri Lanka and destruction of Buddhist sites', Lankaweb: <http://www.lankaweb.com/news/items07/040507-9.html>)

²⁵¹ The Kuragala archaeological site was declared a protected reserve under a gazette notification in March 1971. This includes a 52 acre area including the temple and the mosque on the premises. At the Kuragala site a dispute has arisen over the presence of a mosque and unauthorised structures such as shops on the site of the Kurugala Sripada Divaaguha Raja Mahavihara. Legal proceedings are underway to remove the unauthorised structures, which does not include the mosque. In a notice dated February 27th 2012, the Department of Archaeology vested authority of the site to the Buddhist Asgiriya Chapter for ten years, with specific conditions that the activities of the mosque are not to be disrupted. Other Buddhist clergy and groups in the area however are opposed to the decision to vest control of the site with the Asgiriya Chapter (interview with officials from the Department of Archaeology).

²⁵² *Sri Lanka's Eastern Province: Land, Development, Conflict*, International Crisis Group (ICG), 15 October 2008, http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/159_sri_lanka_s_eastern_province_land_development_conflict.pdf

²⁵³ For instance, in the same village above, a Christian cross was built on top of the ruins of a Buddhist stupa. It was then removed following intervention by the Department of Archaeology: Interview with officials of the Department of Archaeology

²⁵⁴ See *Attacks Against Hindu Places of Worship*, page 85

²⁵⁵ For instance, the Department has said it intervened to prevent construction of a Buddhist temple on the site of ancient Buddhist ruins in Sembimalai, Kuchchaveli, and Trincomalee. Buddhist religious leaders have asked for adequate state protection for archaeological sites considered important to Buddhists, through the Department of Archaeology; Also see The Social Architects (TSA), 'Salt on Old Wounds: The Systematic Sinhalaisation of Sri Lanka's North, East and Hill Country, 2012.

²⁵⁶ P. Jayasinghe and Susantha Amarabandu, 'Archaeological site in Sagama including an ancient dagaba razed to the ground' (Translation from Sinhala), Divaina, 25 November 2012

Response to Attacks

Even while Buddhist actors have called for action regarding some of these attacks, a notable feature is that there is more focus on perceived threats than the actual attacks on places of religious violence. For instance, there has been little action taken to address the violence against Buddhist groups seen to be heretical to Theravada Buddhism. It is also notable that in intra-religious attacks the prelates of the main chapters have refrained from publicly commenting on such incidents. There has been media coverage on the slew of robberies and vandalism of Buddhist temples and also archaeological sites and also demands by some Buddhist clergy and groups such as the Bodu Bala Sena that the Government address this issue.²⁵⁷ There have also been parliamentary debates on this issue but the Government has not yet presented a plan of action on how it will tackle this issue, even following the high profile robbery from the Colombo National Museum.²⁵⁸ The nikayas have not called for special action to address specific acts such as the robbery and murder of two monks at the Kotte Raja Maha Viharaya.

The view of some sections of Buddhist clergy and groups is that the Government is not taking concrete action against perpetrators of attacks and to deal with perceived threats and insecurities detailed above.²⁵⁹ In interviews for this report, some have held the Government responsible for the damage and the Sinhala-Buddhist political party the JHU, which is part of the governing coalition, for not taking adequate action to safeguard threatened sites. Individual Buddhist monks have spoken out publicly against destruction of Buddhist temples to make way for development activity, allegedly with state approval.²⁶⁰

"The Government shows that it is doing a lot of things to foster and propagate Buddhism but to me, it is just a show, such as displaying relics from another country. Showing relics and having ceremonies where ministers participate is not a way to propagate Buddhism. What you have in the constitution is that Buddhism is given

²⁵⁷ 'Buddhist monks demand 'protection' of 'archeological sites' in East,' Tamil Guardian, 29 November 2012, <http://tamilguardian.com/article.asp?articleid=6433>; 'Goals of Bodu Bala Sena,' Official website of Bodu Bala Sena (Buddhist Power Force), <http://bodubalasesna.org/english/goals-of-bodu-bala-sena/>

²⁵⁸ Sandasen Marasinghe, Irangika Range and Disna Mudalige 'Plans must be formulated to conserve archaeological sites,' Daily News, December 13 2011, <http://www.dailynews.lk/2011/12/13/pol02.asp>

²⁵⁹ Interview with members of Buddhist clergy between September and October 2012.

²⁶⁰ "I have been in Batticaloa for the past 15 years and have seen how our Buddhist temples came under attack from the terrorists. Despite all these, the government has now started to demolish the rest of the temples to build hotels, in order to attract more tourists to the country. It is President Mahinda Rajapaksa that has to take sole responsibility in the event of my death. As a Buddhist leader, he has completely failed to safeguard the places of Buddhist worship for the Sinhala community in the Eastern Province," (Chief Incumbent Mangalaramaya Batticaloa, Ven. Ampitiye Sumanarathana as quoted in the Sunday Leader, 8 August, 2010: <http://www.thesundayleader.lk/2010/08/08/temples-vs-hotels/>)

foremost place and the state is responsible for protecting it. And the Government has not done enough."²⁶¹

Some Buddhist groups interviewed for this report accuse the Department of Archaeology of "not understanding the emotional connection Buddhists have to some archaeological sites,"²⁶² and that they do not take adequate action to protect these areas. There have to be efforts to protect archaeological sites by the relevant authorities both to safeguard the historical heritage of the country and to prevent non-state actors taking up vigilante roles.

²⁶¹ Interview with a member of the Buddhist clergy, October 2012.

²⁶² Interview with a politician of the Jathika Hela Urumaya (JHU), September 2012.

Attacks against Hindu Places of Worship

There are contrasting perspectives in terms of the safety of Hindu places of worship in the post-war period. The end of war has allowed for the reconstruction of kovils and for greater access to places of worship indicating improved religious and cultural freedom post-war, particularly in the North and East and religious authorities report that more people are visiting kovils and are engaged in religious activity. While most of the reported cases of threats, physical attacks and restrictions on religious practice have been reported from the North, Hindus in the South, including the up-country districts, have also pointed to incidents which have contributed to insecurity.

In addition to direct physical attacks on Hindu kovils listed in this chapter, several other concerns have been raised with respect to religious freedom for Hindus in Sri Lanka after the war. Most of these concerns were in the North and East and were in relation to access to temples in High Security Zones and areas restricted by the military; military intrusion into religious practices and rituals; Buddhist and other religious symbols being set up in the vicinity of Hindu religious sites; allegations of destruction of kovils and shrines; disputes over archaeological sites; threats to religious places from development activity; concerns of conversions from Hinduism to other religions. In other parts of the country, concerns were raised over restrictions and protests from Government and political actors against the expansion or the presence of individual places of worship and the holding of specific rituals, as well as the issue of religious conversion. While these cases have not been listed in this report, they have been discussed in some detail later in this chapter.

In interviews for this report and in the media, there were very allegations of kovils being destroyed after the war ended, however it was difficult to verify many of such cases, including whether the destruction had taken place after the war.²⁶³ Most of the direct attacks reported on Hindu temples post-war have been incidents of theft and vandalism. Several of the reported cases have been mostly from temples in the North and East, with once incident in the Galle district. A number of other cases of robberies were also reported to CPA but have not been included in the list due to a lack of information on each incident. In addition to robberies, there are a number of other allegations of threats and attacks on kovils. However the lack of documentation is a serious challenge within the community.

²⁶³ A case was reported from Kanniya in the Trincomalee district of an ancient Siva temple at the Kanniya hot springs which is said to have been destroyed and a Buddhist temple constructed in the vicinity. Photographs of the site show a Buddhist flag planted on the foundation of the Kovil. (Speech made by TNA MP, MA Sumanthiran to Parliament In October 2012). It is also alleged that a Buddhist monk has been appointed to tend the site, (Sri Lanka's North I: The Denial of Minority Rights Crisis Group Asia Report, 1, 2012, International Crisis Group), and that signboards depicting the historical ties of ethnic Tamils to the site, have been removed by government officials. (*Tamil National Alliance Situation Report*, July 2011). However, the date of this incident could not be independently verified.

List of Attacks on Hindu Places of Worship

2009
<p>November 29, Kanguveli, Muttur, Trincomalee district: This ancient Agasthyar Sthapanam Shiva temple is reported to have been extensively damaged. In November 2009 worshippers reported that the siva linga was removed. The temple was last seen intact about a month earlier. The TNA says that this incident was brought to the attention of the President in December 2, 2009 by TNA MP Mr. Sampanthan who was later told that the Divisional Secretary of Muttur had been instructed to conduct investigations. In 2010 the TNA reported that the Sri Lanka Navy was preventing the public from accessing the temple. The area is now accessible²⁶⁴</p>
<p>December 5, 2009, Kaluwella, Galle district: A total of 17 Shiva statues were reported to have been stolen from a Shiva Kovil in Kaluwella, Galle in the early hours of the morning by unidentified persons, who had also assaulted the security guard at the temple. The statues are said to be more than 150 years old. A complaint was made to the Galle police.²⁶⁵</p>
<p>December 12, 2009, Kanthalai, Trincomalee district: A Pillaiyar statue is reported to have been stolen from a Pillaiyar Kovil in a village in Kantalai Trincomalee. A complaint was lodged with the Kanthalai police.²⁶⁶</p>
2010
<p>September, Tampalakaamam, Trincomalee district: The head of the statue of Vairavar in the historic Aathi Koaneasvarar Temple was reported to have been desecrated by unidentified people. A report was filed with the Thampalakaamam police.²⁶⁷</p>
<p>September, Tampalakaamam, Trincomalee district; The head of the Naakathampiraan statue in Kaalimeadu Mari Amman Kovil was found smashed. The perpetrators were unidentified. A report was filed with the Thampalakaamam police.²⁶⁸</p>
<p>September, Tampalakaamam, Trincomalee district; The holy trident in Paddimeadu Chinthamani Pillayaar Kovil was found missing. The perpetrators were unidentified. A report was filed with the Thampalakaamam police.²⁶⁹</p>
<p>December 11, Jaffna District; The Chief Priest, Nithiyanda Sharma of the Changkaanai Murukamoorthy temple in Jaffna was fatally wounded during an attempted robbery at the temple, and his sons critically</p>

²⁶⁴ Speech made by TNA MP, MA Sumanthiran to Parliament in July 2011, ('TNA Leader MP P.Sampanthan's Speech in Parliament' <http://sangam.org/tna-leader-p-sampanthan-mps-speech/>, 22 August 2012.)

²⁶⁵ Supun Dias, 'Unidentified Gang Steals Shiva Statues', Daily Mirror, 07 December 2009; 'Galle Sivan Kovil Robbed, 17 Artifacts Stolen', Tamilnet, 7 December 2009.

²⁶⁶ 'Pillayar statue stolen from Temple at Kanthalai in Trincomalee', Thinakkural, 13 December 2009; Kantha'laay Koayil burgled, Pi'l'laiyaar statue missing', Tamilnet, 13 December 2009.

²⁶⁷ 'Desecration of Saiva Temples in Trincomalee District Continues,' Tamilnet, 12 September 2010; 'Statues in Hindu Temples destroyed by miscreant in Thampalakamam , People in fear,' (Translated from Tamil), Sudar Oli, 11 September 2010; 'Incidents of smashed statues increased in Trincomalee , ' (Translated from Tamil) , Veerakesari, 12 September 2010.

²⁶⁸ Ibid

²⁶⁹ Ibid

injured. ²⁷⁰
2012
April 8, Kopay, Jaffna district; Idols in the Kopay Karanpitu Pillayar Kovil in the Jaffna peninsula were found to have been beheaded. ²⁷¹
April 8, Kopay, Jaffna district; Idols in the Achchalu Kovil in the Jaffna peninsula were found to have been beheaded. ²⁷²
June 2012, Puthukkudiyiruppu, Mullaitivu district; Unidentified people had broken into the Badra Amman Kali Kovil and had reportedly stolen 108 gems that were decorating the Amman statue. A report of the theft was made to the local police. ²⁷³
August 6, Panama, Ampara district; A group of people in Panama, Ampara, allegedly led by the chief priest of a Buddhist temple in the area, had entered the Sithi Vinayagar Hindu temple and removed the idol of Lord Ganesh and taken it to the Buddhist Vihara in Panama. The theft also follows previous attempts by unidentified people to steal the statue, as well as alleged threats and demands by the same Buddhist priest to hand the statue over to him. Complaints had reportedly been made to local police and security forces in the area, as well as Tamil National Alliance MP for Batticaloa, S. Yogeswaran. ²⁷⁴

Trends in Attacks and Related Incidents

Apart from one case, all the incidents are reported from the North and East and are instances of robberies, vandalism and destruction of structures associated with worship. Unlike with other religions, there have been no reported incidents of intra-religious attacks within the Hindu community. Apart from those listed above, a total of 14 additional cases were reported from Jaffna alone, with idols and religious symbols used in festivals, as well as valuable gemstones reported stolen. However basic information relating to these incidents including dates of the incidents and list of items that were stolen could not be obtained.²⁷⁵ Even while the list of incidents need to be verified, that there are so many

²⁷⁰ Sudar Oli, December 16, 2010; Also, 'Chief Priest Fired at by SLA Gun Succumbs to Injuries, Tamil Net, 16 December, 2010.

²⁷¹ "Destruction of venerated statues of Tamil nationals continues : another destruction in Jaffna," Sri Lanka Brief, 08 April 2012, <http://www.srilankabrief.org/2012/04/destruction-of-venerated-statues-of.html>.

²⁷² *ibid*

²⁷³ 'Large amount of Jewels burgled at Bathrakali Amman temple in Puthukkudiyiruppu,' Thinakkural, 5 June 2012.

²⁷⁴ D.B.S Jeyaraj, 'Mob led by Buddhist Priest Forcefully Takes Away Pillaiyar Statue From Hindu Temple,' 07 August 2012 <http://www.srilankabrief.org/2012/08/mob-led-by-buddhist-priest-forcefully.html>

²⁷⁵ Incidents of theft have been reported from the following temples in Jaffna after the war, although no specific dates are available. The list was compiled by religious actors in Jaffna. Items generally stolen in most cases are reported to have been valuable idols, gemstones and religious statues used in some festivals.

1) Nayanmarkaddu Arasadi Pillaiyar Alayam, Nallur; 2) Gnana Viravar Suvami Kovil, Tellipalai; 3) Sri Ambalavana Vinayagar Alayam, Columbuturai; 4) Arul Migu Sellappillayar Kovil, Nallur; 5) Ariyalai Neernochchithalvu Sri Sithivinayagar Temple, Ariyalai ;6) Ariyalai Kottukinattu Manika Pillaiyar Kovil, Ariyalai; 7) Kanraichchatty Alakkiraga Poothavaratha Vinayagar Thevasthanam (Kalattiyit Pillaiyar) Meesalai; 8) Vatharawattai Kethuvu Pillaiyar Kovil, Puutur East; 9) Sri Sivakurunatha Suvami Kovil, Point Pedro; 10) Panavetti Sri Puvaneswari Amman Kovil, Mathagal; 11) Gnanavairavar Aalaya Paripalana Sabai, Vasavilan; 12) Karaikal Visaalatchchi Ambal Sametha

cases being reported from Jaffna is a serious issue of concern. As one interviewee said, "Only in rare cases are people arrested. It has to be people with influence who are doing this. The police and army are everywhere. How are they [thieves] taking it [the stolen objects] out of Jaffna?"²⁷⁶ Few arrests have been made and while it is unclear who is behind the robberies, some local religious and other authorities point to Government complicity at some level with regards to incidents in the North, as most of the thefts have occurred despite widespread presence of the military. One case of theft however, that appears distinct from the other reported incidents was in Panama, Ampara, where a statue of God Ganesh was allegedly stolen by a Buddhist monk and others from the area and housed in a Buddhist Vihara. The deity has long been worshipped by both Hindus and Buddhists.

There have been reports of individual acts of violence against Hindu priests, in one case associated with attempted robbery at a temple as listed above. There have also been other cases of violence against priests that did not take place at a kovil and have therefore not been included in the list. For instance, in July 2009 the Chief priest Jeyanthan Kurukkal of the Koneshwara Temple in Tampalakamam in Trincomalee was said to have been abducted by unknown people. Following a complaint made by his family to the Tampalakamam police, they were allegedly told that he was taken for a police inquiry in another district.²⁷⁷ On January 17th 2011, armed men on a motorbike were reported to have opened fire on the family of a Hindu priest on Hospital Road in Maanippaay, Jaffna, injuring the priest's wife.²⁷⁸ While the motives of these individual acts may be varied and some of the violence may be related to personal reasons, these incidents need to be taken note of and acted upon.

There have been a few incidents reported of Buddhist temples being built on the site of damaged or destroyed kovils. However, the dates of destruction were not known and given that these were areas with heavy fighting it is difficult to assert that the temples were destroyed after the war. Some of these cases are discussed in the next section.

Viswanatha Sivan Thevasthanam, Innuvil, Kondavil; 13) Sri Rajarajeswari Ambal Devasthanam, Tellipalai; 14) Pattickadalai Gnana Virawar Kovil, Tellipalai;

²⁷⁶ Interview with a religious leader from an inter-faith group in Jaffna; CPA also visited one of the kovils in Jaffna where theft was reported, and interviewed Hindu religious leaders and other actors on this issue.

²⁷⁷ 'Chief priest of Sri Koneswaram Temple in Taampalakamam abducted (Translation from Tamil)', Pathivu, 20 July, 2009.

²⁷⁸ 'Gunmen open fire at priest's house, wife seriously injured in Maanippaay, Jaffna', Tamil Net, 17 January, 2011.

Other Perceptions of Threat and Insecurity

As noted, there are varying perceptions on the challenges in the post-war context. While for some the main challenge is the reconstruction of damaged and destroyed temples,²⁷⁹ for others it is the continuing threat of Sinhala nationalism to Tamil culture and society in the North and East. While most of the attacks listed here are cases of theft and vandalism, it is important to note the wider context of fear and insecurity that surrounds these incidents. Representatives of the Hindu community have expressed the fear that their cultural and religious rights are under threat following the end of the war. In addition the robberies and physical threats to places of religious worship, the other significant include the continuing militarisation in the North and suspicions of state sponsored 'Sinhalisation' or the attempt to introduce a Sinhalese identity in minority areas. There are also some concerns in the South in terms of religious freedom and threats to places of worship.

Military Restrictions: Interviews for this report indicate that even while the military occupation continues, there has also been a release of some temples and a gradual easing of restrictions. The Government has taken steps to release land and properties that were under military occupation for civilian use, and ease restrictions on access to temples after the military takeover of the East in 2007 and in the North after the end of the war in May 2009.²⁸⁰ For instance the Naguleswaran Hindu temple in the Tellipalai HSZ was opened in December 2009.²⁸¹ Nearly all temples in Killinochchi have been released at the time of writing this report, except for a small kovil in Paravipangan Village, which is close to Killinochchi Town.²⁸² Nonetheless, there are a number of temples that continue to be inaccessible. There is no publicly available comprehensive list of Hindu temples within remaining High Security Zones and restricted areas in the North and East, and no public information regarding if/when the Government hopes to provide access, particularly in areas in Tellipalai which remain closed. Through interviews a number of cases were raised with CPA including a Murugan temple and a Sivan temple in Puthukkudiyiruppu in Mullaitivu which has not yet been opened to the public,²⁸³ while the Nagar Kovil in Point

²⁷⁹ An official from a civil society organisation in Batticaloa said in an interview that there was no damage to kovils or restrictions on worship in the Batticaloa district post-war, and the most significant challenge identified was a lack of assistance to rebuild temples damaged during the war (Interview conducted with an official of a civil society organisation in Batticaloa. November 2012)

²⁸⁰ Some of the restrictions that were removed included the opening of the A9 highway in December 2009 and the military hand-over of the Vasavilan Central College in Palalai HSZ to the college authorities in September 2011 (N. Parameswaran, 'After 19 years the A9 opens for public transport,' Sunday Times, December 20, 2009; Supun Dias, 'Army hands over Vasavilan College and paddy fields,' Daily Mirror, 29 September 2011).

²⁸¹ "Kirimalai opened after 30 years," Daily Mirror, 15 December 2009.

²⁸² Much of the village, which is home to about 1,200 individuals also continues to be occupied (Interview with a Member of Parliament from the Wannai District and a Hindu Religious Leader from Killinochchi).

²⁸³ Interview with a Hindu priest from the Killinochchi district, October 2012

Pedro, Jaffna is still reportedly under military occupation but people have been allowed access. In Sampur, Trincomalee which was declared a High Security Zone and later a Special Economic Zone, there are a number of kovils, including an ancient Kali Kovil where access continues to be restricted.²⁸⁴ Some temples are not functioning due to extensive damage during the war,²⁸⁵ and concerns have been raised about the lack of access and resources to rebuild and maintain some sites, especially those of historical importance.

There are specific examples of the military's involvement in re-building public confidence and fostering peace. There have been some reports of Sri Lankan military assistance in building kovils for local communities, such as in the construction of a new Hindu kovil in the Madhukulam area as well as in Sinnathampane, both of which are situated in Vavuniya.²⁸⁶ However, there have been allegations made by the TNA that the Sri Lankan armed forces have prevented people from rebuilding damaged or destroyed temples in the North, although there are no specific cases provided in areas that have been released.²⁸⁷

Authorities of some temples in the North and East have reported that they require permission from local military officials in the event of a large gathering of people for festivals, celebrations, memorial services and similar events. Sometimes military personnel, reportedly including military intelligence, are present at these events. As one interviewee from the Wannu noted: "The military doesn't like any big celebration, if there is anything held they come and see what we are doing. But they don't give us any trouble."²⁸⁸ It is nonetheless clear that the military does play a role especially with regards to 'providing permission' to hold temple festivals in politically sensitive areas such as the Wannu and Jaffna.²⁸⁹

Temple authorities in the North report restrictions on holding any prayer and remembrance services during the anniversary of the end of the war on May 19th 2012. The restriction is ostensibly because this would include memorial services for slain members of

²⁸⁴ Access is not given to Nahathampiram Kovil and the Pathrakali Amman Kovil situated in Sampur SEZ: Tamil National Alliance, Mr. Sampanthan's Speech in Parliament on UNHRC Resolution, April 2012.

²⁸⁵ A list of kovils as well as churches claimed to have been damaged or destroyed during the war is available from the Tamil Centre for Human Rights (TCHR).

²⁸⁶ 'Army Undertakes to Build New Hindu Kovil,' Ministry of Defence and Urban Development, www.defence.lk, 15 October 2012, http://www.defence.lk/new.asp?fname=Army_Undertakes_to_Build_New_Hindu_Kovil_20121015_06; Sandasen Marasinghe, 'Buddhists Build Two Kovils in the North,' Daily News Online, 19 August 2011.

²⁸⁷ TNA Situation Report, 21 October 2011.

²⁸⁸ Interview with Hindu religious authorities in the Killinochchi district, October 2012

²⁸⁹ For instance during the 'Ther' festival in August 2012, temple authorities of the Kandasamy temple in Killinochchi had to obtain permission to carry temple deities to the Iranamadu tank by road through an army controlled area. Temple authorities say permission was given readily and that several military personnel accompanied them, but did not disrupt the ritual in any way (Interview with Hindu religious authorities in the Killinochchi district).

the LTTE by their families. The same restrictions apply in the last week of November, during which LTTE combatants and other LTTE notables were honoured in 'Maveer' or Heroes Day celebrations during the war, which falls the day after the birthday of the former LTTE leader, V. Prabhakaran.²⁹⁰ Religious authorities in the North and some areas of the East who were interviewed stated they have received warnings and/or threats to not hold any religious services, on these specific days of the year. For instance, some kovils in the Kepamilavu area, Killinochchi District were told not to conduct poojas and ring temple bells in May 2012 and November 2011.²⁹¹ Religious authorities also cite fears among military personnel that poojas and vows made by Hindus at kovils are against them. *"A civil intelligence officer tapped a lady on the shoulder while she was praying and asked her to come out. He asked her why have you made this pooja, is it against the security forces? You should not do things like that."*²⁹²

Construction of Buddhist Symbols in Tamil Areas: The construction of Buddhist symbols of worship in predominantly minority areas and public spaces in the North has been viewed by representatives of the Tamil community as a reflection of a resurgent Sinhala-Buddhist nationalism. The concern appears to be a continuation of the war-time insecurity of the Tamil community, coupled with historical concerns over the loss of land and collective rights as a result of state-facilitated Sinhala colonisation.

Buddha statues and/or temples and other symbols such as Bo trees being set up in close proximity to existing kovils, in public spaces and on private land constitute the bulk of incidents. There are also allegations of such symbols being placed on the site of kovils damaged during the war. A Buddhist flag is reported to have been installed on the foundation of a destroyed kovil at the Kinniya hot springs site in Trincomalee. Reportedly a Buddhist temple has been constructed in the vicinity and Buddhist monk was appointed to tend the site.²⁹³ There are also reports that the explanatory public notice boards for the sites have been changed to situate the sites in a more Sinhala-Buddhist context.

It is not possible to determine who is responsible for the approval and the construction of the above mentioned sites. But the military has been accused by political and civil society representatives, and by local residents as being responsible in most cases. In some instances the issue of proximity is raised as being a critical issue but how 'close' a symbol is to an existing kovil to be considered a threat is not determinable. However, in interviews

²⁹⁰ Sri Lanka's Minister of Mass Media and Information Keheliya Rambukwella is quoted as saying that the government had banned any form of publicity, celebrations, functions and events connected to the LTTE: Daily Mirror, 2 December, 2011.

²⁹¹ Interview with a Hindu priest in the Killinochchi district, October 2012

²⁹² Interview with a Member of Parliament from the Killinochchi district, October 2012

²⁹³ 'Military GA constructs Buddhist stupa at historic Saivite site in Trincomalee,' TamilNet, 16 May 2012; 'Military GA constructs Buddhist stupa at historic Saivite site in Trincomalee,' Sri Lanka Truth, 12 May 2012, http://srilankatruth.com/news/newspublish/news.php?news_id=8514; *Salt on Old Wounds: The Systematic Sinhalaisation of Sri Lanka's North, East and Hill Country*, The Social Architects (TSA), 2012.

carried out for this report, the presence of Buddhist symbols in any location with little or no Sinhalese presence was seen as a threat. "This army is like a Buddhist army. We don't know what their intention is in putting up all these Buddha statues. Army camps and Buddhist viharas are being constructed in the name of reconstruction."²⁹⁴ Some of the explanations offered by Government ministers were that the Buddhist temples and statues meet the religious needs of the soldiers still stationed there, and for Buddhists who visit the North. However the concentration and even scale of some of these symbols are considered disproportionate to the local population of Buddhists living in these areas. These have sparked fears of forced colonisation and demographic change in the North. Udaya Gammanpila, Government Minister and Legal Adviser to the JHU has been quoted as saying, "We have never objected to the building of Hindu shrines in any part of the island, so why should Buddhist statues be treated any differently?"²⁹⁵ However, it is also clear that given sensitivities especially in the post-war context, new statues, shrines and temples are potent symbols of power, which have a significant ability to play into ethnic insecurities and politics.

Some of alleged cases of Buddhist temples and statues that have been constructed on the site of kovils that were damaged/destroyed during the war include:

- Illankaithurai, Trincomalee district - A Buddhist temple has reportedly been built after the capture of the area from the LTTE in late 2006 in the place of the Swamy Kovil that was on the site before the war.²⁹⁶
- Kokilai, Mullaitivu district - According to some reports in 2011, a Buddhist temple was being built partly on the site of the Arasadi Pillaiyar Temple in Kokilai, Mullaitivu district that was damaged during the war. State land in Kokkilai was also reportedly being used for the new construction as the Buddhist temple is to partly extend on land of the Kokkilai hospital and a post-office.²⁹⁷

There were also alleged cases of Buddhist temples and statues in the North 'close' to existing kovils:

- Kanagarayankulam, Vavuniya district - Sri Lankan army personnel are reported to be building a 25-foot Buddhist statue on land reportedly owned by five Tamils, including a

²⁹⁴ Ibid.

²⁹⁵ Imaad Majeed, 'Misguided Buddhist Zealots', *The Sunday Leader*, 05 February 2012.

²⁹⁶ Bhavani Fonseka and Mirak Raheem, *Land in the Eastern Province: Politics, Policy and Conflict*, Centre for Policy Alternatives, May 2010; *Sri Lanka's Eastern Province: Land, Development and Conflict*, International Crisis Group (ICG), October 2008.

²⁹⁷ 'Buddhist temple being erected in the place there was a Pillaiyar Hindu Kovil', *Sri Lanka Guardian*, 28 September, 2011; Also, *Situation Report: North and East*, Tamil National Alliance October 21 2011.

member of the local council. Reports from the TNA make reference to clear deeds for the lands belonging to three individuals.²⁹⁸

- Nedunkerni, Vavuniya district - Buddha statues have reportedly been built near the Kurisutta Amman temple.²⁹⁹
- Mannar district - A Buddhist Vihara named Mahatota Raja Maha Vihara is reported to have come up within 50 meters of the famous Thiruketheeswaram temple in Mannar.³⁰⁰ There have also been reports of Buddha statues being placed near the Pillaiyar Kovil in Mullankavil, Mannar and close to the Murugan Kovil in Murungan, Mannar³⁰¹.
- Tellipalai, Jaffna district - Small Buddha statues are reported to have been placed near the IlavalaiKoodathar Kovil, near the Keeramalai Murugan Kovil and near the Maviddapuram temple.³⁰²

As noted in some of these cases, ownership of the land used to build these Buddha statues and shrines is being contested.

Disputes over Archaeological Sites: There have been claims that some sites have been 'converted' into Buddhist archaeological ruins, either through false claims or Buddhist symbols being buried and later labeled as archaeological finds.³⁰³ Kandarodai in Jaffna, which was declared an archaeological reserve in 1967,³⁰⁴ is being contested with some claiming it as a site for Sinhala Buddhist history, others stating that it is a site pertaining to the history of Tamil-Buddhism and another school of thought stating that it may even pre-

²⁹⁸ There have been several references to this incident. These include: *Sri Lanka's North I: The Denial of Minority Rights*, International Crisis Group, Asia Report, 16 March, 2012; "A public statement made by Member of Parliament Sivasakthy Ananthan during an adjournment motion on land issues," on September 22, 2011; in the August 25f 2012 article in the Tamil Guardian citing Uthayan Online; in the Sunday Leader on February 05, 2005.

²⁹⁹ *Sri Lanka's North I: The Denial of Minority Rights*, International Crisis Group, Asia Report, 16 March, 2012.

³⁰⁰ 'Exclusive: 'Erasing the cultural leftover of Tamils to convert Sri Lanka into Sinhala country,' The Weekend Leader, 05 November 2012; *Situation Report: North and East Sri Lanka*, Tamil National Alliance, 21 October 2011.

³⁰¹ Interview with a Government official in the Mannar district in October 2012; *Sri Lanka's North I: The Denial of Minority Rights*, International Crisis Group, 16 March 2012.

³⁰² Information obtained from the Minority Rights Group International (MRGI).

³⁰³ For instance, interviewees in Jaffna identified a site called Nilaavarankenaru in Jaffna, where a circular brick structure is alleged to have been set up following the war, with an official sign from the Department of Archaeology indicating it is now a protected area. The assumption was that it would be declared as a site proving Sinhala Buddhist presence, even though at the moment at face value it appears that the measures being taken are to protect the site. (Interviews with a Hindu priest and civil society activist, Jaffna. October 2012). See also 'Issues and problems facing people of the Northern and Eastern provinces', Report by TNA Member of Parliament MA Sumanthiran to Parliament on July 7, 2011; 'Exclusive: Erasing the cultural leftover of Tamils to convert Sri Lanka into Sinhala country,' The Weekend Leader, 05 November 2012.

³⁰⁴ *Salt on Old Wounds: The Systematic Sinhalisation of Sri Lanka's North, East and Hill Country*, The Social Architects (TSA), 2012.

date the Buddhist period.³⁰⁵ A metal shed housing a Buddha statute is currently on the Kandarodai site and there were military personnel stationed at the site.³⁰⁶

Other disputed sites are the Muthumariamman Paarvathi temple in Kilivetty, Trincomalee, and Samanalkulam Pillaiyar temple in Vavuniya that according to some reports have been converted into Buddhist ruins.³⁰⁷ The Department of Archaeology maintains that the two sites contain ruins related to Buddhism, but that the Hindu temples have also been present, and that no attempt is being made to remove them.³⁰⁸ The TNA has also alleged that there have been demolitions of kovils in border areas of the Batticaloa district for archaeological excavation, such as the Thaan-thoan'ri-eesvarar temple in Kokkaddichchoalai.³⁰⁹ Conversely, an official from the Department of Archaeology has said that there have also been isolated incidents of Tamil groups attempting to set up a kovil or shrine on an archaeological site. For instance, in 2010, a group allegedly led by the TMVP placed a statue of a Hindu deity in a cave in Vakarai, Eastern province. The cave contained stone tablets belonging to the 3rd century BCE. Following Department of Archaeology intervention, this statue was removed.³¹⁰

Disputes with other Minorities: There are specific instances where the Hindu community is locked in disputes with other minority communities.³¹¹ For instance, there is currently a dispute between Hindus and Catholics in Mannar, over encroachment of land adjoining the Thiruketheeswaram temple. According to interviews conducted in Mannar, it is claimed that the land in question was meant to be neutral territory, which both sides had agreed that neither would utilise, but in recent months a fence has been reportedly constructed by local Catholics.³¹²

Development Activity: Development activities are also seen as threatening existing temples, resulting in possible removal or relocation to different parts of the country. For

³⁰⁵ Interview with an official of the department of Archaeology in Colombo, November 2012; Sachini Perera, 'The Ceylon Traveller – Kantharodai / Kadurugoda,' The Sunday Leader, 18 March 2012

³⁰⁶ CPA visit to the Kandarodai site, July 2012.

³⁰⁷ 'State Sponsored Destruction and Desecration of Hindu Temples,' Global Peace Support Group, 15 January 2011, <http://www.globalpeacesupport.com/2011/01/state-sponsored-destruction-and-desecration-of-hindu-temples/>

³⁰⁸ Interview with the Department of Archaeology, November 2012; Once a gazette has been issued declaring a site as an archeological reserve, all structures on it are protected to maintain the 'authenticity' of the site.

³⁰⁹ 'Sinhalaisation of Batticaloa takes place under guise of archaeology: TNA MP', Tamilnet as cited in Sri Lanka Brief, 10 May 2012

³¹⁰ Interview with an official from the Department of Archaeology in Colombo, November 2012

³¹¹ In some areas such as Mannar in the North, tensions between Tamils (Hindus and others) and Muslim groups appear to be in large part motivated by disputes over land, For instance in Uppukulam, Mannar, there is a dispute over fishing rights between Muslims and Tamils in the area. There have also been disputes such as in Kavurady, --- between Muslims and Tamils over the legality of land sales that occurred during the war under LTTE occupation of the area (Interview with community and religious leaders, October 2012).

³¹² Interview with a community member and public official in the North, October 2012

instance, there are allegations of a Hindu statue being removed to allow for expansion of the Medawachchiya bus stand in Anuradhapura.³¹³ The All Ceylon Hindu Congress is also reported to have made a formal complaint to the Governor of the Northern Province about 27 Shiva temples and monuments that would be affected by the widening of the Jaffna-Kankesanthurai Highway.³¹⁴ The restaurant Testa built in 2010 was reportedly built on land belonging to the adjoining Thiru Murukandi Pillayar Hindu temple. The Temple authorities challenged the construction but could not prove legal ownership over the land.³¹⁵ There have been at least two cases from Trincomalee that the TNA alleges have been earmarked for forced removal as illegal constructions including the Aanchaneayar Temple and a Vishnu Temple (on Hill Beach Road) in Trincomalee³¹⁶ and Pillaiyar Kovil in the Trincomalee District Hospital premises. In the case of the latter there is a contestation as to whether the Urban Development Authority (UDA), which comes under the Ministry of Defence and Urban Development, actually wants to demolish the 60-year old temple or a portion of it which has been extended onto the road and is thereby obstructing vehicular traffic.³¹⁷

As in this case, even while the Government has sought to justify its position in some of these cases as being about development and improving public services and facilities, the action and the process through which the removal has been carried out has raised allegations of insensitivity and government agencies being actively involved in restricting religious freedom.³¹⁸ This raises issues of competing perceptions regarding legal processes concerning temple construction and expansion, and transparency and public consultation in terms of governance.

Other Challenges in the South: In other parts of the country outside the North and East, there have been protests against certain Hindu religious rituals and other restrictions including on construction of new structures in existing Hindu places of worship, where the role of the Government is very much in question. For instance, Minister of Public Relations, Mervyn Silva, members of the political party JHU, and animal rights activists were involved

³¹³ Interview with a Hindu religious organisation in Jaffna, October 2012

³¹⁴ '27 Saiva temples, monuments affected by planned road widening, ACHC complains', Tamilnet, 6 February 2010.

³¹⁵ Bhavani Fonseka and Mirak Raheem, *Land in the Northern Province: Post war politics, policy and practices*, Centre for Policy Alternatives, December 2011.

³¹⁶ 'Hindu Temples in East face forcible removal, destruction,' 1 July 2010; Tamilnet, Thinakkural, 1 July 2010.

³¹⁷ D.B.S Jeyraj, 'The truth behind the Trincomalee Hospital Pillaiyar Temple issue', dbsjeyraj.com, 25 April 2012, <http://dbsjeyraj.com/dbsj/archives/5860>

³¹⁸ According to some media reports, the Urban Development Authority had reportedly ordered the removal of a 60-year old Pillaiyar Kovil in the Trincomalee District Hospital premises in April 2012 for road expansion purposes. This was reportedly brought to the notice of the Defence Secretary Gotabhaya Rajapaksa, who instructed UDA officials to submit a report. However, there have been reports indicating that gradual expansion of the temple had extended into the road adjoining the hospital. ('Tamils Angered on UDA Order to Remove Pillaiyar Temple from Trincomalee,' (Translated from Tamil), Sudar Oli, 24 April 2012; 'Defence Ministry Bows Down to the Strong Opposition from Tamils,' (Translated from Tamil), Sudar Oli, 26 April 2012).

in leading opposition to a ritualistic animal slaughter at the Bhadrakali Amman temple in Munneswaram, Chilaw in 2012.³¹⁹ There have been similar protests at the same temple over the past few years. The sacrifice was not held in 2011 and 2012 following protests. The All Ceylon Hindu Congress also condemned animal sacrifices in the precinct of temples, saying that the “sacrifice of animals in Hindu kovils” is an “act of sin not acceptable to our religion.”³²⁰ This issue of animal sacrifice raises multiple and competing concerns including cruelty to animals, religious practices and freedoms and the role of the State in addressing these concerns.

At the same kovil in Chilaw, temple priests have reportedly also said that their efforts to build a 'rajgopura' or 'tower gate' for the kovil is being obstructed by the JHU, Buddhist monks in the area, the Department of Archaeology and government officials.³²¹ In August 2012, following the attack on a mosque in Dambulla, the presence of the 30-year old Kaali Amman Hindu Kovil on the same site was also threatened, along with Hindu residents in the area by the Chief Prelate of the Dambulla Buddhist temple.³²² A court order was also reportedly issued denying the Kovil permission to conduct an annual festival.³²³

There were no cases of direct attacks on Hindu places of worship reported from up-country areas, although it is not clear if this is because of a lack of reporting of incidents. However there were some reports of difficulties in expanding temples. For instance, at the Sivasubramaniam Temple in Pussellawa town, temple authorities are reportedly facing Government objection to building a gopuram by the main gate for the temple.³²⁴ Interviews for this report indicate contradictory positions on the issue of religious freedom in these areas. One view has been that there are no significant issues of religious freedom.

“There are no such incidents in these areas. In plantation culture people are used to having symbols of other religions, and other statues next to their temples. If Sinhalese people live close by there may be a Buddha statue close to a Hindu temple. People visit both temples sometimes. There are no tensions because of it.”³²⁵

This sentiment has been echoed by some politicians from the area, as most Tamils live within privately managed estates and the scope for conflict is thought to be limited. There

³¹⁹ R.K Radhakrishnan, Animal sacrifice row again in Sri Lanka' The Hindu, 27 August 2012

³²⁰ The Island, 'ACHU opposes animal sacrifice', 29 August 2012.

³²¹ 'Buddhists obstruct the building of a Rajgopura at Munneswaram Temple' (Translated from Tamil), Sudar Oli, 11 October 2012.

³²² 'Bigoted-monks-and-militant-mobs-is-this-buddhism-in-sri-lanka-today,'Groundviews, 23 April 2012

³²³ Interview with an official with the Dambulla Kovil, October 2012

³²⁴ Interview with a member of the Kandy Municipal Council, November 2012

³²⁵ Interview with a member of an NGO with operations in Kandy, November 2012

have been specific incidents of violence but these tend to be limited to individuals or households, rather than places of Hindu worship. However, an issue that is raised from these areas and other parts of the South is that specific religious sites have lost their Hindu identity or been taken over by Buddhists. Some key examples cited include Katharagama and Adam's Peak.³²⁶ One interviewee noted that over the last twenty years the trustee boards of some of the main kovils in the up-country areas have become more Sinhala than Tamil in their membership.³²⁷

Religious Conversions: The issue of conversions of Hindus by Christians and Muslims was raised by interviewees in various parts of the country. There were reports of announcements being made at some kovils in the North, advising people to be aware that Evangelical Christian groups may try to convert them from Hinduism.³²⁸ In up-country areas conversion from both Muslim and Christian groups was identified as a concern. Some local community organisations have reported that they have begun actively visiting estate communities together with Hindu clergy, informing them of proselytising activities of largely Christian and Muslim individuals and groups. An official with a Hindu religious organisation explained that they have made several field visits to areas including Ramboda, Galaha, Deltota, Hantana and other places, accompanied by Hindu priests to brief people about conversion by Christians and Muslims.³²⁹ He also explained that they try to address economic and other problems faced by these communities, as other religious groups are thought to offer material benefits as a means of promoting their faith.³³⁰

Responses to Attacks

In response to the wave of robberies and vandalism, religious representatives stated that they had taken a number of steps including making complaints to the police, working with other religious actors and meeting with the Governor of the Northern Province G.A. Chandrasiri. They have also discussed the issue with the Department of Hindu Affairs but there has been no real progress. Parliamentarians from the TNA have spoken out publicly and in Parliament against the destruction of Hindu temples, and linked it to their campaigns to challenge the Sinhalisation of the North and East. The alliance has also

³²⁶ See also *Salt on Old Wounds: The Systematic Sinhalisation of Sri Lanka's North, East and Hill Country, A Monograph* by The Social Architects, March 2012.

³²⁷ Interview with a member from a Hindu Religious organisation, Jaffna in October 2012; interview with a civil society actor from the up-country, by phone, October 2012

³²⁸ Interview with a NGO worker with operations in the North and East, October 2012

³²⁹ Interview with an official of a Hindu religious organisation in Kandy, November 2012

³³⁰ Interview with an official of a Hindu religious organisation in Kandy, November 2012

questioned the assertion of 'sacred areas' in the country, saying that it has "no basis in law and is utterly incompatible with the desired values of a multi-cultural society."³³¹ Even while the TNA and the Tamil media play a role in vocalising some of the issues, Hinduism in Sri Lanka as an institution lacks hierarchical structures (like those for example which govern the Catholic Church) and there are only few organisations that claim to represent and advocate on behalf of the community. The All Ceylon Hindu Congress is often cited as a key actor in some of the high profile cases. Other organisations such as the Hindu Maha Sabha in Jaffna have been set up to take up the issues facing Tamil Hindus in the Northern Province in particular as there was a perception that there are no groups to take up the challenges faced by the community.

In terms of dealing with key problems, an issue that was raised was the lack of consultation by the Government at the local level. An official with a Hindu civil society organisation in the North said:

*"Hindu religious activities get decided by non-Hindu authorities. Whether a temple or statue can be removed or not has to be decided by the highest levels of Hindu officials. But decisions are taken arbitrarily. We want it ensured that activities of Hindus will be respected."*³³²

While protesting against the annual sacrifice at the Munneswaram Kali Kovil for instance, the All Ceylon Hindu Congress also requested that Hindus be allowed to resolve the issue without the involvement of politicians or non-Hindu groups. A key recommendation made in the interviews with CPA was that, decisions such as removal of Hindu symbols from public places need to be taken in consultation with Hindu officials and/or religious leaders. Further, there is opposition to the abolition of ministries for each religion, because existing departments are seen as having limited authority to adequately represent the interests of the Hindu community. It was noted that while representative organisations said they were able to raise problems with the Hindu Affairs Department, the concern was that the Department at times did not have sufficient authority to take action. However, it is not clear that even if a separate ministry was to be re-established will have significant powers in the current political context.

The inability of the military to prevent robberies despite its heavy presence and its alleged involvement in controversial developments such as the construction of Buddhist places of worship has raised concerns of heavy militarisation. The TNA has called for removal of military cantonments in the North and East, and implementation of the recommendations

³³¹ Tamil National Alliance statement on Dambulla incidents, 26 April 2012

³³² Interview with a Hindu religious leader in Jaffna, October 2012

of the LLRC, which has also been echoed by others including from civil society groups.³³³ With respect to concerns over continued militarisation of the North, the Government has indicated that it considers a military presence essential in the Northern districts,³³⁴ but Government officials have also said that there will gradually be a scaling back of military presence such that a balance is achieved between interests of national security and the civil requirements of people.³³⁵ While the Government has consistently denied military involvement in civilian issues, the continuing accusations of the military attempting to prevent religious worship on specific days continues to be a key point of contention and proof of military interference in religious freedoms. Though there have been moves to open up access to more land, there are contradictory policy statements as to whether all lands, including places of religious worship will be released.

Some Hindu religious leaders and other officials have also expressed powerlessness in dealing with the attacks and also stated that they have a lack of control over matters of their own religion.

*"Theft (from temples) has been increasing after the war. It has been happening in the last one and a half years. Idols are being stolen. We are not sure who is doing this. It causes a disturbance in the mental beliefs of people as to why this is happening and God is doing nothing. Their faith is broken. If the police and the military want to, they can stop it."*³³⁶

Interviews conducted for this report indicate an inability of people to protest against attacks on Hindu kovils, and reduced support from police in some instances of attack. "People are scared to oppose these things. They have suffered for a long time and they cannot fight a stronger, armed force. They just want to live in peace now."³³⁷

³³³ Tamil National Alliance, Mr. Sampanthan's Speech in Parliament on UNHRC Resolution, April 2012.

³³⁴ Foreign Minister G.L Peiris quoted as saying that "the role of the armed forces did not end after defeating terrorism". (Tisarane Gunasekara, 'Rajapaksa Devolution,' Himal South Asian, July 2011; 'Sri Lanka rejects call to withdraw army from the North,' Agence France Press (AFP), 22 April 2012).

³³⁵ K.T Rajasingham, 'Mohan Pieris on actions taken on Sri Lanka's voluntary submissions in 2008 to Universal Periodic Review,' Asian Tribune, 21 October 2012.

³³⁶ Interview with a Hindu religious leader in Jaffna, October 2012.

³³⁷ Interview with a government official involved with Hindu religious affairs in Colombo, September 2012.

Conclusion

As documented in this report, the post-war context in Sri Lanka has witnessed a series of attacks, other forms of violence and threats to religious places of worship and freedoms. This list is not comprehensive as there may be incidents which have not been reported and there were cases which were raised by interviewees but which could not be verified. Nonetheless, the compiled list of cases provides a starting point to discuss the range and scale of attacks against places of worship in the post-war context. The lack of documentation of cases from the four main religions makes it difficult to compare the absolute number of cases in the post-war period with that of previous years and to make a general assertion of whether the level of violence against religious places has increased, reduced or stayed the same during the war and after its conclusion. However, what is clear is that this is an issue that requires attention as Sri Lanka attempts to make the transition from post war to post conflict.

It needs to be noted that the incidents of violence are sometimes part of a series of incidents of violence and intimidation, and have become elements of larger narratives of fear and insecurity. Hence, while steps need to be taken to address the attacks, measures to deal with the wider context and ensure religious coexistence are imperative. At the local level the violence has had a direct impact on those frequenting religious places. In a number of cases this has created tensions between the affected community and the community from which the perpetrators are believed to be from, while also creating ripples of fear and apprehension among wider society, especially in high profile cases. The incidents are also threats to the rule of law and fundamental rights guaranteed by the Sri Lankan Constitution, and are threatening religious and ethnic coexistence.

It needs to be noted that the underlying causes of tension may be expressed as religious in nature when in fact they are an amalgam of economic, ethnic, political and other conflicts. This is important to note because solving the apparently 'religious' aspects of the communal friction may not actually lead to an amicable settlement when the drivers of religious tension and violence really seek to strengthen communalism for their own political benefit or economic motivations. They could be extremist in nature and at odds with fundamental democratic principles and basic norms.

It is clear that the primary responsibility for dealing with these threats and violence lies with the State. It is duty bound to ensure the protection of religious freedoms and other constitutional rights, including providing protection from violence and ensuring equal treatment. Furthermore, it is also imperative that the various actors within the State take note of the critical role they are meant to play. While police and judicial action has varied in cases, there is a general perception that there is a disregard for rule of law, a culture of tolerance for 'street justice', and that the police and even the judiciary will not uphold

rights of those affected. This is compounded by a lack of arrests in key cases despite public evidence of attacks and groups openly taking responsibility for the same. Given the accusations that the military is involved in the construction of 'new' Buddhist places of worship in the post-war context, there has to be greater sensitisation within the military and also the Government of how these actions can serve to undermine confidence and public trust in the state. The Archaeological Department needs to ensure that it is able to assert its control over sites and ensure their protection. It also needs to ensure greater consultation with local communities and religious groups in the area who are claiming access to and use of the site. Independent institutions such as the Human Rights Commission and the Press Complaints Council have a significant role to play in acting as a watchdog with regards to the actions of the State and non-state actors, including the media and police. In playing a more proactive role they could contribute to increasing public confidence and help diffuse tensions.

The Government's response to incidents of religious violence has varied. Given the multi-ethnic and diverse range of political parties within the Government it is not unsurprising that the response to individual high-profile incidents has tended to be varied and even conflicting. A key issue that has been raised in interviews is the lack of a clear statement of condemnation by the Government, especially the President, in egregious incidents such as the Dambulla Mosque attack, which has intensified fears and created a perception that the Government is attempting to avoid condemning the violence and thereby playing into a culture of impunity. There are also perceptions among minority groups that the Government is both actively and passively supporting a Sinhala Buddhist agenda and is turning a blind eye to violence against minority communities. This is at least partly a battle of perceptions but the Government and the President needs to take steps both to address the concerns and rights of all groups in the country through both word and deed. Given the spate of robberies at religious sites, particularly kovils and Buddhist sites, coupled with mob violence against Christian and Muslim places of worship in particular, it is clear that protection is a primary concern. The response to these different types of security issues has to include community policing, pre-crisis interventions, special investigations teams and an expressed Government commitment to addressing each of these incidents.

As such it is important the Government takes into consideration recommendations made by the LLRC including on the establishment of an early warning and diffusing mechanism that is set up in consultation with inter-faith groups. This would also help address a serious lacuna in the role of the Government both in terms of preventing and responding to religious violence. The inter-faith group needs to ensure that it is consultative and does not ignore the interests of the affected communities, for the sake of maintaining national level harmony. Developing and strengthening nautonomous citizen's committees, as opposed to Civil Defence Committees - the latter which are under the police and seen to be more

vigilante than representative in composition and functioning - could prove an effective tool. Clear guidelines and protocols on procedures to be followed in cases of violent incidents, especially for first responders at a local level, could contribute to defusing situations on the ground and holding relevant actors accountable. Implementing the LLRC's recommendations should be seen as part of a much larger programme of action to address religious violence and intolerance.

In parallel, there must be efforts to ensure greater consultation by Government on religious issues. For instance, on the issue of relocation of places of religious worship, a common perception is that there is no real consultation by Government actors in the area or by Central Government actors such as the Urban Development Authority. In this regard national political parties and politicians, including some within Government, are also seen to act without due consultation with those communities whom they are claiming to represent. Hence, there has to be greater attention paid by political parties to hear out the grievances at the community level and the parties must devise ways of providing some redress. There is a clear need for politicians to on the one hand raise the concerns of religious communities, including with the Government and state actors but on the other hand do so responsibly so as to avoid intensifying tensions.

The role of religious actors in such a context needs to be reviewed. In some of the incidents there are serious allegations that religious actors are both directly and indirectly involved in the violence, while their role in ameliorating tensions and addressing the causes and outcomes of the violence is less obvious and clear. While each of the religions have different hierarchical structures ranging from the Catholic Church with a clear organisational establishment to the Hindu community which has a more diffused arrangement if at all, there are a number of steps that can be taken by religious actors, without waiting for the Government to act, such as activating inter-religious forums and engaging in activities to create inter-religious understanding. The role of religious authorities in terms of intra-religious violence also needs to be addressed as this is an area that seems to be largely overlooked even though in some instances they have played a pivotal role in inflaming religious tensions, providing ideological leadership to radical groups and even in leading the violence. Religious institutions playing a leadership role within each faith or sects/denominations within each faith need to take steps towards ensuring that their clergy are not passing on messages of hate and intolerance under the guise of protecting religious faiths. In the current context there is a clear need for the nikayas to play such a role. They can in turn also play a role in mediating between antagonistic groups and defusing tensions. Strengthening mechanisms such as inter-religious dialogues and exchanges between religious clergy from various faiths could prove useful in this regard. There is also a clear need for introspection among religious groups, including those involved in religious revivalism, including Muslim and Christian revivalists,

to attempt to understand how they may have contributed to their own 'ghettoization' and distancing from the rest of society.

Some of the incidents of violence are seen to be taking place in a context of relative silence in terms of the media and civil society response. While some incidents have been avidly covered by the media and have been given significant media space in all three languages, other incidents have gone unreported. The media has a role in reporting incidents responsibly and in avoiding conflagrating communal and religious tensions, however the failure to cover particular types of violence and only carrying specific religious and ethnic opinions and viewpoints can only intensify public misunderstanding. In other instances the media has given space to extremist views and thereby served as a means to spread hate campaigns. The media needs to exercise caution and greater responsibility in avoiding exacerbating tensions while maintaining public debate on these issues.

Civil society groups, including professional organisations and NGOs, can play a role in increasing public understanding, sensitisation and awareness building, and even in mediating between conflicting groups. Education can play a significant role in increasing exposure of various levels of society to the multi-ethnic and multi-religious nature of Sri Lankan society, as a first step in strengthening coexistence and understanding. There is an urgent need for an independently managed database to record incidents of religious violence, including a mechanism for people to report incidents to this central body. Clear and verified information will help develop a clearer picture of trends in religious violence, as well as support demands for resolution of conflict. Such a database would also contribute to broader dialogue on the subject. There is a role to be played by the general citizen as the lack of response to the violence, hate campaign and intolerance driven by religious extremists and others, is emboldening them further. The response can range from simple acts of 'un-friending' individuals sending hate messages on social networks to taking a public position as collectives of business chambers or teachers to speak out against this issue.

Successfully addressing the religious tensions present in Sri Lanka could go a long way towards ensuring a smooth post-conflict transition and contribute towards building a society built on tolerance and religious co-existence. Alternatively, a failure on the part of the Government to confront tensions and to resist the temptation to ignore religious conflict could lead to a repetition of the past, where root causes and symptoms of critical problems are not addressed and resolved but allowed to intensify to a crisis point and contribute to a fractured Sri Lanka.

Annex

Legal Framework Governing Places of Religious Worship

Religious places and the freedom to practice religion in Sri Lanka are protected in the Constitution and through provisions in the Penal Code.³³⁸ The legal framework is broad enough in that it allows for wide interpretation of how religion and religious places can be defined. There are also a number of laws that deal with the registration and administration of places of religious worship.³³⁹ All of these laws govern administration of these places only, and do not in any way restrict the number of religious places, or the locations where they can be established. There is no requirement to register a place of worship with the government. However, a circular issued in 2008 by the then relevant ministry titled the Ministry of Religious Affairs and Moral Upliftment, has since made it mandatory for religious authorities to seek approval from the Ministry before constructing a new place of worship.³⁴⁰ As a result of the intensification of inter-communal tensions in early 2013, the Government has introduced a new circular reportedly to further outline the criterion to follow in the construction of places of worship. Reportedly a committee comprising of the directors of the four main religions will monitor the implementation of this committee.³⁴¹

There are no specific laws regulating the use of land in places of religious worship, but general zoning laws are applicable, including laws governing local authorities such as the Urban Councils Ordinance of 1939 (as amended). In November 2007 the Supreme Court of Sri Lanka issued a judgment on noise pollution applicable to noise from any source including religious places. This restricted the use of loudspeakers between 10pm and 6am, and the amplification of sound beyond the precinct of a building.³⁴² Further, the Antiquities Ordinance No. 09 of 1940 and the Antiquities Amendment Act No. 24 of 1998 deals with the preservation of buildings and sites of archaeological importance, which has implications for religious sites of archaeological significance.³⁴³ Once the Department of

³³⁸ Articles 12, Article 10 and Article 14(i)(e) of the Constitution, Section 290, 290A and 292 of the Penal Code. For further detail see *Legal Framework Governing places of religious worship*, CPA, April 2012. For a critique of the interpretation given by the Supreme Court of Sri Lanka to these Constitutional Provisions See Asanga Welikala, "The Menzinger Determination and the Supreme Court: A Liberal Critique", The Daily News, 14 October 2003, available at <http://www.dailynews.lk/2003/10/14/fea01.html>

³³⁹ The Buddhist Temporalities Ordinance of 1921, amended by the Buddhist Temporalities (Amendment) Act 1981, The Trusts Ordinance, the Muslim Mosques and Charitable Trusts or Waqfs Act of 1950. Some places of religious worship are incorporated through Acts of Parliament, or under the Companies Act.

³⁴⁰ Construction of New Religious Places, Circular issued by the Ministry of Religious Affairs and Moral Upliftment on 18 October 2008.

³⁴¹ Kelum Bandara and Yohan Perera, "Govt. takes steps to ease religious tension," February 20 2013, page 3

³⁴² Alhaj M. T. M. Ashik and others vs R.P.S. Badula, O.I.C. Weligama and others, SC FR No.38/2005; See Full text of the Supreme Court judgment: <http://www.island.lk/2007/11/10/news9.html>

³⁴³ The Antiquities Ordinance No. 09 of 1940; The Antiquities Amendment Act No. 24 of 1998.

Archaeology has gazetted an area as an archaeological reserve, no construction or development activity is allowed within the area. However there are no provisions in the Ordinance and in the Act to allow the Department to remove illegally constructed in archaeological reserves.³⁴⁴

While the framework for religious worship is broad, several areas of concern have been raised regarding implementation of the legal framework. In practice, only mainstream denominations of the four main religions are recognised by the government, both at local and national level. This has meant that new intra-religious denominations do not receive state recognition in practice. For example, evangelical Christian denominations report difficulties in registering or getting approval for new churches, compared to mainstream Roman Catholic or Protestant denominations. Mainstream religious authorities also do not always recognise newer denominations and may put pressure on the authorities not to recognise such groups.³⁴⁵ Some religious groups, mostly Christian and Muslim, have also been accused of 'unethical' conversions of Buddhists, Hindus and other Christians. An attempt was made by the JHU, to pass new legislation to criminalise religious conversions.³⁴⁶ The constitutionality of the Bill was challenged by several petitioners including the Centre for Policy Alternatives.³⁴⁷ The Supreme Court in its decision found that several clauses of the proposed bill [3(a) and 3(b), 4(b), 5 and 6] violated several provisions of the Constitution.³⁴⁸ However a re-tabling of an amended version of the bill at an appropriate time has not been ruled out.³⁴⁹

Religious groups also report the use of regulations as a means to indirectly restrict new places of worship. Hence, even though there is no law preventing the construction of new places of religious worship, there are regulations that can be used to restrict such places of worship being approved by relevant authorities such as local government bodies or line ministries. For example, the 2008 Circular mentioned earlier has been used in attacks by some groups to question the legitimacy of existing religious places, along with other regulations relating to illegal construction, among others. The Government also attempted to pass and later withdrew an amendment to the Town and Country Planning Ordinance

³⁴⁴ Interview with an official from the Department of Archaeology, September 2012

³⁴⁵ On March 17, 2007, the All-Ceylon Jamiyathul Ulema issued a religious decree to appeal to all Muslims to "refrain from associating in any way with Qadiyanis alias Ahmadis in whatsoever form of manner."

³⁴⁶ In 2004 the JHU promoted 'A Bill on Prohibition of Forcible Conversions of Religion', parts of which were later deemed unconstitutional by Sri Lanka's Supreme Court. Buddhist groups largely support anti-conversion legislation, while some Hindu groups nominally support it. Muslim groups have not taken a public stand on the issue, though several Muslim leaders expressed dismay. The Christian community is divided on the issue as the Catholic Church has on occasion expressed support for such a bill, while the other groups are not in agreement or are actively opposing it, especially the Evangelical groups.

³⁴⁷ See for the Petition and written submissions filed by CPA <http://www.lankaliberty.com/legal/index.html>

³⁴⁸ SC SD 2 to 22 of 2004 available at <http://www.lankaliberty.com/legal/SCdetermination.pdf>

³⁴⁹ Interview with a member of the Jathika Hela Urumaya, September 2012

that would have given the Ministry of Buddha Sasana and Religious Affairs sweeping powers over private land.³⁵⁰ In the recent past there has also been a practice of gazetting areas of religious significance under the Town and Country Planning Ordinance of 1946 (as amended), as 'urban development areas' but referring to them as 'sacred areas'.³⁵¹ Once an area has been gazetted as an 'urban development area', there can be no construction, demolition, alteration, or repairs to any structure in that area. There have also been disputes that have arisen over alleged encroachment and illegal construction to areas gazetted as archaeological reserves.

In many cases, implementation of legal rights to religious worship appears to depend on local relationships between religious groups, local communities, government officials and security forces in some areas such as the North. Attacks, both direct and indirect, appear to be carried out with greater impunity, and a seeming lack of concern for legal consequences. This may be linked to the general deterioration in rule of law, a general loss of confidence in the state security apparatus, and recent allegations of executive interference in the judiciary.³⁵² In some parts of the country, local government officials, politically connected individuals, and/or the police are accused of being responsible for direct or indirect attacks, or not doing enough to address disputes.

³⁵⁰ The Bill allowed for the declaration of private lands as protected areas, conservation areas, historic areas, and sacred areas, through a gazette notification. The term sacred area was not clearly defined in the bill. The bill was withdrawn following a Supreme Court ruling that land was a devolved subject and the Bill would have to first be referred to the provincial councils; Namini Wijedasa, 'Withdrawn: nothing sacred about sacred areas bill,' Lankima News, 21 October 2012: http://www.lankimanews.lk/index.php?option=com_content&view=article&id=3822%3Awithdrawn-nothing-sacred-about-sacred-areas-bill&Itemid=56; *The Centre for Policy Alternatives Vs Attorney General* (Town and Country Planning Amendment Bill) (SC SD 03/2011), <http://www.cpalanka.org/the-centre-for-policy-alternatives-vs-attorney-general-town-and-country-planning-amendment-bill-sc-sd-032011/>

³⁵¹ For example- Gazette No 1614/6 of August 2009, No 1631/35 of December 2009, No 1644/34 of March 2010 and No 1752/1 of April 2012. (Legal Framework Governing places of religious worship, CPA, April 2012.)

³⁵² "The President and Sri Lanka's judiciary", The Sunday Times, 14 October 2012: <http://www.sundaytimes.lk/121014/columns/the-president-and-sri-lankas-judiciary-16276.html>