

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur in the field of cultural rights and the Special Rapporteur on freedom of religion or belief

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues; Special Rapporteur in the field of cultural rights and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 34/6, 28/9 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged attacks and violence against Muslims in Sri Lanka since April 2017, including attacks against businesses, places of worship, property and homes. It is alleged that such violent incidents have been instigated by the Bodu Bala Sena (BBS) leadership, including as a result of inflammatory anti-Muslim rhetoric used by BBS Secretary General Mr. Galagoda Gnanasara Thero, in his recent speeches.** The BBS (Buddhist Power Force) is a local group that promotes extremist Sinhala-Buddhist nationalism.

Violent attacks against religious minorities in Sri Lanka, including Muslims, instigated by BBS and other extremist groups, was the object of a previous communication sent to your Excellency's Government in 2014 (LKA 6/2014). We thank your Excellency's Government for its reply to the communication, received on 6 December 2014.

According to the information received:

Since April 2017, a number of incidents of violence and intimidation of Muslims have been reported in different parts of Sri Lanka. These incidents include targeted attacks on Muslim owned businesses, places of worship, property and homes. It is alleged that law-enforcement authorities have generally refrained from taking action to prevent or stop the incitement to violence and these acts of violence.

Attacks on Muslim-owned businesses

On 16 April 2017, commercial shops were attacked with petrol bombs by unknown individuals in Kottapity, Poarway town, Southern Providence.

On 17 May 2017, a bakery and a communications shop were attacked with a petrol bomb, causing damage to the buildings.

On 18 May 2017, an electric shop in Wennappuwa, Puttalam District, North Central Province, was set on fire and destroyed.

On 21 May 2017, a cosmetic store in Elpitiya, Southern Province, was set on fire causing extensive damage.

On 22 May 2017, a carpet shop in Maharama, Colombo District, Western Province, was set on fire during the night, with heavy losses reported. On the same day, another shop in Irrakaman, Ampara, Easter Province, was set on fire in the early morning and destroyed.

On 23 May 2017, a store in Kahawatta, Ratnapura District, Sabragamuwa Province, was set on fire, with heavy losses reported.

On 25 May 2017, a pharmacy in Navinna, Maharama, Colombo District, Western Province, was attacked with petrol bombs, causing damage to the property.

On 31 May 2017, two shops in Mathina Nagar, Vavuniya, Northern Province, were burned down.

On 3 June 2017, a pharmacy shop in Kattiya Handiya was attacked with petrol bombs.

On 5 June 2017, a shop in Wijeyrama, Nugegoda, was burned down.

On 6 June 2017, a shop in Maharagama was set on fire during the night.

On 7 June 2017, a hotel in Maligakanda was set on fire.

On 8 June 2017, a tea factory in Welomboda, Nawalapitiya, was set on fire.

On 9 June 2017, a shop in Mahiyangana was set on fire and destroyed.

It is alleged that complaints have been made in relation to several of the above-mentioned incidents but that no further investigation has been initiated.

Attacks on Muslim-owned property and homes

On 20 April 2017, approximately 2.5 acres of land belonging to Muslims were encroached upon by a group of BBS monks in Irrakama, Ampara, Mayakalli rock, Easter Province. It is alleged that a Buddhist temple is currently under unlawful construction on that land.

On 14 May 2017, a group of Sinhalese Buddhists led by the leader of BBS, Mr. Galagoda Gnanasara Thero threatened Muslims in Onegama in Polonnaruwa, Eastern Province, and destroyed two cattle sheds in the presence of police officers. No action has been taken yet by the police against Mr Thero or others involved in the incident.

On 16 May 2017, Muslim residents of Selva Nagar in Thoppur, Tricomalee District, Easter Province, were threatened by a mob led by a group of Buddhist monks, resulting in extensive damage to 16 houses and property. It is alleged that a large number of Muslims fled the area in fear and returned to their homes only the following day under police protection.

Attacks on mosques and cemeteries

On 17 April 2017, an ancient historical Muslim Shiyaram (cemetery) was demolished by unknown persons in Galle Fort, Galle district, Southern Province. The cemetery was located within the high security zone of the Sri Lankan Army.

On 15 May 2017, Panadura mosque located in Old Bazaar, Western Province, was attacked with a petrol bomb around 3:00 am, causing damage to the interior of the building.

On 16 May 2017, Al-Ibrahimiya Jummah mosque in Kohilawatta, Wellampity, Colombo district, Western Province, was attacked by a group of unidentified individuals around 1:45 am, causing damage to the building.

On 21 May, several individuals threw petrol bombs at the Mallawapitiya mosque in Kurunegala, after a BBS procession was stopped by the police. BBS leaders blamed Muslims for obstructing the procession and allegedly called on the gathered crowd to attack Muslims. On the same day, Fathima Mawata mosque Mu-Atheen in Dehiwala, Colombo District, was attacked by unknown persons.

On 2 June 2017, a mosque located in Manaiyaveli, Tricomalee, Easter Province, was attacked with petrol bombs, causing damage to the building.

It is alleged that to date, no suspects have been arrested in connection with any of the above mentioned attacks and that no compensation has been offered to repair the damage caused to the buildings.

In the context of these incidents, it is alleged that the leader of BBS, Mr. Galagoda Gnanasara Thero, has been using anti-Muslim language and inciting discrimination and violence against Muslims in Sri Lanka in some of his recent public appearances. On 20 April 2017, when visiting the locality of Irrakama, Mr. Thero spoke to the media using inflammatory language against Muslims. On 8 May, during a press conference, he claimed that Muslim Rohingya refugees

fleeing persecution in Myanmar had arrived in Sri Lanka with the intention “to invade” the country. On 16 May 2017, a speech by Mr. Thero at the BBS Headquarters triggered complaints for incitement to hatred against Muslims, but no action was taken by the police.

Furthermore, it is reported that since 2014, more than 80 complaints on hate speech against Muslims have been filed to the police in Sri Lanka and that in most cases no action has been taken.

While we do not wish to prejudge the accuracy of the information received, we express grave concern at the trend of violent attacks against Muslims in Sri Lanka.

Furthermore, we express grave concern at the anti-Muslim rhetoric used by the leader of BBS, which may amount to incitement to hatred; the alleged impunity of perpetrators; and the inadequate response by the police to protect both the personal and commercial property, and Muslim places of worship in Sri Lanka. We note that the lack of measures by the authorities and subsequent impunity renders a high risk of encouraging further attacks and of spiraling violence.

The alleged attacks appear to be in contravention of the right to personal security and freedom of religion or belief, as well as the prohibition against advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as set forth respectively in articles 9, 18, and 20(2) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Sri Lanka on 11 June 1980, as well as the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55). They also have a grave impact on the right to take part in cultural life without discrimination, as guaranteed by the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Sri Lanka on 11 June 1980.

As stated by the Special Rapporteur in the field of cultural rights in her latest report, Governments must ensure there is a counterweight to fundamentalist and extremist discourses by publicly challenging them and by guaranteeing education in accordance with international standards specified in article 13 (1) of the ICESCR and article 26 (2) of the Universal Declaration of Human Rights (A/HRC/34/56, para.24). In its General Comment No. 13 (1999) on the right to education, the Committee on Economic, Social and Cultural Rights stressed that education should strengthen respect for human rights, promote understanding, tolerance and gender equality and be informed by humanism.

The Special Rapporteur also stressed that States must respect, protect and fulfil human rights, in particular cultural rights, meaning that they must: (a) stop supporting directly or indirectly fundamentalist ideologies; (b) protect all persons from any act of fundamentalist or extremist groups aimed at coercing them into specific identities, beliefs or practices; and (c) design programmes aimed at creating conditions allowing all people

to access, participate in and contribute to cultural life, without discrimination. Noting that fundamentalist and extremist assaults on minorities and their cultural sites and practices have become widespread around the world, she also recommended that States develop plans of action that are fully gender sensitive to protect religious, ethnic and sexual minorities and women from extremism and fundamentalism, and implement urgent action policies when such groups are the targets of fundamentalist and extremist threats or violence (A/HRC/34/56, para. 97k).

Recognizing that those affected are members of a religious minority in Sri Lanka, we would like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular to article 27 of the ICCPR and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We would also like to remind your Excellency's Government that States have the responsibility:

- to protect persons from human rights violations committed by non-state actors, by exercising due diligence to prevent, punish, investigate and bring perpetrators to justice; this is set out by the Human Rights Committee in paragraph 8 of its General Comment No. 31;

- to prohibit by law and to ensure full enforcement of the law against every incident of advocacy of hatred that constitutes incitement to discrimination, hostility or violence in accordance with article 20(2) of the ICCPR, as set out by the Human Rights Committee in paragraph 8 of its General Comment No. 34;

- to condemn and eradicate all propaganda of ideas of superiority of one race or group of persons and incitement to racial hatred in accordance with article 4 of International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Sri Lanka on 18 February 1982; this is set out by the Committee against Racial Discrimination in General Recommendations No. 15 and 35.

In the light of the above standards, we call on your Excellency's Government to urgently undertake all necessary measures to effectively protect members of all religious minorities, including Muslims, against any attack, to ensure the security of their members, as well as their businesses, places of worship and other property, and to bring perpetrators of violence against them to justice.

In this context, we would like to bring to the attention of your Excellency's Government the Rabat Plan of Action¹, which plays a crucial role as an important part of the global movement towards prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Furthermore, we recall the recommendation made by the Special Rapporteur on minority issues following her visit to Sri Lanka in 2016, where she urges the strict application of the existing legislation to bring to justice perpetrators of hate speech aiming to incite discrimination or violence and states that ending impunity for those who incite ethnic or religious hatred and violence must be a priority². We also recall her 2014 thematic report to the General Assembly "Preventing and addressing violence and atrocities against minorities", where she referred to the statements made by BBS fueling tensions and contributing to more than 350 violent attacks against Muslims and over 150 attacks against Christians during the previous two years, and to the recommendations contained therein³.

In view of the urgency of the matter, we would appreciate a response on the steps taken by your Excellency's Government to safeguard the rights of the members of religious minorities, particularly Muslims, in compliance with international human rights law.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide the full details of any investigation, which may have been undertaken regarding the acts described above, as well as the details of any judicial, disciplinary or administrative proceedings ordered against their perpetrators; If no investigation has been initiated, please explain why.
3. Please provide information concerning the speeches recently made by Mr. Thero, as well as the actions taken by law-enforcement and the Government to stop any advocacy of racial and religious hatred that constitutes incitement to discrimination, hostility and violence, and to condemn them, including by the BSS.
4. Please indicate what actions have been taken to ensure the protection of religious minorities in Sri Lanka, and to prevent the recurrence of acts of violence

¹ www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

² A/HRC/34/53/Add.3, paragraph 71.

³ A/69/266, paragraph 27 and 91-98.

based on religious and racial grounds; In connection with the previous communication on violent attacks against Muslims (LKA 6/2014), please indicate whether an investigation was carried out on the attacks in Aluthgama, Beruwala, Welipenna and Darga in 2014, the findings of such an investigation, as well as whether any assistance, including compensation, was afforded to the victims.

5. Please provide detailed information on the measures taken to ensure the right to freedom of religion or belief and the right to take part in cultural life without discrimination of all people in Sri Lanka, as part of the full enjoyment of all other rights, in line with the country's international human rights obligations;

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations against Muslim communities and prevent their recurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would further like to inform your Excellency's Government that we are intending to publicly express our concerns on the matter in the near future as we are of the view that the information upon which the press release will be based is sufficiently reliable to warrant immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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