

briefing

Sri Lanka

A Submission to the United Nations Human Rights Council Universal Periodic Review

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1. Introduction

Christian Solidarity Worldwide (CSW), a human rights organisation specialising in religious freedom, wishes to draw the attention of the OHCHR to the rapidly deteriorating human rights situation in Sri Lanka as a result of the escalating conflict between the Government and the Liberation Tigers of Tamil Eelam (LTTE). The situation has become all the more concerning since the Government decided to withdraw from the Ceasefire Agreement with the LTTE at the beginning of the month. The Government's commitment to the Ceasefire Agreement is to formally end on 16 January 2008.

In addition to the wider ethnic and political conflict, violations of religious freedom also continue. In the past six and a half years, violence against Christians and attempts to introduce anti-conversion legislation in Sri Lanka have escalated. While the number of attacks on churches, pastors and congregations in the past year or so has been fewer than in 2004, anti-Christian violence has continued. Proposed anti-conversion legislation remains under consideration and there is an active lobby working to persuade Parliament to pass the bill.

CSW has made three fact-finding visits to Sri Lanka, in September 2004, June 2006 and a brief visit in November 2007. CSW's Advocacy Officer also accompanied CSW's Honorary Patron, Baroness Cox, to Sri Lanka in February 2005 in her capacity as Special Representative of the Foreign & Commonwealth Office Freedom of Religion Panel.

It is important to emphasise that CSW's specific focus in regard to Sri Lanka in recent years has been the increasing violations of religious freedom. Other human rights Non-Governmental Organisations have focused on the wider political and ethnic conflict, and the human rights abuses resulting from it. However, in recent months CSW has become aware of the serious impact of the wider conflict on the Church, and wishes to draw this aspect of the situation to the attention of the OHCHR.

This submission seeks to raise the following concerns:

- The conflict's human rights consequences: displacement, murder and abduction
- Impact of the conflict on the Church and violence against Christians
- Proposed anti-conversion legislation

2. Recommendations

CSW urges the OHCHR to monitor the situation closely, and to take the following steps:

1. Bring pressure on the Government of Sri Lanka to resume the Ceasefire Agreement and urge both sides to observe it properly.
2. Urge the Sri Lankan government to restore the rule of law and act to prevent, with immediate effect, abductions, extra judicial killings and acts of religious violence.
3. Urge the Sri Lankan Government to ensure a climate of religious freedom as guaranteed under the Constitution, to enable people of all faiths including Christians to engage in worship and religious activities in peace.
4. Urge the Sri Lankan Government to educate law enforcement authorities, particularly the police, to uphold religious freedom and to act quickly in accordance with the law to bring perpetrators of violence and intimidation to justice.

5. Urge the Sri Lankan Government to desist from enacting any laws that infringe upon the right of religious conversion, or any laws which may be abused in application, to harass or violate the rights of minority religious groups.
6. Urge the LTTE and the Karuna group to stop the recruitment and forced conscription of child soldiers.
7. Urge all parties to stop bombing, including aerial bombardment, of civilian targets.
8. Urge the Sri Lankan Government and the LTTE to allow monitoring by independent, international human rights monitors.

3. The conflict's human rights consequences: displacement, murder and abduction

The conflict is primarily ethnic and political. The majority of the population of Sri Lanka, 70 per cent, is Sinhalese while 18 per cent are Tamil. The Government of Sri Lanka consists predominantly of Sinhalese, while the population in the north and east coast of the island are primarily Tamil. The LTTE is fighting for political autonomy for Tamil areas. While it is not a religious conflict, it is important to note that the Sinhalese are a majority Buddhist population, while the Tamils are primarily Hindu. Christians, the smallest religious minority, are found in both ethnic groups.

It is estimated that since the conflict began in 1975, when the LTTE was formed by Vellupillai Prabhakaran, between 60,000 and 70,000 people have been killed and more than a million displaced. In 2002, the LTTE and the Government of Sri Lanka signed a ceasefire agreement, but in 2006 this was broken and a significant escalation in hostilities began. Aid agencies estimate that over 600,000 people have been displaced since the resumption of hostilities in 2006, making it one of the worst humanitarian crises in the world. According to UN reports, during early 2007 over 150,000 people were displaced in the Batticaloa District (East). These people continue to suffer, without adequate shelter, food or medical attention.

High incidents of extra judicial killings and disappearances are also reported. The Government, the LTTE, the Karuna group and other para-military groups are accused of carrying out these killings. Human Rights Watch says that every five hours, one person is killed in Sri Lanka; that is more than four killings per day. People live in fear for their lives. The government in a recent move, granted police powers to the military, by way of further emergency regulations.

Both the LTTE and the Government are guilty of committing violations of human rights. According to CSW's sources, abductions are reportedly carried out by several groups. Large numbers of abductions are carried out in Colombo by para-military groups working with tacit approval of the government. The majority are Tamils. The Asian Human Rights Commission reports that Sri Lanka has one of the worst records in the world concerning forced disappearances. It states that "Past experience dictates that forced disappearance in Sri Lanka entails the killing of persons following arrest. The arrests are performed secretly, so as to circumvent legal safeguards and to prevent any traces of evidence being left concerning the abduction and any further ill-treatment. As a result, in the cases of about 30,000 disappearances in the south between 1987 and 1991, it has not been possible to prosecute anyone, as the evidential trail has been carefully destroyed to ensure that no form of legal accountability can be enforced. There have also been abductions by non-state actors, particularly in the north and east of the country".

The Civil Monitoring Committee on Extrajudicial Killings and Disappearances said on 4 March 2007 that they had received over 100 complaints of disappearances during the first

couple of months of that year alone. According to the International Committee of the Red Cross (ICRC), in April 2007 alone they received 58 complaints of abductions and 64 cases of arrest. One of the most high profile incidents of disappearance is that of the Vice Chancellor of the Eastern University who disappeared while in Colombo; he has still not been found. The Minister of State at the UK Foreign and Commonwealth Office, Dr Kim Howells MP, told a House of Commons debate on 2 May 2007 that “There have been more than 700 cases of missing persons in the Jaffna peninsular, and nearly 500 are still unresolved. There have been more than 50 abductions in Colombo in the past year, and nine media workers have lost their lives in recent months”.

Journalists and those who speak up against human rights abuses are among those abducted. Seven journalists have been killed. The most recent was a 25-year-old Tamil language newspaper ‘Udayan’ reporter Selvarajah Rajivarnam, from Jaffna, who was shot dead by a lone gunman. In November 2006, Miss Munusamy Parameswary, also aged 25, a journalist from the Sinhala language newspaper ‘Mawbima’ was arrested under the Prevention of Terrorism Act (PTA). She was held in custody for nearly four months, on suspicion of helping the LTTE and a suspected suicide bomber. She was released in March 2007.

Non Governmental Organizations (NGOs) too have faced harassment and even death. The most notorious of these incidents is the killing of 17 aid workers from the group ‘Action Against Hunger’ in the town of Muttur in Trincomalee in August 2006. The International Commission of Jurists in a statement on 24 April 2007 said that there was a “disturbing lack of impartiality, transparency and effectiveness of the investigations” by the government into these killings.

There are also large numbers who are taken for arms training and forced conscription, including children and young people. Ambassador Allan Rock, Special Adviser on Sri Lanka to Radhika Coomaraswamy, the Special Representative of the UN Secretary-General for Children and Armed Conflict, in his report to the Working Group of the UN Security Council, confirmed continuing forced conscription of children by the LTTE and the Karuna group. He also reported evidence of instances where government troops were implicated in the Karuna group’s forced conscription of children.

In Colombo, some Tamil businessmen have been abducted for ransom. News reports indicate that in many of these instances families have silently paid the ransom through fear. Those who are released often flee the country. Some remain missing even after a ransom was paid. There are reports where information of the abductors has been provided to the authorities, but no tangible action was taken.

The government, under severe pressure from the UN Human Rights Commission and the international community, established a commission of inquiry into disappearances, appointed by the President, but rejected the call for an independent international monitoring presence.

4. Impact of the conflict on the Church and violence against Christians

According to CSW’s source in Sri Lanka, “Although the war in Sri Lanka is not directed at Christians, it has taken a toll on the Christian community, many of whom are minority ethnic Tamils. They are pressed from all sides as they are both an ethnic minority and a religious minority group. In the conflict areas, normal life has come to a standstill and the horrific conditions under which people are struggling to survive are unimaginable to most of us.... They live in fear of both the Sri Lankan military and the LTTE, running from heavy fighting, artillery fire and air raids; taking shelter under trees or temporary shelters built by NGOs, without adequate food or medical attention; often walking through the jungle for

days. Those who have been fortunate to still live in their homes live in fear of being shot, or abducted, or of their children being forcibly taken from them”.

In the past year, several Christian priests and pastors have disappeared or been murdered. Cases include that of Pastor Yesu Kumar, killed on 7 April 2007 when the bus he was travelling on was blown up by a mine in Vavuniya; Pastor Nallathamby Gnanaseelan, who was shot dead by Sri Lankan security forces on 13 January 2007; Father Jim Brown – a Roman Catholic priest from Mannar who has not been seen since 20 August 2006 but who is suspected dead after a dismembered, headless body was discovered by fishermen in Jaffna in March 2007, the results of the autopsy of which have not yet been released; and Pastor Victor Emmanuel Yogarajan, his two sons and another youth, who remain missing, since they disappeared on 2 March 2007.

Tamil Christians living in majority Sinhalese areas face a different kind of oppression and fear as Christians are accused of being terrorists or terrorist sympathizers. There have been numerous occasions where ethnic Tamil pastors have been victimized because society makes these accusations against them, simply because of their ethnic identity, or because they have Tamil workers in their Church. Many churches in the North East are displaced and are refugee churches. Everyday there are requests from displaced pastors for relief assistance for their church members who are starving in makeshift shelters.

Christians who are from the majority Sinhalese ethnic group are also vulnerable and are often accused of the same crimes because they speak up against atrocities or because they have Tamil friends or Church workers. Sinhalese Christians are often treated like traitors by their own race for being a Christian and not a Buddhist, and for having close friendships with Tamils (often in their Church, since Christianity brings together both Sinhalese and Tamils).

In addition to the wider conflict, violence specifically targeting Christians for religious reasons continues. Although violent attacks on Christians in 2005-7 have not been on the same scale or intensity as they were in 2004, CSW nevertheless continues to receive reports of incidents. During the past three and a half years, there have been over 200 reported incidents. When CSW visited Sri Lanka in June 2006, it was reported that in the first half of that year, over 30 incidents of violence against Christians had been reported, and an increasing number of threats made. In a meeting of about 50 pastors, approximately half told CSW they had suffered physical persecution, including arson, assault and the destruction of homes and church buildings. One pastor told CSW that posters had been displayed in his village threatening him with death. One poster gave him three days to leave the village or be killed. “Get your coffins ready because we’re going to kill you”, another poster read.

Some of the recent cases include:

On 6 August 2006 a mob of 200 people, accompanied by three Buddhist monks, attacked a children’s home run by the Dutch Reformed Church in central Sri Lanka, and planted a Buddhist flag on the roof. The mob forced their way into the children’s home in Balana, Kandy District, and assaulted staff and threatened to kill the house parents. They threw stones at the house and broke roof tiles and rainwater gutters. The fence surrounding the property was completely destroyed. The attack came after posters were displayed demanding that the Dutch Reformed Church cease renovation work on the orphanage. The building was under renovation at the time of attack, and no children were present. The staff were warned that if they did not leave the premises, they would be “burned alive”. The children’s home was founded in 1982 and is built on land owned by the Dutch Reformed Church, one of the oldest denominations in Sri Lanka with a history of over 300 years.

In Elpitiya, Galle District, Pastor Sarath Induruwa has received numerous death threats. He and his family were also attacked by a mob in March 2006 but were rescued and given sanctuary by a neighbouring family. An unknown party has since thrown excreta and burnt oil on the house of this family which sheltered the pastor, and burned oil and trickle seeds were thrown into the well which provides water for the pastor's family and other neighbours. The children of a neighbouring family which uses the well fell ill as a result.

5. Proposed Anti-Conversion Legislation

Anti-conversion legislation has been proposed in various forms in recent years. The Government drafted a bill in 2004, and the Jathika Hela Urumaya (JHU), a party of Buddhist monks, has also proposed a draft. Currently the JHU's proposed bill is being considered by a Parliamentary Standing Committee, which heard oral submissions from Christian groups in May 2006. The bill may be taken up in Parliament for voting at any time, according to the decision of the Standing Committee. CSW's sources in Sri Lanka claim that the establishment of a new government, in which the JHU is now a coalition partner, makes it more likely that the Bill will receive wide approval when it is put to a vote in Parliament.

The Bill contains the following key clauses:

Section 2 (1) – “No person shall, either directly or otherwise, convert or attempt to convert any person professing one religion to another religion by the use of force, allurement or by any fraudulent means”.

Section 2 (2) – “No person shall aid or abet the commission of any act prohibited by subsection (1)”.

Section 3 – “Whoever contravenes the provisions of section 2 shall be guilty of an offence and on conviction after summary trial before a Magistrate be liable to be punished with imprisonment for a term not exceeding five years and also be liable to a fine not exceeding rupees one hundred and fifty thousand”. This section continues by stating that if the acts specified in Section 2 relate to “a minor, a woman” or “a person referred to in the Schedule hereto” (this includes prison inmates, physically or mentally disabled persons, “employees of an organisation”, members of the armed forces or police force, students, inmates of hospitals or places of healing, inmates of refugee camps), the perpetrator, if convicted, shall be punished “with imprisonment for a term not exceeding seven years and also be liable to a fine not exceeding rupees five hundred thousand”.

“Allurement” is defined as “any gift or gratification whether in cash or kind”, “a grant of any material benefit, whether monetary or otherwise”, or “the grant of employment or grant of promotion in any employment presently engaged in”.

“Force” includes “threat of religious displeasure or condemnation of any religion or religious faith”.

The United Nations Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir, who visited Sri Lanka in 2005, has expressed her view that the “very principle” of such a bill “could engender widespread persecution of certain religious minorities”.