



---

# 46th Session of the United Nations Human Rights Council (Virtual Side -Event of COSMOS UK in Association with UHRC)

---

## **Report on Forced Cremation and Continuing Challenge for Human Rights in Sri Lanka: Systematic Discrimination of Minorities**

03 March 2021

Report Compiled by:

**Council of Sri Lankan Muslim Organisations in UK  
(COSMOS UK)**

## Executive Summary

1. **Council of Sri Lankan Muslim Organisations UK (COSMOS UK)** is an umbrella organization of twenty-eight Sri Lankan Muslim Organizations based in UK. In support of the 46th Session of the United Nations Human Rights Council, COSMOS UK is sponsoring the side event focusing on the theme of Forced Cremation and Continuing Challenge for Human Rights in Sri Lanka.
2. The following report aims to provide further underpinning and context to the side event and acts to provide the necessary evidence underpinning the gross violations of human rights in Sri Lanka.
3. Unfortunately, instead of uniting the people in the fight against COVID-19, the Sri Lankan authorities have been creating deepening divisions between them. In complete disregard for the basic human rights of the minorities, and despite strong protests and pleas from the community leaders, and human rights watch dogs as well as appeals from the international community, Government of Sri Lanka (GoSL) has been forcibly cremating those who have died because of COVID-19.
4. One of the outcome sought as part of the side event is to raise awareness across the UN Ambassadors of the human rights violations of GoSL and to provide them the necessary resources to challenge and remove the discriminatory policies currently being administered.
5. On Friday 26<sup>th</sup> of February 2021, after nearly a year of suffering by the minority communities as a result of the discriminatory laws of forced cremation, the GoSL has issued a Gazette notification to allow both cremation and burial options in the disposal of COVID-19 dead bodies, as a recommendation from its 'technical committee'. Whilst this seems to bring an end one form of the human rights violation the minority communities have endured in Sri Lanka, we urge international community to impress upon the GoSL the Sri Lankan government;
  - a. to ensure that burial rights are respected, the deprivation of which has been having a devastating and discriminatory effect on the Muslim and Christian community.
  - b. To stop the demonization campaign being carried out systematically against the Muslims,
  - c. To end impunity and to punish offenders of hate crimes.
  - d. To stop the State sanctioned racism and discrimination against minorities
  - e. To respect the constitutional rights of minorities to practice their religion and culture as enshrined in the UN Charter, UDHR and Sri Lanka's constitution.

f. To uphold its international commitments to ensure that no one is subjected to discrimination based on their religion, and the right to freedom of religion.

6. The second part of the report focuses on COSMOS UK's previous reports on Sri Lanka human rights violations. The report calls to explore how the rights of Muslims in Sri Lanka are protected as per the Constitution and International Obligations Relating To Minorities. The report was published in April 2019 and specifically sort a number of outcomes:

- a. To appoint commissions of Inquiry to inquire into anti Muslim violence from Aluthgama to Digana and identify the causes and those persons/groups involved
- b. To Punish Those Responsible for The Communal Violence from Aluthgama to Digana
- c. Pay Due and Full Compensation to The Victims of Communal Violence
- d. To Deal with Hate Racist Speech and Racist Groups as per Article 20(2) of the ICCPR without impinging on the right to free expression and right to democratic protest.
- e. To Apply the Rule of Law Fairly to All Communities
- f. To Resolve the Longstanding Settlement Issue Relating to the Northern Muslims

## 1.0 Background to COSMOS UK

1. **Council of Sri Lankan Muslim Organisations UK (COSMOS UK)** an umbrella organization of twenty-eight Sri Lankan Muslim Organizations based in UK. COSMOS UK was formed when the UK based Sri Lankan Muslim Organisations rightly felt the urgent need to unify its' stance and action when dealing with matters of common interest. The spark which lit this need was the indiscriminate attack on the Dambulla Masjid in April 2012 by some extremist elements and hate groups in Sri Lanka and the indifference of the then government to take any concrete action.
2. Ever since the War in Sri Lanka ended in 2009, many hate groups emerged which targeted the Muslim community in particular. The Sri Lankan Muslim Diaspora in UK felt the need to do what it must to protect the interests and rights of the Sri Lankan Muslims and it has been doing so throughout its existence.
3. More recently COSMOS UK have established an All-Party Parliamentary Group (APPG) with the UK Government with the aim of supporting and taking up issues raised by COSMOS UK, relating to Sri Lankan Muslim, towards protecting their rights, and promoting peaceful co-existence, in the context of the goodwill prevailing between the two countries, thereby, ushering in, a strong relationship between the two peoples of both countries, United Kingdom and Sri Lanka.

## 2.0 Forced Cremation & Continuing Challenge for Human Rights in Sri Lankan

7. Muslims, who make up nine per cent of the population of Sri Lanka, have historically faced violence, demonization, harassment, and discrimination, especially since the end of the ethnic war in 2009, with the emergence of hate groups reportedly with State patronage. The institutionalised racism led to increased Islamophobia particularly after the terrible Easter Attacks in 2019 which led to the election of a ultra nationalist government in November 2019.
8. With the onset of the Corona pandemic in 2020, minority communities such as Muslims and Christians began to face another pandemic- Corona racism. The recent trend has been a subtle but well-orchestrated anti-Muslim campaign which clouded the fight against COVID-19, both in the social media as well as through targeted campaigns demonizing the Muslim community in various ways. Some sections of the racist media particularly both Hiru and Derana TV stations particularly stood accused of leading this hate tirade, which has been contributing to further mainstreaming of anti-Muslim hate in the society, especially witnessed in the Post-Easter Sunday period.
9. The Government of Sri Lanka (GoSL) began to enforce a forced cremation policy, banning the burial of bodies of people who died of COVID-19 or are suspected to have died of COVID-19, since March 2019. This has caused great distress to Muslims, as the act of cremation is explicitly forbidden in Islam.
10. At first glance, Sri Lankan authorities insisting that the bodies of all COVID-19 victims be cremated, no matter their religion, might seem fair. The Sri Lankan health authorities say the bodies of COVID-19 victims will contaminate the groundwater if they are buried. However, upon closer inspection it is patently clear that the decision to enforce the 'Forced cremations Policy' was taken on arbitrary grounds sans any scientific evidence that there is a possibility of the virus leaking out of the buried bodies., contrary to WHO guidelines, and its motivations must therefore be questioned. The decision to make cremation mandatory followed alleged expert advice, including by the chief epidemiologist who claimed that burials could contaminate ground drinking water. However, the World Health Organization has reiterated there is no evidence to suggest that cremation prevents the spread of the disease, while the College of Community Physicians of Sri Lanka and the Sri Lanka Medical Association issued statements recently clarifying that there has been no proof that burial of COVID-19 dead bodies constitutes a public health hazard. While fighting the pandemic, Sri Lanka appears to have unfortunately given a new lease of life to an equally dangerous virus: 'State sanctioned' racism which includes growing Islamophobia.

11. The World Health Organization (WHO) has quite explicitly laid down guidelines which states, that both cremation and burial options are safe in such disposal. WHO tweeted on 10th April 2020 that,

*'It is a common myth that persons who have died of a communicable disease should be cremated, but this is not true. Cremation is a matter of cultural choice and available resources'. European Centre for Disease Prevention and Control (ECDC) also says, 'Decedents with confirmed or suspected COVID-19 can be buried or cremated as usual'.*

12. The Guidelines of WHO relating to disposal of bodies allowing both cremation and burial options, have been adopted in over 190 countries. Some of the countries have similar climatic conditions and even lower water tables.

13. It is thus patently clear that the measure of forced cremation by Sri Lanka's authorities is not covered under any health advisory prescribed by the World Health Organization (WHO) to enhance governmental responses to the COVID-19 pandemic.

14. Many scientific pundits and virologists both in Sri Lanka and outside, have also been quite vocal against this gross violation of human rights in the guise of fighting the COVID-19 pandemic. It is reported that the burial option is completely safe. Hence, there is no reasonable justification to enforce cremation as an obligatory measure.

15. World-renowned virologist Prof Malik Peiris has questioned the theory (ground water contamination) behind government's decision to cremate. In article in the BBC, Prof Malik was quoted saying.

*"Covid-19 is not a waterborne disease, and I haven't seen any evidence to suggest it spreads through dead bodies. A virus can only multiply in a living cell. Once a person dies, the ability of the viruses to multiply decreases. Dead bodies aren't buried right in running water. Once you bury the body six feet under wrapped in impermeable wrapping, it is highly unlikely it would contaminate running water."*

16. The issue has also been raised by many human rights organizations including UNHR Office of the High Commissioner (Annex 1 Page 13-14) and the UN Special Rapporteur on Freedom of Religion and Belief urged the government to respect burial rights of its Muslim minority. As the UN Resident Coordinator in Sri Lanka Hanaa Singer stated:

*'during epidemics, for reasons of public health, Governments often need to take difficult and at times outweigh any potential epidemiological benefit. The common assumption that people who died of a communicable disease should be cremated to prevent spread is not supported by evidence.'*

17. Muslim and Christian families in Sri Lanka whose relatives were cremated had justice denied to them, after the Supreme Court threw out their case when challenged that their religious rights were violated. On 1 December 2020, the Supreme Court of Sri Lanka dismissed all Fundamental Rights petitions before it which challenged the directive on mandatory cremations, without providing any reasoning, thereby closing the door to further legal challenges, and any domestic recourse to this violation of religious rights.
18. Many Community leaders, political leaders, as well as leading Buddhist monks and Buddhist Chapters such as Amarapura and Ramanna Nikaya have shown their support for both Burial and Cremation.
19. Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) urged the Sri Lankan government to fulfil its human rights obligations by respecting the right of its Muslim minority to practice their religion free from any discrimination, including the uncompromised right to honour the dignity of their dead in line with their religious beliefs and obligations. Maldives recently offered to bury the dead of Sri Lankan Muslim COVID-19 victims. However, although it was a gesture of solidarity and a laudable offer, Sri Lankan Muslims feel that it will only further promote the racist narrative of the anti-Muslim hate lobby in Sri Lanka that Muslims do not belong to the country.
20. It is alarming that GoSL continues to dismiss both local and international pleas to review this warped policy. Under these circumstances, Sri Lankan Muslims look upon the governments and their brethren in Muslim countries, to use their good offices in addressing the issue and also leverage their influence to pressure Sri Lanka into ending these forced cremations.
21. Under pressure from various groups, including the Minister of Justice, Ali Sabry PC, the government-appointed committee which met to reassess the government's policy on mandatory cremations, but on 22 November 2020, the committee reaffirmed the earlier decision, without giving reasons. Subsequently, a second expert committee appointed by the health ministry in December, stated that burial of victims of COVID-19 would be safe. Yet, the Sri Lanka's health minister dismissed these recommendations in Parliament, stating that the second committee was "informal".
22. This State sanctioned racism has been particularly affecting the victims among the Muslim and Christian communities, whose grieving relatives are unable to bid farewell to their loved ones in accordance with their faith. Both Islam and Christianity enjoy burying the dead and have prohibited cremation, as long as burial does not pose any risks to the living.

23. On December 9, a 20-day-old baby named Shaykh was forcibly cremated in a cemetery in Borella, the largest suburb of Sri Lanka's capital, Colombo. Born in a Muslim family in Sri Lanka, his last rites would be a burial followed by a funeral but instead, authorities cremated his body against the wishes of his parents. A rapid test for COVID-19 (an antigen test) returned positive, yet his parents, including his mother who was breast feeding him, tested negative. This has created doubts in his parents' mind about the credibility of the test. The authorities had no sympathy for the desperate pleas and protests of Baby Shaykh's parents. The bodies of Muslims who die or are suspected of having died of COVID-19 are resigned to the same fate across Sri Lanka.

24. UN human rights experts have urged the Sri Lankan Government to end its policy of forced cremation of the COVID-19 deceased, saying it ran contrary to the beliefs of Muslims and other minorities in the country, and could foment existing prejudices, intolerance and violence.

*"The imposition of cremation as the only option for handling the bodies confirmed or suspected of COVID-19 amounts to a human rights violation. There has been no established medical or scientific evidence in Sri Lanka or other countries that burial of dead bodies leads to increased risk of spreading communicable diseases such as COVID-19,"*

*"While we must be alert to the serious public health challenges posed by the pandemic, COVID-19 measures must respect and protect the dignity of the dead, their cultural and religious traditions or beliefs, and their families throughout,"*

*"We deplore the implementation of such public health decisions based on discrimination, aggressive nationalism and ethnocentrism amounting to persecution of Muslims and other minorities in the country. Such hostility against the minorities exacerbates existing prejudices, intercommunal tensions, and religious intolerance, sowing fear and distrust while inciting further hatred and violence."*

*"We are equally concerned that such a policy deters the poor and the most vulnerable from accessing public healthcare over fears of discrimination,"*

25. Information received by the experts indicates that cremation often takes place immediately upon the notification of the test results without granting family members reasonable time or the opportunity to cross check or receive the final test results. There have been several cases of cremations based on erroneous information about COVID-19 test results, the experts said.

26. The experts noted that the President and Prime Minister had instructed the health authorities to explore options for burials in Sri Lanka.

*“However, we are concerned to learn that the recommendation to include both cremation and burial options for the disposal of bodies of COVID-19 victims by a panel of experts appointed by the State Minister for Primary Health Services, Pandemics and COVID Prevention was reportedly disregarded by the Government. We hope that the report of local burial options by the main committee referred to by the Health Minister will be available soon and that the authorities will stop pursuing a burial solution in a foreign country. We strongly urge the Government of Sri Lanka to stop the forced cremation of COVID-19 bodies, to take all necessary measures to combat disinformation, hate speech and stigmatization of the Muslims and other minorities as a vector of the pandemic; and to provide remedy and ensure accountability for cremations that were carried out by error.”*

27. The Muslim Council of Britain (MCB) also set up a Taskforce made up of Sri Lankan representative bodies, lawyers, medical experts and community organisations. The taskforce has been working to ensure this matter is taken seriously and that significant pressure is applied to the Sri Lankan Government to reverse this policy. COSMOS UK has been collaborating with MCB Task Force activities to further our reach and influence on this issue. The MCB also took an unprecedented action and issued a complaint to the United Nations (UN) in the hope of granting interim measures to halt the cremations in Sri Lanka. The applicants, all related to people who have been cremated, say the procedure took place without their consent or approval. (Annex 2 & 3 – Page 15-17)
28. The Guardian on 09.02.2021 reported on its online edition on the MCB Complaint to UN, stating the group of eight complainants acknowledge and accept in their claim that in battling the pandemic, *"difficult decisions have to be taken which interfere with fundamental rights"*. Further the families claim: *"All of the cremations took place in a forced and arbitrarily expedited manner, denying family members any opportunity to respect their religious and cultural beliefs. This has served only to exacerbate the terrible grief suffered by each family member and their community."*
29. Hon Bob Blackman (MP for Harrow East and Chair of APPG COSMOS UK) and Hon. Afzal Khan (MP for Manchester Gorton and Vice Chair of APPG COSMOS UK) wrote to Rt Hon Dominic Raab (First Secretary of State, Secretary of State for Foreign, Commonwealth and Development Affairs) and requested for his intervention on this issue. Many UK MP's and APPG Cosmos members including Claudia Webb MP, Wes Streeting MP has raised this with Hon Dominic Raab and Sri Lanka High Commissioner in London too. Hon. Afzal Khan MP wrote to the Foreign Secretary with related questions to reply in the House of Commons too.
30. Lord (Tariq) Ahmad of Wimbledon (Minister of State for South Asia and the Commonwealth) responded to a letter from COSMOS UK on 29<sup>th</sup> April 2020 and on 4<sup>th</sup>

January 2021 stating his deeply sympathetic to our concerns. He had spoken to Sri Lanka Foreign Minister in November 2020 and many occasions to Sri Lanka High Commissioner in London regarding this matter. British High Commissioner to Sri Lanka has directly expressed the concerns to the GoSL on this subject.

31. On February 10, 2021, Sri Lankan Prime Minister Mahinda Rajapaksa's announced at Parliament that the GoSL would stop the forced cremation of people who died with COVID-19 appeared to end a policy that had cruelly denied Muslims their religious rights. The announcement was welcomed by Lord, leaders, prominent diplomats across the world including:

**Prime minister of Pakistan Imran Khan, who tweeted.**

*"We welcome Sri Lankan PM Mahinda Rajapaksa's assurance given in Sri Lankan Parliament today allowing Muslims to bury those who died from COVID-19"*

**British High Commissioner to Sri Lanka, Sarah Hulton OBE**

*"Welcome Prime Minister Rajapaksa's announcement in Parliament today on the burial of COVID-19 victims. Hope this is soon policy, allowing those sadly bereaved to follow their religious practices and international public health guidelines"*

**U.S. Ambassador to Sri Lanka and to Maldives, Ambassador Teplitz**

*"Welcome media reporting on PM's announcement to end mandatory cremation of COVID victims. Implementation of a revised practice that is in line with international public health norms and respects religious rites is a positive action."*

**Lord Sheikh**

*"I welcome Sri Lankan PM Mahinda Rajapaksa's assurance this week, allowing Muslims to bury those who died from COVID-19, Thank you "*

32. But despite the pledge, the government has been continuing to forcibly cremate Muslims and has been backtracking by claiming the policy can only be changed following deliberations by an expert committee.
33. On February 11, the day after Prime minister of Sri Lanka Mahinda Rajapaksa's announcement supposedly ending the ban, Mohamed Kamaldeen Mohamed Sameem was cremated in Anamaduwa. Friends of the 40-year-old social activist say authorities initially claimed he committed suicide, but later changed the cause of death to COVID-19 and hastily cremated the body.
34. In another case, the family of a 26-year-old physiotherapist who reportedly died suddenly in his sleep have asked the Court of Appeal to prevent a cremation after hospital authorities announced he died with COVID-19.

35. The UN Human Rights Council is expected to consider a new resolution responding to mounting rights concerns in Sri Lanka, including over the treatment of Muslims. The government's evident lack of empathy in addressing the heartfelt concerns of Muslims regarding forced cremations is further evidence of the need for Human Rights Council action on Sri Lanka. In an attempt to highlight the Human Rights Violations on Forced Cremation, Cosmos UK wrote to all 47 UNHRC member states Embassies and High Commissions – London offices and International Humanitarian Organisation few weeks ago. (Annex 4 - Page 18 -21 )
36. While it is becoming increasingly difficult for Muslims in Sri Lanka to live in peace, with the constant fear of further threats, discrimination and violence hanging over the community, the government seems to have used COVID-19 as an excuse to ensure Muslims in Sri Lanka cannot even die in peace.
37. Reports also indicate that families are being forced to bear the cost of cremation, typically around LKR 50,000-60,000 (approximately £185-£225), in a year that has economically strained many families. The cruelty of not only having to stand idle as a loved one's body is desecrated but being forced to shoulder the cost of this act has led some Muslim families to refuse the ashes and the associated payment, in an act of protest.
38. Against a backdrop of attacks targeting Muslim businesses, homes and places of worship in the country through 2014, 2017, 2018, and following the Easter Sunday bombings in 2019, these latest directives come at a time when Muslims in Sri Lanka already have plenty to fear. In a year when we have seen the importance of solidarity as communities' rally together to survive the pandemic, Sri Lanka has chosen to further alienate a community already reeling from violence, hatemongering, and discrimination.

### Postscript

The Muslims have received the noble announcement that the GoSL has issued to a Gazette notification (Annex 5 Page 22) to allow both cremation and burial options in the disposal of COVID-19 dead bodies, a decision allowed due to a 'technical committee' decision; however, the Government will not hesitate to reverse the decision if the 'technical committee' decides to do so. Therefore, in the light of these wavering positions of the GoSL and its health authorities and also considering the past track records of the so-called technical committee, which has been seen to be acting as a front to demonise the Muslims, it remains to be seen to what extent this decision to allow for burials, will stand and the Technical Committee Burial Conditions for the deceased family.

### 3.0 Conclusion and Recommendations

39. COSMOS UK therefore calls upon the International community to impress upon the GoSL the Sri Lankan government:

- g. to ensure that burial rights are implemented immediately without any further delays and we continue to call for its swift and smooth implementation without undue conditions and the deprivation of which has been having a devastating and discriminatory effect on the Muslim and Christian community.
- h. To stop the demonization campaign being carried out systematically against the Muslims,
- i. To end impunity and to punish offenders of hate crimes
- j. To stop the State sanctioned racism and discrimination against minorities
- k. To respect the constitutional rights of minorities to practice their religion and culture as enshrined in the UN Charter, UDHR and Sri Lanka's constitution.
- l. To uphold its international commitments to ensure that no one is subjected to discrimination based on their religion, and the right to freedom of religion.

## 4.0 Annexures

### Annex 1 UNHR – Office of the High Commissioner Demanding to End the Forced Cremation Policy in Sri Lanka

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26686&LangID=E>



English > News and Events > DisplayNews



### **Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts**

GENEVA (25 January 2021) – UN human rights experts today urged the Sri Lankan Government to end its policy of forced cremation of the COVID-19 deceased, saying it ran contrary to the beliefs of Muslims and other minorities in the country, and could foment existing prejudices, intolerance and violence.

“The imposition of cremation as the only option for handling the bodies confirmed or suspected of COVID-19 amounts to a human rights violation. There has been no established medical or scientific evidence in Sri Lanka or other countries that burial of dead bodies leads to increased risk of spreading communicable diseases such as COVID-19,” said the experts.

As of 21 January 2021, 274 COVID-19 related deaths have been reported in Sri Lanka, with a significant number of the deaths belonging to Muslim minorities. All of the bodies were cremated according to the fourth amendment of the Provisional Clinical Practice Guidelines on COVID-19 suspected and confirmed patients issued on 31 March 2020.

The decision to make cremation mandatory followed alleged expert advice, including by the chief epidemiologist who claimed that burials could contaminate ground drinking water. However, the World Health Organization has reiterated there is no evidence to suggest that cremation prevents the spread of the disease, while the College of Community Physicians of Sri Lanka and the Sri Lanka Medical Association issued statements recently clarifying that there has been no proof that burial of COVID-19 dead bodies constitutes a public health hazard.

"While we must be alert to the serious public health challenges posed by the pandemic, COVID-19 measures must respect and protect the dignity of the dead, their cultural and religious traditions or beliefs, and their families throughout," the experts said.

"We deplore the implementation of such public health decisions based on discrimination, aggressive nationalism and ethnocentrism amounting to persecution of Muslims and other minorities in the country," added the experts. "Such hostility against the minorities exacerbates existing prejudices, intercommunal tensions, and religious intolerance, sowing fear and distrust while inciting further hatred and violence.

"We are equally concerned that such a policy deters the poor and the most vulnerable from accessing public healthcare over fears of discrimination," the experts said, adding this would further negatively impact the public health measures to contain the pandemic.

Information received by the experts indicates that cremation often takes place immediately upon the notification of the test results without granting family members reasonable time or the opportunity to cross check or receive the final test results. There have been several cases of cremations based on erroneous information about COVID-19 test results, the experts said.

The experts noted that the President and Prime Minister had instructed the health authorities to explore options for burials in Sri Lanka. "However, we are concerned to learn that the recommendation to include both cremation and burial options for the disposal of bodies of COVID-19 victims by a panel of experts appointed by the State Minister for Primary Health Services, Pandemics and COVID Prevention was reportedly disregarded by the Government," they said.

"We hope that the report of local burial options by the main committee referred to by the Health Minister will be available soon and that the authorities will stop pursuing a burial solution in a foreign country.

"We strongly urge the Government of Sri Lanka to stop the forced cremation of COVID-19 bodies, to take all necessary measures to combat disinformation, hate speech and stigmatization of the Muslims and other minorities as a vector of the pandemic; and to provide remedy and ensure accountability for cremations that were carried out by error."

ENDS

**\*THE EXPERTS:** *Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief; Mr. Fernand de Varennes, Special Rapporteur on minority issues; Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights of peaceful assembly and association; and Ms. Tlaleng Mofokeng, [Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#)*

Annex 2 – MCB Press Release on Task Force <https://mcb.org.uk/press-releases/sri-lanka-forced-cremations/>

# The Muslim Council of Britain to launch legal action against Sri Lankan government's 'forced cremations'

30th December 2020



**PRESS RELEASE**

**30 December 2020**

The Muslim Council of Britain to launch legal action against Sri Lankan government's 'forced cremations'

"The ongoing 'forced cremation' policy by the Sri Lankan Government of COVID-19 deceased has included a 20-day old baby and over 100 Muslims according to a reliable source.

In response to this, the Muslim Council of Britain has set up a Taskforce headed by Assistant Secretary-General, Zara Mohammed, consisting of UK-based Sri Lankan representative bodies, lawyers, medical experts, and senior leaders of the community.

The MCB taskforce has written to the Foreign Secretary and the Sri Lankan High Commissioner to request an immediate reversal of this 'forced cremation' policy and highlight its impact on Muslim and Christian communities.

Tayab Ali, Partner at leading London law firm, Bindmans LLP said:

"The forced cremations of Muslim bodies in Sri Lanka are a serious violation of the religious freedom of a minority group. It is a violation of international law to delay returning a family member's body for burial in a timely way unless there is good reason to do so. In this case the Sri Lankan authorities have departed from the World Health Organisation's recommendation for the safe management of a dead body during the coronavirus pandemic without any justification. In addition, the Sri Lankan Supreme Court's rapid and unreasoned dismissal of the application made by family members of the deceased leaves no domestic remedy to what some have described as ongoing persecution of the Muslim minority in Sri Lanka. We are now preparing to bring this matter to the urgent attention of the United Nations Human Rights Committee for resolution".

The Sri Lankan Government's policy of forced cremation is unconstitutional in its very nature and continues to devastate the families of the deceased. It is now imperative for the international community to urge the Sri Lankan Government to reverse this policy, immediately. The MCB taskforce will pursue the necessary legal action to end this violation of human rights and allow families to bury their deceased with dignity.

[ENDS]

# The Muslim Council of Britain call on the UN to halt forced cremations in Sri Lanka

9th February 2021

## **PRESS RELEASE**

**8 February 2021**

The Muslim Council of Britain call on the UN to halt forced cremations in Sri Lanka

The Muslim Council of Britain (MCB) has submitted a complaint to the United Nations Human Rights Council (UNHCR) given the Sri Lankan government's ongoing policy on forced cremations.

Zara Mohammed, the Secretary General of the MCB said:

"We are very concerned that the Sri Lankan government has ignored its own committee's advice, which allows for the safe burial of the deceased. The Sri Lankan Government policy is unprecedented; no other state has carried out such unjust and discriminatory measures. We very much hope that the Sri Lankan government will change its policy in line with the World Health Organisation advice."

Tayab Ali, Partner at Bindmans LLP who represents the MCB and the Applicants said:

"The forced cremations of Muslim bodies in Sri Lanka are a serious violation of the religious freedom of a minority group. It is a violation of international law to delay returning a family member's body for burial in a timely way unless there is good reason to do so. In this case the Sri Lankan authorities have departed from the WHO's recommendation for the safe management of a dead body during the coronavirus pandemic without any justification. Our clients were already suffering from the distress of losing a family member to Covid. It is truly heartless for the Sri Lankan government to add to that distress by unnecessarily forcing the bodies of loved ones to be cremated. We hope that the United Nations Human Rights Council will take immediate action on receipt of this complaint by granting interim measures to halt these cremations."

The MCB urgently requests that the UNHRC immediately order the suspension of the forced cremations policy.

[ENDS]

**Annex 4 – Specimen Letter of Cosmos to UNHRC member Countries**



**Cosmos Specimen Letter to 47 UNHRC Member Countries – posted to London  
Embassies / High Commission**

27<sup>th</sup> January 2021

The Ambassador,

Your Excellency,

**RE: The International Campaign to Stop 'Forced Cremation' of COVID-19 Bodies in Sri Lanka**

*Seeking Support At the Forthcoming 46th Session of the United Nations Human Rights Council (UNHRC) in Geneva*

**Council of Sri Lankan Muslim Organisations UK (COSMOS UK)** an umbrella organization of twenty-eight Sri Lankan Muslim Organizations based in UK, respectfully wish to seek the valued support of Your Excellency's government to raise the matter of forced cremation of COVID dead bodies and also support the international campaign to stop this gross violation of human rights in Sri Lanka, at the 46th Session of UNHRC to be held in February / March 2021. This is indeed a grave and disturbing development, taking place amid the dreaded COVID pandemic, which has been causing much anguish and pain to both Muslim and Christian communities in Sri Lanka, facing the wrath of their COVID dead being forcefully cremated, sans any medical justification and despite the growing protests from all quarters including the United Nations experts, medical professionals in Sri Lanka [Ref 27], and religious leaders of all major faiths in the country and leading global Human Rights watchdogs [Ref 24] in particular and the international community in general.

It is unfortunate that instead of uniting the people in the fight against the invisible enemy, the Sri Lankan authorities have been creating deepening divisions between communities. It has been reported that out of approximately 250 COVID fatality cases reported to-date, more than 150 bodies cremated have been those of Muslims, including two babies (a 20-day old baby and a two month old). Most recently, the expert committee advising the Government of Sri Lanka

(GoSL) on the disposal of the remains of those who die of the COVID virus has revised its stand and recommending that burial be permitted under strict conditions and yet the GoSL maintains this discriminatory policy [Ref 25].

**The Muslim Council of Britain** (MCB - UK's largest and most diverse national Muslim umbrella organisation with over 500 members), have come forward to highlight this grave matter of injustice being caused to the religious minorities in Sri Lanka and to seek required redress. MCB has formed a Task force, made up of Sri Lankan representative bodies, lawyers, medical experts and community organisations. **COSMOS UK** is also part of this Task Force. The taskforce has been working to raise awareness of this discrimination and that significant pressure is applied to the GoSL to reverse this unsubstantiated policy. The MCB is also in the process of taking unprecedented action in issuing a complaint to the United Nations. This complaint will be led by a team of expert lawyers with the aim of getting the Sri Lankan Government to reverse its cremation policy.

At first glance, GoSL insisting that the bodies of all COVID-19 victims be cremated, no matter their religion, might seem fair. The President, Gotabaya Rajapaksa, has claimed that burying people who died of Covid-19 complications may "contaminate ground water." It has not changed the policy, first codified in a March 31, 2020 regulation, despite World Health Organization (WHO) guidelines that burial is safe, and growing opposition from various organisations and committees identified above. The motivations and intentions behind maintaining such a policy must be questioned when it goes against all international and domestic guidance.

As Your Excellency is no doubt aware, the WHO has quite explicitly laid down guidelines which states, that both cremation and burial options are safe in such disposal [Ref 36]. WHO tweeted on 10th April 2020 that 'It is a common myth that persons who have died of a communicable disease should be cremated, but this is not true. Cremation is a matter of cultural choice and available resources'. European Centre for Disease Prevention and Control (ECDC) also says, 'Decedents with confirmed or suspected COVID-19 can be buried or cremated as usual'. This forced cremation policy is also contrary to the clear views of leading virology experts, both in Sri Lanka and globally, around safe and dignified burials - a practice followed by more than 190 countries including yours. Hence, there is no reasonable justification to enforce cremation as an obligatory measure.

It is alarming that GoSL, continues to dismiss both local and international pleas to review this warped policy. It is pertinent to state that this policy is part of the continuing well-orchestrated Islamophobia campaign since the end of the ethnic war in 2009. Sri Lanka's COVID response is thus proof that demonisation of particularly the Muslims has been normalized. On the contrary, the government has done little to combat incitement against Muslims, such as false rumors that the community deliberately spread the coronavirus, which are often shared by government supporters and in pro-government media. The health crisis has in fact been used to reinforce the narrative that the 'careless and undisciplined' Muslim community must be brought in line and not allowed to 'their right to determine their lives', which has been gaining force in society for a long time and simply intensified with this pandemic. The extremely discriminatory policy that is in place in Sri Lanka, insisting on cremation of all those who die of COVID-19 is thus an extension of this same line of thinking. Thus, while fighting the pandemic, Sri Lanka appears to have unfortunately given a new lease of life to an equally dangerous virus: 'State sanctioned' racism which includes growing Islamophobia.

Some Muslim and Christian families also sought to challenge the government's policy in court, saying it violated their freedom of religion and fundamental rights under the constitution. But

the Supreme Court dismissed the case in early December without explanation. The issue has also been raised by many human rights organizations, and the UN Special Rapporteur on Freedom of Religion and Belief urged the government to respect burial rights of its Muslim minority [Ref 39]. As the UN Resident Coordinator in Sri Lanka Hanaa Singer stated, ‘during epidemics, for reasons of public health, Governments often need to take difficult and at times unpopular measures. However, in this case, the negative consequences of not allowing burials seem to outweigh any potential epidemiological benefit. The common assumption that people who died of a communicable disease should be cremated to prevent spread is not supported by evidence.’ COSMOS UK is also pleased to note that the Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) too, has expressed extreme concern over reports of Sri Lankan government insisting on cremation for COVID-19 Muslim victims.

Under these circumstances, **COSMOS-UK**, on behalf of Sri Lankan Muslim community (which constitute 10% of the total population of 21 Million), and as part of the MCB Task Force, require Your Excellency’s kind consideration and fervently appeal to Your Excellency’s Government which is represented in the UN Human Rights Council (UNHRC) to use its good offices and leverage its influence, in addressing this issue of grave injustice, and in kindly impressing upon the GoSL into ending these forced cremations.

Should Your Excellency need further information or documents to support the case, COSMOS UK would be too glad to furnish them or even would look forward to an earliest opportunity to meet Your Excellency and submit/ clarify matters as required.

Thanking You

Yours Respectfully

**Cosmos UK**

### References

1. Muslim Council of Britain, 20 Jan 2021, “Campaign Against Forced Cremations in Sri Lanka” (<https://mcb.org.uk/project/forcedcremations/>)
2. Human Rights Watch, 18 Jan 2021, “Sri Lanka: Covid-19 Forced Cremation of Muslims Discriminatory” (<https://www.hrw.org/news/2021/01/18/sri-lanka-covid-19-forced-cremation-muslims-discriminatory>)
3. EconomyNext, 02 Jan 2021, “Expert committee says burial of Covid 19 dead can take place with precautions” (<https://economynext.com/expert-committee-says-burial-of-covid-19-dead-can-take-place-with-precautions-77463/>)
4. Journal of the College of Community Physicians of Sri Lanka, 31 Dec 2020, “Position paper - Debate about compulsory cremation of victims of COVID-19” (<https://jccpsl.sljol.info/articles/abstract/10.4038/jccpsl.v26i4.8403/>)
5. The Guardian, 30 Dec 2020, “Muslim Council of Britain challenges forced Covid cremations in Sri Lanka” (<https://www.theguardian.com/world/2020/dec/30/muslim-council-of-britain-challenges-forced-covid-cremations-in-sri-lanka>)
6. Al Jazeera, 18 Dec 2020, “Outrage in Sri Lanka over cremation of Muslim COVID victims” (<https://www.aljazeera.com/news/2020/12/18/i-had-no-stre>)
7. France24, 14 Dec 2020, "Anger grows in Sri Lanka over forced Muslim virus cremations" (<https://www.france24.com/en/live-news/20201214-anger-grows-in-sri-lanka-over-forced-muslim-virus-cremations>)
8. TRTWorld, 14 Dec 2020, “Forced cremations of Muslim COVID-19 victims cause outrage in Sri Lanka” (<https://www.trtworld.com/asia/forced-cremations-of-muslim-COVID-19-victims-cause-outrage-in-sri-lanka-42356>)
9. Amnesty International, 10 Dec 2020 "Forced cremations in Sri Lanka" (<https://www.amnesty.org/en/latest/news/2020/12/forced-cremations-in-sri-lanka/>)

10. The Guardian, 04 Dec 2020, “Muslims in Sri Lanka 'denied justice' over forced cremations of COVID victims” (<https://www.theguardian.com/world/2020/dec/04/muslims-sri-lanka-justice-forced-cremations-COVID-victims>)
11. Colombo Telegraph, 17 Nov 2020, “Unreasonable ‘COVID-Cremation Policy’: Potentially Deadly Payback Would Be Enormous!” (<https://www.colombotelegraph.com/index.php/unreasonable-COVID-cremation-policy-potentially-deadly-payback-would-be-enormous/>)
12. Arab News, 06 Nov 2020, “OIC condemns cremation of COVID-19 infected Muslim remains in Sri Lanka” (<https://www.arabnews.com/node/1759081/saudi-arabia>)
13. World Health Organisation, 04 Sept 2020, “Infection prevention and control for the safe management of a dead body in the context of COVID-19: interim guidance” (<https://www.who.int/publications/i/item/infection-prevention-and-control-for-the-safe-management-of-a-dead-body-in-the-context-of-covid-19-interim-guidance>)
14. BBC News, 05 July 2020, “Coronavirus funerals: Sri Lanka's Muslims decry forced cremation” (<https://www.bbc.co.uk/news/world-asia-53295551>)
15. TRTWorld, 14 May 2020, “Compulsory cremation: A nightmare for Sri Lanka's Muslims” (<https://www.trtworld.com/opinion/compulsory-cremation-a-nightmare-for-sri-lanka-s-muslims-36307>)
16. United Nations special rapporteurs, 08 Apr 2020, “Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism” (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25175>)
17. AlJazeera, 03 Apr 2020, “Anguish as Sri Lanka forces Muslims to cremate COVID-19 victims” (<https://www.aljazeera.com/news/2020/4/3/anguish-as-sri-lanka-forces-muslims-to-cremate-COVID-19-victims>)

Annex 5 Gazzete Notification of GoSL (Allowing Burial on 25.02.2021)



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය  
අති විශේෂ  
The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

අංක 2216/38 - 2021 පෙබරවාරි මස 25 වැනි මුහුණපත්තින්දා - 2021.02.25  
No. 2216/38 - THURSDAY, FEBRUARY 25, 2021

(Published by Authority)

**PART I : SECTION (I) — GENERAL**  
**Government Notifications**

L.D-B 40/1973 (I)

**QUARANTINE AND PREVENTION OF DISEASES ORDINANCE (CHAPTER 222)**

REGULATIONS made by the Minister of Health under Sections 2 and 3 of the Quarantine and Prevention of Diseases Ordinance (Chapter 222).

**PAVITHRA WANNARACHCHI,**  
Minister of Health.

Colombo,  
February 25, 2021.

**Regulations**

Regulations relating to Storage of Grain and Regulations relating to Anchylostomiasis published in *Gazette* No.7481 of August 28, 1925, as amended from time to time, are hereby further amended in regulation 61A thereof as follows: -

- (1) by the substitution for the words, "Cremation of Corpse" of the words "Cremation or burial of the corpse";
- (2) in sub regulation (1) thereof, by the substitution for the words "shall be cremated." of the words "may be cremated or buried. In the case of cremation, the corpse of such person shall be cremated-";

1A - G 33766 — 525 (02/2021)



2A I පනතට, (I) ඡේදය - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ අති විශේෂ ගැසට් පත්‍රය - 2021.02.25  
PART I : SEC. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 25.02.2021

- (3) by the insertion immediately after sub regulation (1) thereof, of the following new sub regulation:-

"(1a) In the case of burial, the corpse of such person shall be buried in accordance with the directions issued by the Director General of Health Services at a cemetery or place approved by the proper authority under the supervision of such authority."

- (4) in sub regulation (2) thereof, by the substitution for the words, "duties of cremation" of the words "duties of cremation or burial"; and
- (5) in sub regulation (3) thereof, by the substitution for the words, "by placing them with the coffin during cremation." of the words "by placing them with the coffin during cremation or in the case of burial, by taking such steps in accordance with the directions as may be issued by the Director General of Health Services."

## 5.0 References

18. Amnesty International, 19 Feb 2021, " Bangladesh must speak out against forced cremation of Muslims in Sri Lanka" (<https://www.amnesty.org/en/latest/news/2021/02/bangladesh-must-speak-out-against-forced-cremation-of-muslims-in-sri-lanka/>)
19. Human Rights Watch, 16 Feb 2021, "Prime Minister Backtracks on Pledge to Revoke Anti-Muslim Policy" (<https://www.hrw.org/news/2021/02/16/covid-19-forced-cremations-continue-sri-lanka>)
20. Washington Post, 12 Feb 2021, "In Sri Lanka, a unique pandemic trauma: Forced cremations" ([https://www.washingtonpost.com/world/asia\\_pacific/sri-lanka-cremations-covid/2021/02/12/b97719a6-6562-11eb-bab8-707f8769d785\\_story.html](https://www.washingtonpost.com/world/asia_pacific/sri-lanka-cremations-covid/2021/02/12/b97719a6-6562-11eb-bab8-707f8769d785_story.html))
21. UN Human Rights Office of the High Commissioner, 25 Jan 2021, "Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts" (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26686&LangID=E>)
22. Al Jazeera, 25 Jan 2021, "Sri Lanka's cremation of COVID dead a 'human rights violation'" (<https://www.aljazeera.com/news/2021/1/25/forced-cremations-during-pandemic-a-violation-of-human-rights-un>)
23. Muslim Council of Britain, 20 Jan 2021, "Campaign Against Forced Cremations in Sri Lanka" (<https://mcb.org.uk/project/forcedcremations/>)
24. Human Rights Watch, 18 Jan 2021, "Sri Lanka: Covid-19 Forced Cremation of Muslims Discriminatory" (<https://www.hrw.org/news/2021/01/18/sri-lanka-covid-19-forced-cremation-muslims-discriminatory>)
25. ArabNews, 05 Jan 2021, "Outcry in Sri Lanka over cremation of Muslim coronavirus victims", (<https://www.arabnews.com/node/1787391/world>)
26. EconomyNext, 02 Jan 2021, "Expert committee says burial of Covid 19 dead can take place with precautions" (<https://economynext.com/expert-committee-says-burial-of-covid-19-dead-can-take-place-with-precautions-77463/>)
27. Journal of the College of Community Physicians of Sri Lanka, 31 Dec 2020, "Position paper - Debate about compulsory cremation of victims of COVID-19" (<https://jccpsl.sljol.info/articles/abstract/10.4038/jccpsl.v26i4.8403/>)
28. The Guardian, 30 Dec 2020, "Muslim Council of Britain challenges forced Covid cremations in Sri Lanka" (<https://www.theguardian.com/world/2020/dec/30/muslim-council-of-britain-challenges-forced-covid-cremations-in-sri-lanka>)
29. Al Jazeera, 18 Dec 2020, "Outrage in Sri Lanka over cremation of Muslim COVID victims" (<https://www.aljazeera.com/news/2020/12/18/i-had-no-stre>)
30. France24, 14 Dec 2020, "Anger grows in Sri Lanka over forced Muslim virus cremations" (<https://www.france24.com/en/live-news/20201214-anger-grows-in-sri-lanka-over-forced-muslim-virus-cremations>)
31. TRTWorld, 14 Dec 2020, "Forced cremations of Muslim COVID-19 victims cause outrage in Sri Lanka" (<https://www.trtworld.com/asia/forced-cremations-of-muslim-COVID-19-victims-cause-outrage-in-sri-lanka-42356>)
32. Amnesty International, 10 Dec 2020 "Forced cremations in Sri Lanka" (<https://www.amnesty.org/en/latest/news/2020/12/forced-cremations-in-sri-lanka/>)
33. The Guardian, 04 Dec 2020, "Muslims in Sri Lanka 'denied justice' over forced cremations of COVID victims" (<https://www.theguardian.com/world/2020/dec/04/muslims-sri-lanka-justice-forced-cremations-COVID-victims>)
34. Colombo Telegraph, 17 Nov 2020, "Unreasonable 'COVID-Cremation Policy': Potentially Deadly Payback Would Be Enormous!" (<https://www.colombotelegraph.com/index.php/unreasonable-COVID-cremation-policy-potentially-deadly-payback-would-be-enormous/>)

35. Arab News, 06 Nov 2020, “OIC condemns cremation of COVID-19 infected Muslim remains in Sri Lanka” (<https://www.arabnews.com/node/1759081/saudi-arabia>)
36. World Health Organisation, 04 Sept 2020, “Infection prevention and control for the safe management of a dead body in the context of COVID-19: interim guidance” (<https://www.who.int/publications/i/item/infection-prevention-and-control-for-the-safe-management-of-a-dead-body-in-the-context-of-covid-19-interim-guidance>)
37. BBC News, 05 July 2020, “Coronavirus funerals: Sri Lanka's Muslims decry forced cremation” (<https://www.bbc.co.uk/news/world-asia-53295551>)
38. TRTWorld, 14 May 2020, “Compulsory cremation: A nightmare for Sri Lanka's Muslims” (<https://www.trtworld.com/opinion/compulsory-cremation-a-nightmare-for-sri-lanka-s-muslims-36307>)
39. United Nations special rapporteurs, 08 Apr 2020, “Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism” (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25175>)
40. AlJazeera, 03 Apr 2020, “Anguish as Sri Lanka forces Muslims to cremate COVID-19 victims” (<https://www.aljazeera.com/news/2020/4/3/anguish-as-sri-lanka-forces-muslims-to-cremate-COVID-19-victims>)
24. The Guardian, 09 February 2021 “Muslim Families Complain to UN over Sri Lankan Covid Cremations. (<https://www.theguardian.com/world/2021/feb/09/muslim-families-complain-to-un-over-sri-lankan-covid-cremations>)

-----END-----

### **Contact for Further Information**

Mr. Liyas Abdul Wahid - President - Cosmos UK  
(Mobile - 0044 7900958876 or [presidentcosmosuk@gmail.com](mailto:presidentcosmosuk@gmail.com))

Mr. Shakeer Nawas - General Secretary - Cosmos UK  
(Mobile - 0044 7818093591 or [secretarycosmosuk@gmail.com](mailto:secretarycosmosuk@gmail.com))

**Report Compiled by:** Shakeer Nawas & Adil Sardardeen  
(Media Unit - Cosmos UK) – 03.03.2021



**COSMOS UK  
PREVIOUS REPORTS  
ON SRI LANKA  
HUMAN RIGHTS  
VIOLATIONS  
ATTACHED**

**(Continuing Challenge for Human Rights in Sri Lanka)**

# **REPORT ON THE SITUATION OF THE SRI LANKAN MUSLIMS IN THE POST-WAR PERIOD**

**WITH SPECIAL FOCUS ON THE  
POST- DIGANA ANTI-MUSLIM VIOLENCE 2018'**



**Compiled by: Media Unit**

**Council of Sri Lankan Muslim Organizations in UK (COSMOS)  
United Kingdom- April 2019**

**To Hold The Government Of  
Sri Lanka To Account:**

**To Protect The Rights Of Muslims In Sri Lanka As Per The Constitution And International Obligations Relating To Minorities**

- **To appoint commissions of Inquiry to inquire into anti Muslim violence from Aluthgama to Digana and identify the causes and those persons/groups involved**
- **To Punish Those Responsible For The Communal Violence From Aluthgama To Digana**
- **Pay Due and Full Compensation To The Victims Of Communal Violence**
- **To Deal With Hate Racist Speech And Racist Groups as per Article 20(2) of the ICCPR without impinging on the right to free expression and right to democratic protest.**
- **To Apply The Rule Of Law Fairly To All Communities**
- **To Resolve The Longstanding Settlement Issue Relating To The Northern Muslims**

‘...Despite the optimism – and early signs of dynamism – that marked the transition in 2015, Sri Lanka’s political classes have proven themselves unwilling to begin to address Sri Lanka’s two inter-linked deep challenges: the Sinhala Buddhist majoritarian bias of the state, and the ability of those in power, or connected to them, to use violence with impunity. Victims and survivors remain deeply dissatisfied and angry. And it is far from clear that what gains have been made could not easily be reversed down the line.

It is for these reasons that we believe the international community must remain vigorously engaged in Sri Lanka, including by ensuring that its government remains under the scrutiny of the UN Human Rights Council.

<https://www.srilankacampaign.org/take-action/keep-the-promise/>

## Recent Positive Development

### 1. Formation of APPG for COSMOS on 28/06/2018

#### Purpose

To support and take up issues raised by Council of Sri Lankan Muslim Organisations UK (COSMOS UK) relating to Sri Lankan Muslims; working toward protecting their rights while promoting peaceful coexistence and thereby ushering in a strong relationship between the peoples of the UK and Sri Lanka

#### Officers

Role	Name	Party
Chair & Registered Contact	Bob Blackman	Conservative
Vice Chair	Lord Naseby	Conservative
Officer	Siobhain McDonagh	Labour
Officer	Mr Tanmanjeet Singh Dhesi	Labour
Officer	Gareth Thomas	Labour (Co-op)

<https://publications.parliament.uk/pa/cm/cmallparty/181010/council-of-sri-lankan-muslim-organisations-uk.htm>

#### Members of APPG COSMOS UK:

1. Tom Brake MP for Carshalton and Wallington
2. Matt Rodda MP for Reading East

## BACKGROUND

Sri Lanka is a multi-ethnic, multilingual and multi-religious country. Sinhalese constitute the majority (74 percent) and are mainly Buddhist; Tamils are the largest minority and are largely Hindu. The island's second largest minority is the Muslim community, which comprises approximately 10 percent of the population. Unlike Sinhalese and Tamils, who draw their identity from their ethnicity, religion determines the identity of Sri Lanka's Muslims.

The Muslims, have a long history of more than 10 centuries, tracing their ancestry to Arabs who have had trade links with Ceylon since the 8th century. They are a distinct ethnic group, although they speak Tamils. History records Muslims acting as royal physicians, defence advisors as well as goodwill ambassadors. They have been living peacefully with both Sinhalese and Tamils. Ironically, it was the crucial Muslim support which facilitated the process of Sri Lanka gaining independence from the British in 1948 and help end almost four and a half centuries of European colonial rule in the island. The Muslims also played a supportive role in ending the Tamil Tiger led terrorist war and faced innumerable hardships and suffered massacres from the Tamil Tigers in the North and East Sri Lanka as a result.

Violence targeting the minorities came to the fore during colonial rule. Tamils and Muslims, for instance, were seen to have benefited from colonial policies. Revivalists like Anagarika Dharmapala claimed that the Muslims were “alien invaders” who used “Shylockian methods [to become] prosperous like the Jews.” They had become prosperous at the expense of the “sons of the soil,” i.e. the Sinhalese, he said. Publications like Sinhala Bauddhaya and Sinhala Jathiya carried articles that were inflammatory in content and are said to have culminated in the anti-Muslim violence in 1915. Ethnic or religious clashes or conflagrations have therefore not been anything novel or new to the Sri Lanka. In fact, modern Ceylon’s first ethno-religious riots thus targeted not Tamils but Muslims in 1915. With independence from colonial rule, Sinhalese political parties vied with each other to project themselves as the guardians of the Sinhalese-Buddhists. It led to the ‘Sinhalization’ of the State and its institutions, which resulted in Tamil political, economic and cultural marginalization. Wide frustration among the Tamil community and lack of democratic ways of resolving their grievances led to the emergence of militant groups among them. Many pacts and agreements to resolve the national question, fell on the wayside primarily due to pressure of the influential sections among the Buddhist monks. LTTE emerged as the major Tamil militant group, extending its’ writ over vast areas of N&E Sri Lanka. The anti-Tamil pogrom in 1983 launched by Sinhala armed groups with implicit support from the higher echelons of the State led to the internationalisation of the Tamil issue, thus tarnishing the image of Sri Lanka. From the 1956 “Sinhala only” Act to the 1983 anti-Tamil riots, Sri Lanka had gone from being an inspiration for Lee Kwan Yew to South Asia’s ethnic cauldron within three decades.

Until 1990, the Muslims believed they had common cause with Tamil political aspirations, with both communities sharing a common language- Tamil. But that year, a newly resurgent LTTE following the Indian Peace Keeping Forces ’s departure from Sri Lanka, carried out a massacre of aver 140 worshippers in two mosques in the East. Later in the year, they drove out nearly 100,000 Muslims from their northern citadel of Jaffna and other parts of northern Sri Lanka under its control. The eviction took place overnight — people left behind their houses, lands, shops, and possessions, becoming a new set of internally displaced people in Sri Lanka’s conflict. That was when the Sri Lankan Muslim found a new political consciousness, and within a decade of its formation, the Sri Lanka Muslim Congress (SLMC) was seen by Sinhala political parties as a “kingmaker” party and ever since then, Muslim communalist parties have been always siding with the ruling party, and become part of coalition governments.

For almost six decades, the Sinhalese-Buddhist supremacist project thrived by depicting Tamils as “the enemy.” With the LTTE being vanquished in 2009, Sinhalese extremist groups needed a new enemy to keep the project relevant. Muslims thus emerged as that enemy. Global Islamophobia was then providing a convenient handle with which to demonise the community. Many anti-Muslim hate groups emerged , deemed as a direct fallout of the triumphalism and majoritarianism that took hold in sections of the Sinhala Buddhist majority community after

the military defeat of the LTTE, encouraged by the then Mahinda Rajapakse regime. These groups, particularly Bodu Bala Sena(BBS), Sinhala Ravaya, Sinhale, and Mahason Balaya, tacitly enjoyed much State patronage, which began using social media to spread their venom. Further, BBS also found an ally in Myanmar's hardline Buddhist monks in their 'cause' against the Muslims. Starting with the attack on the Dambulla Mosque in North Central Sri Lanka in 2012 led by Buddhist monks, many such attacks and hate campaigns ensued – desecration of the Muslim places of worship, arson attacks on businesses, anti-Halal campaign and boycott campaign of the Muslim business brands as well an intensive social media hate campaign.

This series of incitements and attacks culminated in the infamous mini- 1983 style anti-Muslim pogrom in Aluthgama in the South. The monk who founded the BBS, Gnanasara Thero, made an incendiary speech against the Muslims, which led to a spate of violence l wadin ot loss of lives, arson and pilferage. The Secretariat for Muslims (SFM), a Muslim civil society organisation, documented 538 anti-Muslim incidents from 2013 to 2015. There were several incidents against Christians as well. The Muslims of Sri Lanka, who have hitherto being living in harmony with the majority Sinhalese in the Southern parts of the Island, were subjected to a climate of fear and insecurity since 2009, orphaned and sand-witched between an impotent Muslim political leadership and an indifferent national leadership. The Buddhist-Muslim tensions of the last few years have surfaced nearly a century after the only such incident in the 20th century in 1915.





### **Aluthgama Anti Muslim Violence in 2014 –Post Script**

The whole episode of orchestrated hate attacks on Muslims and their properties in Aluthgama reportedly began when a Buddhist priest alleged that some Muslim youths attacked him without any provocation. As stated, the fiery monk belonging to the BBS came and made provocative speech and the rest was history. However, 4 ½ years later, the judiciary held that there was no case and acquitted all the Muslim youth jailed ,as shown below:

*Kalutara Magistrate Chandima Edirimanne acquitted all three accused today (27/02/2019) in the case where three Muslims from Dharga Town were charged with causing hurt by attacking Ven. Ayagama Samitha Thero, Chief Prelate of the Kurunduwatte Sri Wijerama Viharaya, Dharga Town and his driver Vishwa at Aluthgama on 12th June 2014.*

*The Magistrate made the order acquitting the three accused Moulavi Ashgar, and his two brothers Arshad and Aflal after hearing the evidence of Samitha Thero & his driver and following an application by President's Counsel M M Zuhair who appeared for the accused with Attorneys Mohamed Ishar, MIM Naleem and M Aslam that no purpose will be served by proceeding with the case any further in view of the number of contradictions and the unreliability of their evidence.*

*Bevin Kumarisiri appeared for Samitha Thero. The Magistrate gave detailed reasons for the acquittal referring to the unreliability of the evidence of the two witnesses.*

*False rumours of this alleged assault on the monk followed by a rally condemning the assault, organised by BBS and Sihala Ravaya held in Aluthgama town two days later are alleged to have led to days of violence against Muslims in Aluthgama and Beruwala causing three deaths and extensive destruction of Muslim owned properties.*

---

### **Muslim Community Still Waiting for Commission of Inquiry to Inquire into the Aluthgama violence**

The Muslim Community has been demanding a Presidential Commission of Inquiry to inquire into the causes and the circumstances which led to this tragedy and to punish those who were responsible. But this demand fell on deaf ears. The Yahapalana government which came to power in January 2015 however promised to institute this Commission of Inquiry. However, till today, this promise remains unfulfilled.

### **Post-2015 Period**

President Rajapakse called for an early presidential election in January 2015 and the joint opposition forwarded a common candidate Maithripala Sirisena promising to promote national reconciliation and to take action against those racist forces which have brought havoc on the nation. The 'so-called 'Yahapalana' (good governance) regime was voted in, defeating the incumbent. For a while, this change of power led to a de-escalation of Buddhist-Muslim tensions. But the incidents began occurring again towards the end of 2016, with the re-emergence of Sinhala Buddhist hate groups targeting the Muslims, under different names,

which started using the social media to spew racist venom. There were several incidents through April and May 2017 across Sri Lanka. Apart from the staged violent protests against the Muslims who were reclaiming their lost lands in Wilpattu, in the North and the reported campaign against the arrival of a group of Rohingya in Colombo, these extremist groups once again showed signs of rising from the ashes, after a period of brief hibernation. In November 2017, Muslims faced another bout of anti-Muslim violence in the streets of Gintota in Galle.

### **Anti Muslim Violence in Ampara, in the Eastern Province and Digana in the Central Province**

Particularly, during February/ March 2018, Muslims of Sri Lanka specially in the Eastern as well in the Central Province and surrounding areas were subjected to a cycle of mortal fear psychosis as a result of a well-orchestrated hate campaign and hate attacks carried out by thugs and goons and organised by hate groups and movements with Sinhala Buddhist labels and extremist agendas reportedly with political connections. In February 2018, Ampara, in the Eastern Province of Sri Lanka, a mini-riot in Ampara was waged by Sinhala Buddhist racist goons with clear signs of meticulous pre-planning based on canards, which resulted in much damage to Muslim businesses and a Muslim mosque in the area.

Later, in early March 2018, in Digana area, in the Central Province close to Kandy, a road rage incident between Muslims and a Sinhalese youth was exploited and was projected as a racist attack in the social media and once again racist goons took to the streets armed with clubs, swords and knives in organised groups and formations widely thought as pre-planned to extract revenge from the whole community

The anti-Muslim violence spread like wild fire, in the context of apathy of the officialdom, to many areas in the Central Province. Scores of Muslim families took to the jungle and the woods to escape the marauding goons. Curfew imposed were not effective and there were allegations that the Special Task Forces (STF) even helped the perpetrators in the attacks done under cover of darkness while Muslims were confined to their houses. Widespread looting of the business and then setting on fire were reported while the forces were turning the blind eye. One Muslim youth was burnt to death in one of the business premises set on fire in Digana. After much damage was done, the government woke up and imposed State of Emergency enabling the armed forces to take over. Although some action is being taken to bring the situation to control, the Muslim community continue to live in fear and insecurity not only in the affected areas, but also in other parts of Sri Lanka too.

Despite many arrests, the hate groups behind the well-orchestrated hate campaign in the Post era, are still active specially through social media spewing anti Muslim hate despite many representations made and video evidence submitted. Although some arrests have been made, the Muslim community has virtually lost confidence in the law enforcement machinery and the process of justice based on their earlier experiences. Details of damage caused are as follows:

## **An Year After Ampara and Digana Anti-Muslim Violence!**

Muslims have come under repeated attack by Sinhalese groups since 2011. Such violence is rarely spontaneous and is said to be organized and orchestrated by outfits close to politicians, including parliamentarians. Rarely have the guilty been punished. This failure of successive governments to bring to justice those orchestrating the attacks on Muslims is fuelling more and deadlier cycles of violence against them. Sri Lankan analysts have been warning that the violence being systematically unleashed on Muslims could provoke a strong response from Muslim youth. It could have “the effect of radicalizing Muslim youth and marginalizing Muslim moderates,” writes political commentator Dayan Jayatilaka in *The Island*. Recalling how Sinhala racists repeatedly attacked the island’s Tamils “to put them in their place” and the role this played in spawning Tamil militancy and a three-decade long civil war, Jayatilaka points out that this “story is being repeated [now] with the Muslims.” “We have come one step closer to the emergence of Islamist terrorism in Sri Lanka,” he says. Indeed, with every incident of violence being unleashed on Muslims and the state avoiding reining in the Sinhalese extremist outfits, Sri Lanka is giving Muslims reason to pick up arms, if only to defend themselves. The Muslim community in Sri Lanka has kept itself busy with business and trade so far. That is in danger of changing. And for that, Sinhalese extremists and their patrons among politicians and parliamentarians are to blame.

Overall, the impunity enjoyed by the perpetrators of these crimes, amongst others, serves as a testament to the lack of willingness by the Sri Lankan authorities to hold those responsible for serious human rights violations accountable for their actions.

## **Promises Galore In the Aftermath of the Digana Tragedy, but remains unfulfilled! The indifference in paying compensation!**

The state is obligated to ensure the safety of its citizens - by all measures, it failed to provide the security in March 2018 in spite of warnings. Police and local officials were bystanders at critical phases – the state responses came after preventable tragedies had happened. In recent years, the state has not apprehended the instigators who had a trail of law breaking leading to their sense of impunity. The minimum that the state can do is to compensate those affected fairly and rapidly. It is to be granted that the state has been saying all the right things about recovery. The leadership has attempted to move fast to expedite its usually cumbersome processes. But implementation was at snail’s pace.

PM Wickremesinghe in the aftermath of this Digana tragedy assured victims that they would be compensated as soon as possible, and said that Rs. 100,000 would be made as an initial payment and the Cabinet would decide on further compensations after assessing the individual needs. He said those whose business establishments had been fully damaged, an initial payment of around Rs. 500,000 would be made. He also promised that the compensation scheme would be worked out on the basis of damage caused to the properties. The PM also called on banks to grant a grace period to businesses which had obtained bank loans until they became stable. Several participants blamed the police for not acting swiftly to curb the violence. They said if the Police had acted without delay, the incidents would not have arisen.

In a study published in the Ground-views (12/06/2018), individuals whose homes and businesses were damaged by Sinhala-Buddhist extremist mobs spoke with increasing frustration of the inadequate State response to the violence. A victim said ‘We received 100,000 rupees from the government in the immediate aftermath, that was all... This compensation barely covers a

fraction of the cost for a single piece of equipment that he would have to purchase, let alone the reconstruction of his entire showroom. To add insult to injury, officials are asking him for bills, blueprints and other documents to help assess the value of what he lost. 'I tell them "Sorry sir, I wish I could show you all that but I lost it all in the fire"'. It was revealed that the Attorney-General's Department visited to valuate his building, but nothing was put down in writing, and he was not given any concrete idea of when the next round of compensation would be paid. Then, another study published in the same journal 905/03/2019) quoting another victim says . 'One year later, these concerns still remain....He speaks of how the full compensation owed to affected individuals has not come through, lost in what seems like a mess of bureaucracy'



*Individuals whose homes and businesses were damaged by Sinhala-Buddhist extremist mobs spoke with increasing frustration of the inadequate State response to the violence*

However, as of now, the victims only received the initial sum and the politicians observe mum while the victims are undergoing suffering. At that time, a prominent Muslim politician belonging to the govt. Mr Mujibur Rahuman said he felt deceived by his own government and felt ashamed too.

After the PM directed the state to rapidly process the recovers, the local government authorities at each Divisional Secretariat (DS) have been tasked with estimating the damages. The DS officers have been engaged with this task. These officials identified 622 instances where actors should be compensated due to the violence. In the month, that they undertook the estimates they were able to assess for about 440 of those affected. The overall estimate of loss for these 440 cases is only Rs. 28 million. The massive damage across the District is certainly not going to be put right with just

that. This may be the street value of a single car permit! On the contrary, there has been a community effort to put together assessments of damages – here the assessments were done by committee – so there was also checks and balances. The total estimate that this effort has come up with is close to a billion rupees. **Thus the state has underestimated by 50 fold.**

**Thus, there is an urgent need to provide realistic compensation to those affected soonest.**

### **Ampara Anti- Violence Victims in 2018 are Still Not compensated too!**

In respect of the Ampara tragedy, it was reported that not only that those responsible were not brought to book, but also the victims and their businesses burnt and the mosque damaged on a false pretext, were not compensated for as well. The Muslim political leadership from the East have not strongly taken up this issue, to safeguard their political links with the top.

It is disturbing that this kind of misinformed display of hate has been tolerated for this long in Sri Lankan mainstream society, although few decades ago, these sorts of sentiments would have been unacceptable and would have been easily identified as fringe positions that have no real support within the larger community. Further, it is important to note that the demonizing of Tamils too occurred in a similar manner. It should not be forgotten that it is a combination of the fear mongering and violence of July 1983 and the unleashing of state terror that escalated the Tamil struggle into one of the costliest wars in Sri Lankan history, and the country is still trying to heal the wounds of those years of conflict let alone recover from them. Thus, this preoccupation with yet another form of otherness arising from anti Muslim hate will be inviting a sure disaster. Another matter for regret has been that although the Post war period presented an opportunity for Sri Lanka to embrace the richness of its' diverse cultural identities, the Post-war governments through their sheer inaction and political expediency appear to allow a xenophobic minority to define the nature of Post War Sri Lanka.

### **Tolerating Hate Speech and Not punishing the Offenders**

As stated, earlier, the perpetrators of the Aluthgama anti-Muslim tragedy in 2014, were not punished or dealt with under the law. This is basically one of the promises which the present government gave during the election which remains unfulfilled.

In respect of Digana anti-Muslim violence in 2018, adding salt to injury, the nation was treated to an eyewash of arresting some 'Digana' culprits under ICCPR Act including some prominent hate peddlers; however, they were released after the infamous Constitutional coup in October 2018. As it is known, 'the release on bail of key suspects, compounded with the flawed reparations process, heightens fears that 'the State will not acknowledge the costs passed on to the victims and endured more generally'. Continued impunity will only deepen the mistrust and anger, leading to equally heavy loss in future'. This was the extent of damage incurred by the Muslim community

<http://www.sundaytimes.lk/180311/news/pm-visits-kandy-pledges-speedy-compensation-to-victims-285667.html>

<https://reliefweb.int/report/sri-lanka/compensation-kandy-damaged-properties-today>

<https://groundviews.org/2018/06/13/on-compensation-kandy-the-damage-and-the-distrust/>

Some of the issues to be considered/ tackled :

### 1. Due Enforcement of Existing Laws Imperative

There is an overriding view that the issue with hate speech laws in Sri Lanka is not about their adequacy, but due and proper enforcement. There has been issues of serious concern in Sri Lanka, with the will of the State to uphold the rule of law and ensuring the independence of the Judiciary as well as with the politicised nature of the law enforcement authorities and their impartiality.

As experts say, the legal, policy and institutional framework pertaining to the protection and promotion of religious freedom and the prevention of religious violence appears to be reasonably sound. While hate speech legislation has been on the present government's agenda, it is unlikely that such legislation adds significant value to the existing laws on hate speech including the Penal Code and ICCPR Act. The lack of equal and objective enforcement of these laws appears to be the crux of the issue. The problem is essentially an institutional one. It relates to the inability and reluctance of public officials including judicial and law enforcement officers to prevent and prosecute religious attacks, and promote an overall climate of religious coexistence. This institutional incapacity and apathy is perhaps indicative of a systemic institutional subservience to the socio-cultural, economic and political context that prevails over community relations in Sri Lanka.

,Further, the Sri Lankan legal framework is ..confronted with serious challenges with respect to its relevance and application to religious freedom. On the one hand, progressive judgements that vindicate the freedom of religion and protect religious minorities are extremely rare. **On the other, provisions in the law meant to protect religious freedom are used selectively against certain minorities who criticise the state. Meanwhile, perpetrators of hate speech have enjoyed impunity and state patronage.** This oblique legal framework has underscored communal relations and has afforded extremist groups the space to carry out violations with impunity'.

2. It is imperative that hate speech should be dealt with by law. However, it should not be enforced at the expense of the freedom of expression . Whether using existing laws or introducing amendments to existing laws to penalize hate speech, such legal initiatives must be accompanied by other necessary and sustainable means to fulfil its real objectives. This requires a joint effort by the public and the state. The general public should be well-informed of the objectives, sensitivities, and the challenges pertaining to criminalising hate language. Simultaneously, the law enforcement apparatus must first outline and then pursue a systematic mechanism to practically implement and enforce the legal framework fairly and objectively at all realms. **Article 19(3) of the ICCPR 3-part test should be ideally applied.**

3. **Replacing PTA with CTA- Has the potential to be misused.**

**The present public discourses relating to the Government's plans to replace the much dreaded Prevention of Terrorism Act (PTA) with ( with some improvements, but) another draconian piece of legislation – Counter Terrorism Act (CTA) is a case in point.**

The current draft has several flaws which are in contradiction with international human rights law and standards. While the CTA draft has better safeguards against admissibility of coerced confessions, greater powers to the judiciary and the National Human Rights Commission to access places of detention and examine cases of possible abuse, there are other worrying clauses. As examples, the current CTA draft provides the police, armed forces and the home guard the power to arrest without a warrant. We fear that considering Sri Lanka's history of abuses, this will lead to arbitrary arrest and will again lead to a situation of abduction and enforced disappearances. We also note on the lack of powers to judiciary on the judicial power and discretion to give bail and discharge a suspect.

Proposed Counter Terrorism Act of 2018 (CTA), Bill No. 268, Gazette of the Democratic Socialist Republic of Sri Lanka, September 17, 2018,

[http://www.documents.gov.lk/files/bill/2018/10/532-2018\\_E.pdf](http://www.documents.gov.lk/files/bill/2018/10/532-2018_E.pdf)

4. **Social media** has been instrumental in maintaining the democratic space necessary to counter religious hatred and violence. Civil society must work towards protecting the realm of social media from unwarranted regulation. It should be borne in mind that that courage of the Press and online journals along with social media enabled the Anti-Muslim hate campaign reach the world's attention ,despite government censorship. But, it is certainly a double-edged sword. There should also be 'balanced' **laws to curb the use of internet and social networking hate speech as social media also provide 'low risk, low cost and high impact online spaces to spread hate harm and hurt against specific communities, individuals or ideas'**.
5. **Public reporting of hate speech/crimes** should be encouraged and Police should not refuse to record complaints, in order to monitor the trends properly. (UK has started for example, recording Islamophobic hate crimes as a separate category)

### **Northern Muslim IDP Settlement Issue**

The three-decades-old civil war displaced over half a million people and killed thousands of innocent civilians, particularly during its final stage (2006–2009). Nevertheless, within a short period, the Sri Lankan government authorities were able to resettle most of these displaced people with limited external support, except for a few thousand families. Normalcy was restored in the war-torn north-eastern region together with infrastructure facilities and livelihood opportunities improved (Yusoff et al. 2015)<sup>1</sup>. However, the government's post-war resettlement and development initiatives were seriously challenged by internal and external oppositions and challenges.<sup>2</sup>Serious shortcomings in the post-civil war resettlement to a certain extent challenged the expected outcomes of the process. Among the highly noticeable

---

<sup>1</sup> Yusoff, Mohammad Agus, Nordin Hussin, Athambawa Sarjoon, Dorri Effendi, and Badrul Azmier. 2015. From the era of civil war to peace and democratization: Sri Lanka in transition. *The Social Sciences* 10: 510–19.

<sup>2</sup> [file:///C:/Users/ml\\_ha/AppData/Local/Temp/socsci-07-00106.pdf](file:///C:/Users/ml_ha/AppData/Local/Temp/socsci-07-00106.pdf)

shortcomings was the resettlement of forcefully evicted northern Muslims at the peak civil war in 1990.

In fact, Sri Lanka's northern province is predominantly a Tamil region, where Muslims formed a distinct and the largest minority community, scattered all over the province. According to the 1981 census, 50,831 Muslims lived in the five districts of the northern province and accounted for 5.3 percent of the total provincial population (DCS Department of Census and Statistics). Over half of the Muslims lived in Mannar district. Similarly, large concentrations of Muslims lived in the city of Jaffna and the town of Mullaitivu. Agriculture, fishing, and businesses were the main sources of livelihood for these Muslims (Hasbullah 2004). However, due to intense Tamil-Muslim tension in the eastern province and Muslim political mobilization that accompanied the establishment of a distinct Muslim political party in the middle of the 1980s, Tamil-Muslim relations in the north were affected. As a result, the leaders of the LTTE instigated the eviction of the northern Muslims from the entire province. The mass forced eviction of the northern Muslims was unexpectedly carried out in the third week of October 1990. Within a few days, Muslims were chased out of their homes where they had lived for centuries. Muslim organizations and activists reported varying numbers of displaced northern Muslims in 1990, ranging from 80,000 to 100,000. However, no official estimates of Muslims expelled from the northern province exists. This number ranged roughly between 70,000 and 85,000, considering that the entire Muslim population in the northern province reached 50,831 in 1981 (Jaffna district, 12,958; Mannar district, 27,717; Vavuniya district, 6505; and Mullaitivu district, 3651) (DCS Department of Census and Statistics) and the annual population increase in the country.

The LTTE, which at the time controlled most of Jaffna peninsula, ensured that the fleeing Muslims left behind all household items, furniture, or in some cases, land deeds. Therefore, the Muslim community was forced to leave all their properties, which they had long earned through hard work and had served them well. Estimates of the economic loss of the northern Muslims as a result of their forced eviction vary

Although the end of the civil war created high hopes among the northern Muslims that their displacement would come to an end and they would be able to return to their traditional villages, no concrete plan or program was initiated by successive post-war governments. These displaced Muslims have voiced their grave concerns and wanted the government to recognize their displaced status and facilitate their return and resettlement in their traditional villages. However, the authorities continued to neglect these issues.

Many international experiences suggest that any attempt at resettlement and development in a post-war or post-conflict context must reconcile the grievances of all parties affected by the conflict and war regardless of the nature of the impact and parties. The impact may be serious or otherwise, and the victims may be direct or indirect parties to the conflict, but all victimization and grievances must be recognized and reconciled (see Achieng et al. 2014;

Asplet 2013; UNHCR United Nations High Commission for Refugees)<sup>3</sup>. Only then would post-war development or resettlement initiatives be sustainable. However, the case of the Muslims was not well accepted and recognized as forced displacement due to the intense civil war between the Sri Lankan government and LTTE. Apart from the

Muslims' vulnerable position in ethnic politics and civil war, the policies of internal displacement and resettlement of successive governments influenced on the persistent side tracking of northern Muslims' resettlement during and after the civil war. Government policies and projects on war-related displacement and resettlement were highly focused on the Tamils and had limited accommodation for the Muslims. The northern Muslims faced severe challenges in receiving relief according to international laws and norms, in obtaining refugee recognition and being accommodated in resettlement programs( see Haniffa 2015; Haniffa2014).<sup>4</sup>

As a second minority group, Muslims became the victim of ethnic conflict and civil war in Sri Lanka, although they had never been a competing or conflicting party. The expulsion of the Muslims from the northern province was one of the greatest injustices meted out to them. They have been experiencing tremendous hardships, disadvantages, and oppression in their displaced life over a quarter century, and therefore, their displacement should be ended. As citizens of Sri Lanka, they must be allowed to return and be resettled in their own traditional villages assisted by the government, politicians, and civil forces. Many studies and commissioned investigations found that the evicted northern Muslims are in a vulnerable position in terms of their displaced status and opportunity to return to their traditional villages with official sponsorship. As argued earlier, their forceful eviction and the delay of their permanent resettlement are violations of their right to own and live in their traditional lands.

The Lesson Learnt and Reconciliation Commission (LLRC), appointed by President Rajapaksa on 15 May 2010 to understand the cost of war and public grievances, positively reported the grievances of displaced northern Muslims and the importance of their resettlement in their traditional villages with state sponsorship. In its final report (2011), the LLRC acknowledged that displaced northern Muslims have been living in “dire conditions” for more than two decades and experiencing trouble integrating and noted that “the treatment given to the Muslim community of the northern province has led them to believe that they are at the bottom of the list of priorities of the government, INGOs, NGOs, and the donor community” (MFA Ministry of Foreign Affairs; Irinnews.org 2013)<sup>5</sup>. The same report concluded that Muslim IDPs remain one of the “key post-conflict challenges” with “significant impact” on reconciliation prospects. The LLRC agreed that durable solutions must be found to address these long-standing issues

---

<sup>3</sup> Achieng, Syprose, Ashebir Solomon, Carolina Cenerini, and Alberto Di Grazia. 2014. How to Deal with People in Post-Displacement—Reintegration: The Welcoming Capacity Approach. Rome: Food and Agricultural Organization of United Nations.

<sup>4</sup> Haniffa, Farzana. 2010. Muslims in Sri Lanka: Political choices of a minority. In *States in Conflicts with Their Minorities: Challenges to Minority Rights in South Asia*. Edited by Rita Manchanda. New Delhi: Sage Publications India Pvt Ltd., pp.260–78. Also Haniffa, Farzana. 2014. *Competing for Victimhood Status: Northern Muslims and the Ironies of Post-War Reconciliation, Justice and Development*. Colombo: International Center for Ethnic Studies.

<sup>5</sup> MFA (Ministry of Foreign Affairs). 2016. *The Lessons Learnt and Reconciliation Commission (LLRC)*

concerning the evicted northern Muslims, which would sow seeds of Odisharmony and dissension if they remain unaddressed (Irinnews.org 2013).<sup>6</sup> However, except for establishing committees and commissions, no meaningful initiative has been undertaken by government authorities to permanently resettle the forcefully evicted northern Muslims who have been living in displaced and relocated villages for about a quarter of a century. They may be one of the longest IDPs in the civil war context. Therefore, developing a credible and immediate policy on the resettlement of northern Muslims in their traditional villages is highly needed.

Without meaningful initiatives to permanently resettle these forcefully evicted northern Muslims, who are in displacement for about a quarter century, in their traditional villages, remembering their eviction is meaningless for forging a pluralistic future and rebuilding relations between ethnic groups and communities, which is highly lacking in post-war Sri Lanka. A new plan for post-war resettlement, ethnic reconciliation, and political solution that is recognized nationally and internationally must be formulated and implemented. It must accommodate diverse concerns and grievances, including socio-economic ones, on the permanent resettlement of the northern Muslims. This step can ensure the sustainability of development and reconciliation programs in post-civil war Sri Lanka. The permanent resettlement of northern Muslims in their traditional villages can resolve their war-related grievances and integrate them with other major ethnic groups, particularly the Tamils and Sinhalese living in the northern province. Therefore, discourses and debates on reconciliation, development, and political solution in post-war Sri Lanka must go beyond focusing “Tamils-Sinhalese problems”. In these processes, other minorities who have been victimized and suffered due to ethnic conflict and civil war but marginalized in peace-building and settlement discourse must be considered and accommodated. For the permanent resettlement of the northern Muslims, policy reforms, plans, and the commitment of political and administrative elites are important prerequisites. Honesty, sensitivity, and understanding from all communities and stakeholders must be practiced in post-war development and reconciliation to deal with minority issues, including the permanent resettlement of northern Muslims.

## **USEFUL LINKS**

<https://groundviews.org/2018/06/12/kandy-the-damage-and-the-distrust/>

<https://groundviews.org/2018/06/13/on-compensation-kandy-the-damage-and-the-distrust/>

<https://international.la-croix.com/news/human-rights-commission-probing-anti-muslim-violence-in-sri-lanka/7348>

[http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=181329](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=181329)

---

<sup>6</sup> Irinnews.org 2013. Sri Lanka’s Muslim IDPs 25 Years on. Available online: <http://www.irinnews.org/report/97297/briefing-sri-lanka/T1\textquoterights-muslim-idps-25-years> (accessed on 24 April 2016).

<https://www.cpalanka.org/wp-content/uploads/2018/06/Reparations-report-FINAL.pdf>

## **NORTHERN MUSLIM IDP s SETTLEMENT ISSUE**

[file:///C:/Users/ml\\_ha/AppData/Local/Temp/socsci-07-00106.pdf](file:///C:/Users/ml_ha/AppData/Local/Temp/socsci-07-00106.pdf)

[Haniffa, Farzana. 2010. Muslims in Sri Lanka: Political choices of a minority. In States in Conflicts with Their Minorities: Challenges to Minority Rights in South Asia. Edited by Rita Manchanda. New Delhi: Sage Publications India Pvt Ltd., pp.260–78.](#)

[Haniffa, Farzana. 2014. Competing for Victimhood Status: Northern Muslims and the Ironies of Post-War Reconciliation, Justice and Development. Colombo: International Center for Ethnic Studies.](#)

[Haniffa, Farzana. 2015. Competing for victim status: Northern Muslims and the ironies of Sri Lanka's post-war transition. Stability: International Journal of Security and Development 4: 1–18.](#)

<https://www.colombotelegraph.com/index.php/plight-of-northern-muslim-idps-in-sri-lanka/>

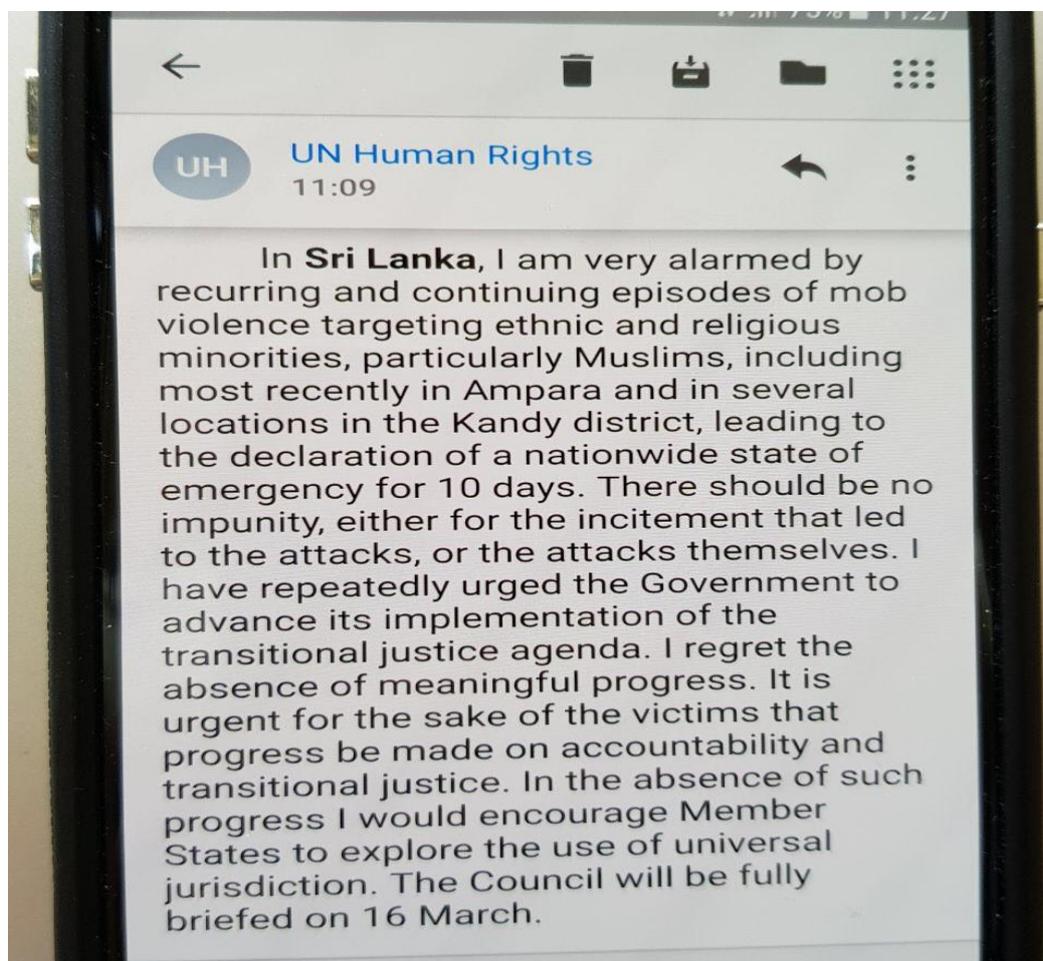
### **Muslims Supporting the Democratic Process, Upholding Rule of Law and fighting Extremism, But..**

1. During the constitutional coup attempts to stifle democratic process in Sri Lanka in October 2019, both the Muslim political parties as well as the Muslim community as a whole stood up against all forms of dictatorial attempts to change the government in an undemocratic manner, side by side by the majority and other communities. In this regard, the Muslim politicians should be commended for having resisted many monetary offers and attempts by vested interests to buy their votes.
2. Muslim community and organizations have offered their unconditional support to the government and the law enforcement authorities to fight the drug menace as well as fighting extremism in the country. In fact, it was a Muslim officer Senior DIG Latheef who has been spearheading the campaign to fight the drug menace.
3. There are however many grievances among Muslims that the law enforcement authorities have not been applying the law in an even and fair manner. For example. There were instances where many Muslim youth visiting Buddhist historic sites were arrested and charged for desecrating the sites based on social media coverages, while there were many of such instances involving Sinhala youth, but totally ignored. Further, there were increasing instances of Muslim business catching fire in the recent past, but merely blamed as 'electrical short circuiting, although the Muslim community feels that they have hallmarks of arson attacks.

**We would seek the cross-party support to take up our cause with the Foreign and Commonwealth Office(FCO)/ our Foreign Secretary with a view to getting the Government of Sri Lanka, to do the needful. Particularly Government of Sri Lanka should be called upon to:**

1. *Protect the just aspirations and the due rights of all Sri-Lankans , irrespective of their racial and religious differences ( including all minorities) ,as per its' obligations under the UN Charter, the Universal Declaration of Human Rights and also the provisions of the Constitution of the country.*
2. *To set up Commissions of inquiry relating to Aluthgama and Digana/Ampara anti-Muslim violence to inquire into, identify persons and/or groups involved and factors which led to such tragedies and take action to punish the offenders.*
3. *Pay full and due compensation to all those affected by such tragedies without delay*
4. *Resolve the Settlement and other issues relating to the Northern Muslim IDPS still suffering even after the end of the War in 2009.*
5. *Make use of the existing laws to deal with hate speech in accordance with Article 20(2) of the ICCPR particularly in the social media and to work with social media companies to regulate their sites to ensure this vital channels of communication are not misused and abused to spread hate*
6. *Apply the law of the land without discrimination and deal with the culprits who have been responsible for committing many acts of wanton destruction , vandalism and indiscriminating attacks on places of worship and commercial establishments belonging to the Muslims in particular and the minorities in general*
7. *Impress upon the law enforcement authorities to act justly and with fairness without purportedly allowing the aggressors to act with impunity to act against religious and commercial interests of the minorities.*
8. *To take positive measures to dispel the sense of insecurity among the minorities as a direct and indirect result of the perceived majoritarian style approach adopted by extremist organizations among the usually peaceful Sinhala Buddhist population , especially after the end of the War against the Tigers in 2009.*
9. *To tackle the root causes of intolerance, a much broader set of policy measures are necessary, for example in the areas of intercultural dialogue or education for tolerance and diversity.*

## FURTHER REFERENCE:



### From the UNHR Report 2018– About Sri Lanka

*“...In Sri Lanka, I am very alarmed by recurring and continuing episodes of mob violence targeting ethnic and religious minorities, particularly Muslims, including most recently in Ampara and in several locations in the Kandy district, leading to the declaration of a nationwide state of emergency for 10 days. There should be no impunity, either for the incitement that led to the attacks, or the attacks themselves. I have repeatedly urged the Government to advance its implementation of the transitional justice agenda. I regret the absence of meaningful progress. It is urgent for the sake of the victims that progress be made on accountability and transitional justice. In the absence of such progress I would encourage Member States to explore the use of universal jurisdiction. The Council will be fully briefed on 21 March...”*

## **Minority Rights Group International (MRG) Statement**

### **Sri Lanka: Outbreak of religious violence against Muslims; MRG calls for end to impunity, arrest and prosecution of those responsible for attacks and hate campaigns**

Minority Rights Group International (MRG) condemns the religious violence against Muslims over the last week, and urges the Sri Lankan authorities to apply the full force of the law to those responsible for the attacks. Following anti-Muslim violence on 26 February in the eastern town of Ampara, riots broke out on 5 March in Kandy, Central province. According to reports, one person has been killed, a mosque attacked and a number of Muslim-owned businesses set ablaze. Several individuals have been arrested in relation to the events.

The Sri Lankan government has condemned the ‘racist and violent attacks’ and the President has imposed a state of emergency in the country in an attempt to stop the violence from spreading. However, given the history of religious unrest on the island, MRG is highly concerned for the minority Muslim community, who account for around 10 percent of the population. Sri Lankan activists say the violence is being perpetrated by Buddhist extremist groups, who have reportedly travelled from other parts of the country into Kandy to conduct the attacks.

As documented in a recent MRG report, these events are part of a wider series of targeted attacks against Muslims since the end of the war in 2009, which have escalated with the emergence of Buddhist nationalist movements in 2012. MRG says that incidents of violence and hate campaigns on social media are now routine, and have frequently been met with impunity on the part of state actors, further emboldening the perpetrators.

‘While recent statements made by state officials condemning the violence and calling for action are welcome, what is now needed is swift and decisive action to secure accountability and assure Muslims that they will be protected under the law. This must include the arrest and prosecution of perpetrators of this violence, including those responsible for spreading hate speech,’ says Claire Thomas, MRG’s Deputy Director.

This latest outbreak of unrest between religious communities is the most serious since President Maithripala Sirisena assumed power in 2015. MRG recognises that the government has made some minor progress in addressing religious intolerance, but notes that law enforcement authorities have been seen to downplay the severity of attacks against religious minorities, continue to remain partial to Buddhist groups, and are hesitant to arrest and take action against Buddhist monks, some of whom are reportedly at the forefront of these recent incidents. ‘The government, religious leaders and law enforcement must show clear commitment to address ethno-religious violence, take active steps to build more inclusive communities, and work harder to ensure protection of the rights of all religious communities in the country if Sri Lanka is to move towards a more peaceful and sustainable future,’ adds Thomas.

#### **Notes to editors**

Read the MRG report *Confronting intolerance: continued violations against religious minorities in Sri Lanka* and consult an online map showing violations  
Minority Rights Group International is the leading international human rights organization working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples. We work with more than 150 partners in over 50 countries.

**Glenn Payot**  
**Geneva Representative**  
**Minority Rights Group International**

#### **Vital Links:**

<https://www.hrw.org/world-report/2019/country-chapters/sri-lanka>

<https://www.amnesty.org/download/Documents/ASA3797152019ENGLISH.PDF>

<http://dbsjeyaraj.com/dbsj/archives/58171> An article by Dr Dayan Jayatileke regarding Islamophobic campaign in Post war Sri Lanka

[https://youtu.be/mfaV3xkY\\_WI](https://youtu.be/mfaV3xkY_WI)

(Interview from Navy Commander stressing the patriotic role played by Muslims in ending the War and calling the Sinhala attackers as traitors)

[https://www.washingtonpost.com/world/asia\\_pacific/curfew-imposed-in-central-sri-lanka-after-mobs-burn-property/2018/03/06/d569b6a8-211a-11e8-946c-9420060cb7bd\\_story.html?utm\\_term=.d9de99b93953](https://www.washingtonpost.com/world/asia_pacific/curfew-imposed-in-central-sri-lanka-after-mobs-burn-property/2018/03/06/d569b6a8-211a-11e8-946c-9420060cb7bd_story.html?utm_term=.d9de99b93953)

( Here Minister Kirielle says “I am ashamed as a Buddhist and we must apologize to the Muslims,” he declared.

<http://saudigazette.com.sa/article/529535/SAUDI-ARABIA/OIC-voices-concern-over-attacks-against-Muslims-in-Sri-Lanka>

<http://www.dailymail.co.uk/wires/afp/article-5463987/Sri-Lanka-imposes-curfew-Kandy-anti-Muslim-riots.html>

<https://www.aljazeera.com/news/2018/02/mosque-vandalized-sri-lanka-ampara-180227144548660.html>

<http://www.bna.bh/portal/en/news/828659>

<http://www.dailymirror.lk/article/-Searching-for-justice-from-under-a-racial-carnage-146853.html>

[http://www.colombopage.com/archive\\_18A/Feb28\\_1519830039CH.php](http://www.colombopage.com/archive_18A/Feb28_1519830039CH.php)

<http://www.thehindu.com/todays-paper/tp-international/anti-muslim-violence-in-ampara-sparks-concern/article22885121.ece>

[http://www.colombopage.com/archive\\_18A/Mar05\\_1520273151CH.php](http://www.colombopage.com/archive_18A/Mar05_1520273151CH.php)

**-----END-----**

**Contact for Further Information :**

**COSMOS UK**

Mr. Liyas Wahid (President) / Shakeer Nawas (Secretary)

Mobile :07900958876/07818093591

Email :presidentcosmosuk@gmail.com /

secretarycosmosuk@gmail.com

Mr Lukman Harees

Head of Media Publicity (COSMOS-UK)

Mobile No. 07984554470

Email : [ml\\_harees@yahoo.co.uk](mailto:ml_harees@yahoo.co.uk)

**Date – April 2019**