The Chronic and the Acute:

Post-War Religious Violence
in Sri Lanka

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&

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by

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Foreword

Promoting Freedom of Religion and Belief

Over the past two years, the International Centre for Ethnic Studies (ICES) and Equitas - International Centre for Human Rights Education in Montreal (Equitas), have been collaborating to implement a project on religious harmony and inter-faith dialogue.

Through research, dialogue, education, and community interventions, the project has sought to enhance understanding between and amongst different religious groups in Sri Lanka, promote social harmony, and foster inter-ethnic and inter-religious coexistence. The project aims in the long term, to contribute to reducing inter-religious tensions in Sri Lanka, to generate a spirit of tolerance and understanding, to contribute to a promotion of religious diversity, and to develop lessons for other societies experiencing similar conflict.

As part of this initiative the ICES and Equitas commissioned a study on the Freedom of Religion and Belief. The study, 'The Chronic and the Acute: Post-War Religious Violence in Sri Lanka, is presented in five sections. The first looks at the different types of religious attacks and the perpetrators involved. The second section examines the legal and institutional framework pertaining to religious freedom in Sri Lanka. The third section focuses on context, and provides an analysis of the socio-cultural, economic and political contexts in which religious violence took place in Sri Lanka. The final section analyses the roles that mainstream and social media have played in promoting certain discourses relating to religious freedom and religious violence. The concluding section offers key observations and recommendations pertaining to religious freedom and religious violence in this country.

We present this study with the hope that it will contribute to the discourse and debate on freedom of religion and belief and to building a spirit of inclusion and empathy both in Sri Lanka, and in other societies experiencing similar conflict. We hope the recommendations on law enforcement, institutional strengthening, community engagement and the social media will feed into policy and practice.

Ian Hamilton   *Mario Gomez*

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Executive Summary

Despite the end of three decades of war in Sri Lanka in May 2009, ethnic and religious violence has continued to take place in the country. Post-war discourses have produced fresh tensions and fault lines, and have fostered an environment in which attacks on religious minorities, including Muslims and Christians, have taken place with impunity.

This study examines the state of religious freedom in Sri Lanka. It discusses a method for classifying religious attacks and the actors associated with those attacks. It adopts a broad definition of 'violence', which includes tangible types—both physical and non-physical—and structural types of violence. Five types of religious attacks may be accordingly identified: (1) physical attacks on persons, (2) destruction of property; (3) intimidations, threats and coercion; (4) hate campaigns or propaganda; and (5) discriminatory practices. Moreover, several types of perpetrators may be identified: (a) government institutions and public servants; (b) political or social movements, and politicians; (c) religious institutions and clergy; (d) commercial interest groups and private sector firms; and (d) unaffiliated or unidentified individuals and groups. The study also examines the legal, policy and institutional framework pertaining to religious freedom and the socio-cultural, economic and political contexts in which violence takes place.

Several key findings emerge from the analysis undertaken in this study. The analysis contains both a quantitative component based on recorded incidents of violence (in 2013 and 2014) and demographic data, and a qualitative component based on case studies from Grandpass, Aluthgama and the Southern Province. These findings are briefly discussed below.

First, religious violence in Sri Lanka manifests in two essential forms. On the one hand, religious minorities have been subjected to continuous, low-intensity attacks ranging from hate campaigns and propaganda, to threats, intimidation, minor destruction of property and occasional physical violence. This type of violence may be described as 'chronic' violence. On the other hand, religious communities have clashed in sporadic episodes of high-intensity violence. The nature of such violence has been particularly egregious, and is characterised by widespread physical assaults, destruction of property and a general breakdown in law and order. Such violence may be described as 'acute' violence. Our understanding of this dichotomy is important to unravelling the problem of religious violence in Sri Lanka and devising effective interventions.

Second, an important trend emerges when geographic data on religious attacks is compared with demographic data. Areas with low or medium levels of religious diversity and relatively low concentrations of religious minorities appear to be more likely to witness chronic violence against religious minorities. It is possible to hypothesise as to why such areas might display greater tendencies towards chronic violence. On the one hand, the relatively low number of persons belonging to the targeted minority community exposes them to the risk of being perceived as defenceless. Perpetrators from the majority

community in the area may not fear retaliation, and may therefore be somewhat emboldened. On the other hand, low diversity may produce a 'host-guest' dynamic, where the majority community view themselves as the 'hosts' of the area, and the minority community as the 'guests'. When the minority community oversteps the perceived limits of this arrangement, the context could shift to a 'host-intruder' dynamic. Chronic attacks, including threats and intimidation, and the occasional assault or destruction of property, then ensue. Meanwhile, highly diverse areas appear to be confronted with a different type of problem. Such areas may see relatively fewer instances of chronic violence. Yet they may encounter acute violence where certain communal fault lines exist as a result of a particular local context. A trigger event together with incitement by organised groups could create the necessary conditions for such acute violence to erupt. The violence in Grandpass and Aluthgama certainly demonstrates the manner in which particular local tensions might erupt into acute violence owing to certain trigger events alongside instigation by hate groups.

Third, the overarching constitutional and statutory framework, alongside policy statements of past and current governments, has produced a protection framework that could potentially prevent religious violence, particularly of the acute form. The fundamental problem with respect to the existing framework is one of enforcement. Detailed jurisprudential studies on religious freedom in this country have revealed a lack of judicial willingness to protect and promote religious freedom. Meanwhile, the inaction of law enforcement authorities is a common feature of the narrative on religious violence during the post-war era.

Fourth, an analysis of the socio-cultural, economic and political context in which religious violence takes place reveals certain general fault lines in the country. Chronic violence against religious minorities often takes place when contextual factors converge to produce a host-intruder dynamic within a particular community. Moreover, as seen in numerous examples of religious violence in 2013 and 2014, a particular local context may explain the eruption of violence in far more accurate terms than broad contextual factors. Responding to this complex contextual milieu requires an approach that extends beyond law enforcement and institutional reform. Thus is it crucial that these local contexts are delved into and solutions are ultimately discovered and implemented at the community level.

Finally, social media has been instrumental in maintaining the democratic space necessary to counter religious hatred and violence. Social media is certainly a double-edged sword. One the one hand, we must recognise that hate speech is often transmitted over social media. Yet it is perhaps the only unrestricted channel through which state-sponsored religious attacks can be documented and reported on—to inform the public of ongoing attacks and prompt resistance. Moreover, social media platforms are crucial to 'counter-messaging', which might help defuse the build-up of hate speech in the public domain.

This study therefore suggests certain interventions that policymakers and civil society might consider in relation to the findings above. First, stricter enforcement of laws on

hate speech is important to removing a vital element of acute violence—instigation by hate groups. Second, institutions, including law enforcement and the judiciary need to be strengthened and capacitated to respond to religious violence and promote religious freedom. Third, community-based early warning systems ought to be developed in areas identified as vulnerable to chronic violence—particularly, areas with relatively low diversity levels and low concentrations of minorities. Fourth, interventions aimed at peace building and human rights education will be vital to transforming the discourse on the 'host-guest' dynamic that often underpins religious tensions and the occurrence of violence. Finally, it is imperative that the realm of social media is vigorously protected. This realm is important to retaining channels of information when the state controls the mainstream media, particularly in the face of acute violence. It is also critical in terms of counter-messaging and shaping the discourse that underpins chronic violence. The study accordingly emphasises the importance of understanding the *nature* and *context* of religious violence in Sri Lanka when designing interventions of prevention and cure.

Violence is a disease, a disease that corrupts all who use it regardless of the cause

Christopher Lynn Hedges
Author, Journalist and Activist

1. Introduction

The end of three decades of war in Sri Lanka in May 2009 raised expectations of an end to ethnic and religious violence in the country. Yet post-war discourses have prompted a resurgence of ethno-nationalism and identity politics.[1] These discourses produced fresh tensions and fault lines, and fostered an environment in which attacks on religious minorities took place with impunity.

Violence is 'notoriously difficult to define' because of its 'multifaceted' nature.[2] The definition has received broad attention in theoretical and empirical studies. Yet no consensus has been reached on its precise parameters. The World Health Organisation defines violence as 'the intentional use of physical force or power, threatened or actual, against oneself, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation'.[3] Yet some theorists have insisted on including non-physical and even 'structural' aspects into the definition of violence. Ralph Tanner argues that a holistic definition cannot be limited to the physical but also includes 'the forcible interference with personal freedom, violent or passionate conduct or language; finally passion or fury'.[4] Meanwhile, Johan Galtung points to the existence of 'structural violence' where social structures or social institutions harm people by preventing them from meeting their basic needs.[5] Discriminatory practices that may not conventionally fall within the ambit of physical or non-physical violence may be included within the scope of structural violence. This study focuses on violence specifically aimed at religious minorities. While acknowledging disputes over terminology, the study adopts a broad definition for religious violence, which includes physical, non-physical and, to some extent, structural aspects.

This study examines the state of religious freedom in Sri Lanka. It discusses classifications of religious attacks and the actors associated with those attacks. It also analyses the socio-cultural, economic and political contexts in which religious violence takes place. In the process, the study attempts to deconstruct religious violence in terms of its nature and context. Two essential forms of violence will accordingly be analysed: 'chronic', low-intensity forms of violence that sustains over a period of time, and 'acute' episodic forms of violence that takes place sporadically.

This study is presented in five sections. The first section examines the overall legal and institutional framework pertaining to religious freedom in Sri Lanka. It also analyses domestic and international laws, policies and practices on preventing religious attacks

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[1] Gamini Keerawella, 'Post-War Sri Lanka: Is Peace a Hostage of the Military Victory? Dilemmas of Reconciliation, Ethnic Cohesion and Peace-Building', *International Centre for Ethnic Studies: Research Paper No: 8*, June 2013.

[2] Willem de Haan, 'Violence as an Essentially Contested Concept' in Sophie Body-Gendrot & Pieter Spierenburg (eds.), *Violence in Europe: Historical and Contemporary Perspectives* (2008), at 28.

[3] World Health Organisation, *WHO global consultation on violence and health* (1996), at 4, cited in World Health Organisation, *Global status report on violence prevention 2014* (2015), at 2.

[4] R.E.S. Tanner, *Violence and religion: Cross-cultural opinions and consequences* (2007), at 5.

[5] Johan Galtung, 'Violence, Peace, and Peace Research' (1969) 6(3) Journal of Peace Research 167-191.

and prosecuting perpetrators. The second section is descriptive, wherein classifications of religious attacks and perpetrators are provided. This section also presents a quantitative and demographic mapping of data on religious attacks in Sri Lanka. The third section focuses on context, and analyses the socio-cultural, economic and political contexts in which religious violence occurs in Sri Lanka. The section essentially grapples with potential causes of religious violence in the country, while appreciating that definitive conclusions on causes cannot be easily drawn. The fourth section analyses the roles that mainstream and social media have played in promoting discourses relating to violence and coexistence. The concluding section thereafter offers certain key findings and recommendations pertaining to religious freedom and religious violence in Sri Lanka. These recommendations relate to the sustainable protection and promotion of religious coexistence, and the prevention and mitigation of religious violence in the future.

2. Legal, Policy and Institutional Framework

This section examines the legal, policy and institutional framework that applies to religious freedom and the prevention of religion violence. The section also discusses laws, policies and institutions relevant to these subjects, and aims to uncover any gaps in the overarching protection framework.

2.1 International standards and best practices

The freedom of religion is recognised in multiple international treaties. Article 18 of the Universal Declaration of Human Rights (UDHR) provides that 'everyone has a right to freedom of thought, conscience and religion'.[6] Moreover, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) states that a person's freedom of religion 'shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching'.[7] The Covenant also provides that any restrictions to the freedom of religion may be 'subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'.[8] Thus the freedom of religion, including the freedom to adopt and hold a religious belief on the one hand, and the freedom to manifest a religious belief on the other, is well established in international law. Sri Lanka is a party to this framework and therefore has international obligations to protect, promote and fulfil the freedom of religion.

The general protection of religious freedom contained in the ICCPR has not been elaborated upon in any subsequent treaty. Carolyn Evans argues that 'there has not been sufficient international consensus or political will to allow for such a treaty to be drafted'.[9] The United Nations General Assembly did, however, adopt the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in 1981.[10] It also subsequently adopted a resolution in 1993 on the elimination of all forms of religious intolerance.[11] Although these instruments are not binding international treaties, they serve to elaborate on the freedom of religion. For instance, the 1981 declaration sets out the following specific rights as corollaries to the freedom of thought, conscience and religion or belief:

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[6] Article 18, UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

[7] Article 18(1), UN General Assembly, International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, United Nations, Treaty Series, vol. 999, at 171.

[8] Article 18(3) ICCPR.

[9] See Carolyn Evans, *Legal Aspects of the Protection of Religious Freedom in Australia* (2009); Carolyn Evans, 'Time for a Treaty? The Legal Sufficiency of the Declaration on the Elimination of All Forms of Intolerance and Discrimination' (2007) Brigham Young University Law Review 617, 625–7

[10] UN General Assembly, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 25 November 1981, A/RES/36/55.

[11] UN General Assembly, 'Elimination of all forms of religious intolerance', G.A. res. 48/128, 48 U.N. GAOR Supp. (No. 49) at 247, U.N. Doc. A/48/49 (1993).

a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
b) To establish and maintain appropriate charitable or humanitarian institutions;
c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
d) To write, issue and disseminate relevant publications in these areas;
e) To teach a religion or belief in places suitable for these purposes;
f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief; and
i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Meanwhile, the United Nations (UN) Human Rights Committee produced General Comment No.22, which interprets the freedom of religion guaranteed by Article 18 of the ICCPR.[12] This General Comment is important for at least two reasons. First, it extends the scope of the guarantees of Article 18 to 'non-theistic and atheistic beliefs'. Second, it sets out clear guidelines on when the freedom of religion could be legitimately restricted. According to the General Comment, the freedom to have and adopt a religion—the internal aspect of religious freedom—may never be interfered with. This aspect of the freedom is therefore absolute. However, the right to manifest a religion or belief may be restricted on certain prescribed grounds including 'the rights and freedoms of others'. The Committee explains that such restrictions are permissible only if they are 'directly related and proportionate to the specific need on which they are predicated'.[13]

A necessary condition for the effective exercise of religious freedom is perhaps the guarantee of protection from hate speech. The International Convention on the Elimination of all Forms of Racial Discrimination (CERD)[14] is the first international treaty to deal with hate speech. Article 4(a) of the Convention sets out four types of activities that broadly fall within the ambit of 'hate speech':

a. Dissemination of ideas based on racial superiority
b. Dissemination of ideas based on racial hatred
c. Incitement to racial discrimination
d. Incitement to acts of racially motivated violence.[15]

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[12] UN Human Rights Committee, CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4).
[13] *Ibid.* at para.8.
[14] UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, at 195.
[15] Also see CERD Committee, General Comment No. 15 of 23 March 1993.

CERD does not directly deal with hate speech that targets a religious group. However, Article 20(2) of the ICCPR provides:

> Any advocacy of national, racial or *religious* hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law (emphasis added).

Thus the broad principles contained in CERD are extended through the ICCPR to speech that targets a particular religious group. The words 'advocacy of hatred' have been consistently interpreted to include intent to promote such hatred.[16] Therefore, intentionality is considered part and parcel of hate speech, and the speaker must intend for his speech to promote hate that constitutes incitement to discrimination, hostility or violence. This definitional framework is important in delineating the category of 'hate campaigns or propaganda' discussed in the next section of the study.

General Comment No.22 of the UN Human Rights Committee is particularly relevant to the issue of hate speech, as it elaborates on the duty of the state to protect minority religious groups. It explains that the measures contemplated by Article 20(2) of the ICCPR constitute:

> [I]mportant safeguards against infringement of the rights of religious minorities and of other religious groups to exercise the rights guaranteed by articles 18 and 27, and against acts of violence or persecution directed towards those groups.[17]

Thus the state has a specific obligation with respect to protecting religious minorities from acts of religiously motivated violence. Prohibiting hate speech is viewed as part of this obligation. Some jurisdictions deviate from international standards on hate speech, and yet maintain prohibitions on speech that incite violence. For instance, in the U.S., hate speech that constitutes incitement to discrimination or hostility alone is not prohibited. However, speech that is both intended to and likely to incite violence is not protected under the U.S. Constitution.[18]

The precise measures that should be taken to protect minorities from acts of violence are not clearly articulated in General Comment No.22. Therefore, it may be useful to return to Article 2(2) of the ICCPR, which places a general obligation on states to take necessary steps and to adopt appropriate measures to give effect to the rights recognised by the Covenant. Article 2(3) of the Covenant stipulates that the state has a further obligation to provide 'an effective remedy' to those whose rights have been violated.

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[16] See for example, *Faurisson v. France*, UN Human Rights Committee, Communication No. 550/1993 (1996), individual opinion of Elizabeth Evatt and David Kretzmer, co-signed by Eckart Klein, at para.9.

[17] CCPR General Comment No. 22, *op. cit.* at para.9. Article 27 of the ICCPR provides: 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.'

[18] See *Chaplinsky v. New Hampshire* (1942) 315 U.S. 568; *Brandenburg v. Ohio* (1969) 395 U.S. 444; *R.A.V. v. City of St. Paul* (1992) 505 U.S. 377. For a compelling critique of U.S. tolerance of certain types of hate speech, see Jeremy Waldron, *The Harm in Hate Speech* (2012).

Thus the state has obligations to effectively *respond* to violence when it occurs, and to *prevent* future violence from occurring.

These obligations are later elaborated upon in General Comment No.31 of the UN Human Rights Committee. In terms of responding to violence, the General Comment explains that the state's obligation to provide an 'effective remedy' includes:[19]
  a. Cessation of the ongoing violations
  b. Establishing appropriate judicial and administrative mechanisms for addressing claims of rights violations under domestic law
  c. Investigating allegations of violations promptly, thoroughly and effectively through independent and impartial bodies
  d. Providing reparations (to victims), which may include compensation, restitution, rehabilitation and 'measures of satisfaction', such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices

In terms of preventing violence, the General Comment states: 'the purposes of the Covenant would be defeated without an obligation…to take measures to prevent a recurrence of a violation of the Covenant.' It also clarifies that the obligation under Article 2(2) of the ICCPR is 'unqualified and of immediate effect' and 'a failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations'.[20]

Apart from the UN Human Rights Committee's General Comments, there is no discernible consensus on what international 'best practices' on preventing religious violence are. Regional guidelines may, however, provide some indication of emerging best practices. For instance, the European Union has developed a set of guidelines on the promotion and protection of freedom of religion or belief.[21] The guidelines reiterate the standards set out in the ICCPR and the UN Human Rights Committee's General Comments. It obliges states to 'guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief'.[22] The guidelines also encourage states to *condemn* all acts of violence and bring perpetrators to justice[23] (emphasis added). This added element is not an obligation per se, but a direction that states take a more proactive role in emphasising precisely how abhorrent religious violence is. The emphasis on public condemnation reflects the important role the state should play in shaping public discourse and promoting religious coexistence.

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[19] UN Human Rights Committee (HRC), General Comment No. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant, 26 May 2004, CCPR/C/21/Rev.1/Add.13, at paras.15-16.
[20] *Ibid.* at para.14.
[21] Council of the European Union, *EU guidelines on the promotion and protection of freedom of religion or belief* (2013).
[22] *Ibid.* at para.29.
[23] *Ibid.* at para.24.

Condemnation of violence is still mostly reactive and may not be sufficient to prevent tensions from escalating into violence. The state's role in shaping discourse should extend well beyond *post-hoc* condemnation. The relationship between violence and socio-cultural, economic and political contexts must accordingly be acknowledged. Thus addressing the root causes of violence is crucial to prevention, and forms the crux of what is termed 'inter-faith peace building'. The Karuna Center for Peacebuilding, an organisation based in the U.S., has developed a useful training manual on inter-faith peace building initiatives in Sri Lanka.[24] The manual is based on certain best practices relating to inter-faith peace building and the prevention of religious violence. It frames peace building as a threefold process that incorporates a number of possible interventions:[25]

1. Social peace building
   a. Dialogues for mutual understanding
   b. Programmes for tolerance and reconciliation
   c. Interventions for trauma and social healing
   d. Peace education

2. Economic peace building
   a. Economic stimulus programmes
   b. Infrastructure reconstruction
   c. Promoting peaceful relations through economic ventures

3. Political peace building
   a. Constitutional reform
   b. Transitional justice
   c. Creating democratic political institutions
   d. Mechanisms for human rights protection

Such measures reflect the types of interventions that are necessary to address the root causes of inter-faith conflict and prevent religious violence. These measures neatly correspond to the socio-cultural, economic and political contexts in which religious violence emerges in Sri Lanka. Combined with human rights education approaches that promote principles of equality, inclusion and respect for diversity,[26] these measures could provide a useful starting point in designing more specific interventions, which are discussed in the concluding section of this study.

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[24] Karuna Center for Peacebuilding, A Trainers Guide to Inter-faith Peacebuilding in Sri Lanka, at http://www.karunacenter.org/uploads/9/6/8/0/9680374/__karunacenter-_inter-faith-tot-guide-2013.pdf.

[25] *Ibid.* at 7. It is noted that the manual has particular relevance to this study, as it was developed over the course of implementing a programme of inter-faith peace building in Trincomalee and Batticaloa Districts, and the Padaviya Division in the Anuradhapura District.

[26] A project with a human rights education component was piloted in Sri Lanka between 2014-2015 by the International Centre for Ethnic Studies and Equitas – International Centre for Human Rights Education with encouraging results.

2.2 Constitutional Framework

The overarching constitutional framework pertaining to religious freedom in Sri Lanka appears to comply with international standards. Article 10 of the Sri Lankan Constitution guarantees the freedom of thought, conscience and religion. It is framed as an absolute right that is not subject to any restrictions later enumerated in Article 15 of the Constitution. Enforcement of this right is expressly contemplated by the fundamental rights jurisdiction of the Supreme Court. Though jurisprudence on the subject is somewhat scarce, the Court in *Premalal Perera v. Weerasuriya*[27] held:

> Beliefs rooted in religion are protected. A religious belief need not be logical, acceptable, consistent or comprehensible in order to be protected. Unless the claim is bizarre and clearly non-religious in motivation, it is not within the judicial function and judicial competence to inquire whether the person seeking protection has correctly perceived the commands of his particular faith. The courts are not the arbiters of scriptural interpretation and should not undertake to dissect religious beliefs.

The case dealt with conscientious objection to a compulsory contribution towards the National Security Fund. The petitioner, a Buddhist employee of the Government Railway Department, argued that the circular directing the deduction failed to provide for conscientious objection, and that it violated his fundamental rights under Article 10 of the Constitution. The Court recognised that no imposition could be made on the petitioner to comply with the circular. Yet it eventually dismissed the application on the grounds that the circular did not impose any penalty for non-compliance, and accordingly did not violate any right. The judgement, however, remains an important example of judicial recognition that the freedom of religion is absolute.

Meanwhile, Article 12 of the Constitution guarantees to all persons the right not to be discriminated against on the grounds of religion.[28] Article 12(2) provides: 'No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds'. Furthermore, Article 12(3) states that 'no person…on the grounds of religion…shall be subject to any disability, liability, restriction, or condition with regard to…places of worship of his own religion'.[29]

Article 14(1)(e) of the Constitution provides: 'Every citizen is entitled to the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching'. This particular provision embodies the rights of citizens to manifest their religious beliefs. In contrast to Article 10, however, the rights contained in Article 14(1)(e) are restricted by Article 15(7) on the following basis:

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[27] [1985] 2 Sri.L.R. 177.
[28] Article 12(2) Constitution of the Democratic Socialist Republic of Sri Lanka 1978.
[29] *Ibid.* Article 12(3).

> National security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedom of others, or of meeting the just requirements of the general welfare of a democratic society.[30]

The distinction between the freedom to adopt and hold a religious belief and the freedom to manifest a religious belief is starkly revealed in the jurisprudence dealing with Article 9 of the Constitution. Article 9 affords Buddhism the 'foremost place' and places a duty on the state to 'protect and foster the Buddha Sasana, *while assuring to all religions the rights granted by Articles 10 and 14(1)(e)*' (emphasis added). In this context, parity between all religions is still technically safeguarded under Article 9. Yet judicial interpretation of the Article has produced a lack of parity. This lack of parity was evinced in the case of *Sister Immaculate Joseph and 80 Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka* (2004). The case involved a challenge to a Private Member's Bill tabled in Parliament to incorporate a Catholic religious order. The Bill was thereafter challenged in the Supreme Court on the basis that it was inconsistent with Article 9 of the Constitution. The Court went on to hold: 'the propagation and spreading of Christianity as postulated in terms of clause 3 [of the Bill] would not be permissible as it would impair the very existence of Buddhism or the *Buddha Sasana*' [sic.].

The overarching constitutional framework in Sri Lanka appears to uphold the freedom of religion while being somewhat ambivalent on the boundaries pertaining to the manifestation of that freedom. Propagating religion, for instance, is not a right afforded to all religions equally in Sri Lanka by virtue of the interpretation lent to certain constitutional provisions. The spectrum on the judiciary's approach to religious freedom is hence fairly broad. At one end of the spectrum, it is of the view that the state is constitutionally bound to foster Buddhism, which extends beyond the ordinary rights of individuals to propagate their religion. At the other end, adherents of minority religions are only provided an existential status, i.e. to adopt and hold certain beliefs. These adherents, however, do not appear to hold equally protected rights to propagate their religion.

Meanwhile, Article 15(7) of the Constitution restricts free speech on certain specific grounds including 'for the purpose of securing due recognition and respect for the rights and freedoms of others'. In this context, free speech may be restricted if such speech violates the freedom of religion, or incites communal violence, which may be detrimental to the maintenance of public order. Hence religious freedom may be interpreted as superseding the freedom of speech and expression, provided that religious freedom is kept within the bounds of permissible manifestation. Moreover, it must be borne in mind that, in the case of religions or beliefs other than Buddhism, propagation does not appear to be a constitutionally protected element of religious freedom.

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[30] *Ibid.* Article 15(7).

2.3 Laws on religious violence and hate speech

The Sri Lankan legal system is replete with laws which prohibit the use of certain types of speech that either hurt religious feelings or incite communal disharmony. The Penal Code, for instance, includes a range of such offences:

1. Section 290: Injuring or defiling a place of worship with intent to insult the religion of any class
2. Section 290B: Acts in relation to places of worship with intent to insult the religion of any class
3. Section 291: Disturbing a religious assembly
4. Section 291A: Uttering words with deliberate intent to wound religious feelings
5. Section 291B: Deliberate and malicious acts intended to outrage religious feelings of any class, by insulting its religion or religious beliefs

Additionally, the following legislative provisions relate directly to certain types of attacks on religious groups, including breach of peace, physical attacks, threats and intimidation.

> S.79(2) of the Police Ordinance: Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour which is intended to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence under this section.

> S.483 of the Penal Code: Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

> S.81 of the Criminal Procedure Code: Whenever a Magistrate receives information that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace within the local limits of the jurisdiction of the court of such Magistrate, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits the Magistrate may in manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond with or without sureties for keeping the peace for such period not exceeding two years as the court thinks fit to fix.

Meanwhile, certain other Acts also contain provisions that apply to the prohibition of certain types of speech harmful to religious freedom. Section 3(1) of the ICCPR Act, No. 56 of 2007 provides: 'No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.' The offence falls within the jurisdiction of the High Court, and trials involving the offence are given the highest priority of the Court.

Moreover, Section 2(1)(h) of the Prevention of Terrorism Act, No. 48 of 1979 (PTA) provides:

> Any person by words either spoken or intended to be read or by signs or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups…shall be guilty of an offence.

The PTA itself has been critiqued for its incompatibility with international law,[31] and the government recently made commitments to review and repeal the Act.[32] In any event, section 2(1)(h) has not been used specifically for the purpose of prosecuting those engaging in hate speech. The section instead creates another type of problem, as it has been used to specifically target members of ethnic minorities—often those critical of the government's policies towards minorities. For example, in 2009, Tamil journalist J.S. Tissainayagam was convicted under this provision for writing the following words: 'It is fairly obvious that the government is not going to offer [Tamil Civilians] any protection. In fact it is the state security forces that are the main perpetrators of the killings' [sic.].[33] The prosecution successfully argued that, by accusing a predominantly Sinhalese army of committing atrocities, he had intended to incite acts of violence by Sinhalese readers against Tamils. The same PTA provision was later used in 2013 to arrest Muslim politician, Azath Salley who was critical of the government's inaction on investigating acts of violence against Muslims.[34] By contrast, in June 2014, no action was taken against the General Secretary of the *Bodu Bala Sena* (BBS) who promised 'the end of Muslims in Sri Lanka should harm come to even a single Sinhalese person' in a provocative speech in Aluthgama.[35] The speech was followed by the infamous Aluthgama communal riots in which at least four persons were reportedly killed and nearly a hundred injured.[36] Yet no member of the group was indicted.

The Sri Lankan legal framework is therefore 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 as explained in the

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[31] See Kishali Pinto-Jayawardena, Jayantha de Almeida Gunaratne and Gehan Gunatilleke, *The Judicial Mind: Responding to the Protection of Minority Rights,* Law & Society Trust (2014).

[32] UN Human Rights Council Resolution, 'Promoting reconciliation, accountability and human rights in Sri Lanka', adopted at the 30th Session of the UN Human Rights Council, 29 September 2015, A/HRC/30/L.29, at para.12.

[33] Pinto-Jayawardena *et al*, *op. cit*. at 243. The study reveals that the judiciary routinely convicted or dismissed the petitions of Tamil litigants who had been arrested and detained under the PTA. By contrast, public security jurisprudence is littered with a host of progressive judgements benefiting Sinhalese litigants.

[34] *Ibid*. at 263.

[35] See INFORM, Repression of Dissent in Sri Lanka (June 2014), at 3.

[36] Amnesty International, *Sri Lanka: Act now to prevent further bloodshed in anti-Muslim violence*, 17 June 2014, at http://www.amnesty.org/en/for-media/press-releases/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence-2014-06-17.

next section, state patronage. This oblique legal framework has underscored communal relations and has afforded extremist groups the space to carry out violations with impunity.

2.4 Policy and institutional framework

Sri Lanka's policy framework clearly reinforces the freedom of religion and the notion of religious harmony. Two documents require particular mention in this regard, as they set out the policy commitments made by the Sri Lankan government during the past five years.

First, the National Action Plan for the Protection and Promotion of Human Rights 2011-2015 (NHRAP) was published in 2011. The NHRAP emerged from a voluntary pledge by Sri Lanka during its Universal Periodic Review (UPR) in 2008 to formulate a five-year plan to protect and promote human rights. The initial focal point agency tasked with formulating and implementing the plan was the Ministry of Disaster Management and Human Rights. According to the Sri Lanka's National Report submitted to the UN Human Rights Council during Sri Lanka's second UPR in 2012, 'Government focal points and civil society representation were invited to participate in the formulation of the NHRAP from inception'.[37]

The overall scope of the NHRAP does not appear to include commitments that directly relate to the prevention of religious violence. Yet several key commitments in the NHRAP pertain to the freedom of religion, and specific line ministries were placed in charge of fulfilling these commitments. For example, the undue restriction of religious education in schools was identified in the plan as a problem.[38] In this context, the plan included a commitment to introduce administrative action to ensure the realisation of the freedom of religion in school curricular by issuing appropriate education circulars within three months of the plan being released. The Ministry of Education was tasked with the fulfilment of this commitment. Another relevant commitment to religious freedom was the commitment to remove discrimination in the work place on the grounds of religion. The lack of a dedicated authority to deal with discrimination in the private sector was highlighted as a key issue, and the Ministry of Justice was tasked with establishing such an authority within six months of the NHRAP being released.[39]

Despite these commitments, a coordinating body for implementing action points was not appointed. The Ministry of Disaster Management and Human Rights was in fact discontinued and no new focal point for the NHRAP has been identified since. Hence the commitments made by the government with respect to protecting and promoting religious freedom under the NHRAP are yet to be fulfilled.

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[37] National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Sri Lanka, A/HRC/WG.6/14/LKA/1, 10 August 2012, at para.10.
[38] Government of Sri Lanka, *The National Action Plan for the Protection and Promotion of Human Rights – 2011-2016*, item 11.
[39] *Ibid*, item 16.

Second, the Lessons Learnt and Reconciliation Commission (LLRC) in its report[40] published in 2011 extensively deals with the issue of inter-faith harmony. The Commission was appointed with a specific mandate to inquire and report on 'the institutional, administrative and legislative measures which need to be taken in order to…promote further national unity and reconciliation among all communities.'[41] The recommendations of the LLRC were integrated into a National Action Plan released in July 2012, and formed an essential part of the government's policy on reconciliation. Several LLRC recommendations are relevant to the issue of inter-faith harmony and religious freedom.

The LLRC recommended that the government take strong deterrent action to prevent incidents of inter-faith intolerance and make every endeavour to arrest the occurrence of such incidents.[42] The then Ministry of Buddha Sasana and Religious Affairs and the Ministry of Law and Order were tasked with implementing this recommendation. The responsibility of implementation is now inherited by the equivalent ministries under the present government. The recommendation has been implemented to some extent, given the fact that religious violence, to the extent witnessed in 2013 and 2014, was not witnessed in 2015. However, as discussed later in this study, the post-January 2015 government has been slow to prosecute perpetrators of past acts of violence.

The Commission also recommended the enactment and strict enforcement of deterrent laws to deal with hate speech relating to ethnicity, religion, and literature.[43] The Presidential Secretariat was entrusted with implementing this recommendation. The government's LLRC progress report of September 2014 stated that the Ministry of Public Administration had instructed all district secretaries to safeguard the rights and representation of all ethnic groups during national events organised at district and provincial levels.[44] No progress has been reported on the actual enactment of a new law on hate speech—although the government's progress report of June 2015 claimed that Cabinet had in fact approved a new law.[45] It is relevant to note, however, that the current legal framework adequately deals with the issue of hate speech, and that the problem lies with the enforcement of existing laws.

Additionally, the LLRC recommended that the government guarantee to the people, including community leaders and religious leaders, the freedom to organise peaceful events and meetings without restrictions.[46] Yet there have been numerous reports of obstructions to peaceful assembly. According to INFORM Human Rights Documentation Centre, at least 84 violations of freedom of assembly and association occurred in 2014

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[40] *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (November 2011) ('LLRC Report').

[41] *Ibid*, Clause V of the Warrant.

[42] *Ibid*. para.9.267.

[43] *Ibid.* para.9.283.

[44] Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area* (September 2014).

[45] Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area* (June 2015).

[46] LLRC Report, para.9.118.

alone.[47] As evinced by the continuation of such attacks, this recommendation has also not been implemented.

The LLRC offers certain recommendations that relate to civil society action as well. For instance, it recommends the establishment of Interfaith Reconciliation and Peace Committees at the district and provincial levels. The main purpose of these committees would be to support the functions of an independent complaints mechanism 'by providing grass root level inputs in the implementation of measures aimed at inter-ethnic and inter-religious harmony'.[48] While such committees are yet to be appointed, certain *ad hoc* programmes involving the participation of Buddhist Bhikkus and Hindu priests in Polonnaruwa were reported by the government. These programmes may provide useful templates for similar programmes in other parts of the country, provided they translate into tangible positive changes in the areas in which they are implemented.[49]

In April 2015, the Cabinet of Ministers approved the establishment of a permanent Office of National Unity and Reconciliation. The present Chairperson of the Office is former President Chandrika Bandaranaike Kumaratunga and the Board comprises persons from a variety of ethnic and religious backgrounds. The functioning of this new office is yet to be fully defined, as it is yet to officially launch and disseminate a programme of action. However, the mandate document approved by Cabinet clearly contemplates the promotion of religious harmony and the prevention of religious violence.

The foregoing discussion on 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 is on the new 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. These contextual features are explored later in this study.

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[47] INFORM Human Rights Documentation Centre, *Freedoms of Assembly and Association in Sri Lanka* (September 2014), at https://ihrdc.files.wordpress.com/2014/08/freedom-of-assembly-association-in-sri-lanka-inform-20sep2014.pdf.

[48] LLRC Report, para.9.221.

[49] Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area* (September 2014).

3. Data on Religious Violence

Categorisation of religious attacks

Few studies on religious violence in Sri Lanka offer a clear categorisation of the types of religious attacks. In March 2014, the One Text Initiative (OTI) published a study by the Sri Lanka Muslim Congress (SLMC),[50] which had been delivered to the then UN High Commissioner for Human Rights. The report offers a useful categorisation of attacks:

1. Physical violence
2. Destruction of property
3. Intimidation, threat or coercion
4. Hate campaigns or propaganda
5. Discriminatory practice

The SLMC study does not offer a clear definition of the term 'attack'. The term is defined elsewhere to refer to physical violence.[51] Such overt acts, including physical acts of violence against persons, destruction of property, and other acts such as intimidation, threats and coercion, are often easier to detect and measure. Meanwhile, hate campaigns and propaganda often form the basis for and prefigure acts of violence and destruction. Thus it is crucial that hate speech is incorporated into any analysis of religious violence in Sri Lanka. If one returns to Tanner's broad definition of violence, the SLMC's inclusion of non-physical attacks appears to be justified. Nevertheless, by comparison, hate campaigns and propaganda are less measurable. The SLMC study also includes discriminatory practices. It is noted that such inclusion is likely to prompt criticism that the definition is too broad. Yet such inclusion could be justified on the basis that discriminatory practices, if sanctioned by the state, could amount to structural violence— i.e. institutional deprivation of basic needs on the grounds of religion.

For the purpose of clarity, the table below provides examples of incidents that fall within each category. The defining feature of these attacks is that they are religiously motivated or that they target a specific religious group. All examples are taken from the SLMC study.

Table 1: Examples of Incidents (by category)

Category	Incident
Physical violence	A Muslim female employee attached to the Mannampitiya post office is assaulted. The assailants attempt to remove her *fardha* (18 March 2013, Polonnaruwa). A mob of villagers assault a Christian pastor and disrupt a prayer

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[50] Sri Lanka Muslim Congress, *Religious Violence in Sri Lanka: January 2013 – December 2013* (2014).

[51] For example, the Centre for Policy Alternatives defines an 'attack' as 'physical violence against a religious place, and includes damage to building(s), theft of and/or damage to items within the building, injury or death of persons within'. See Centre for Policy Alternatives, *Religious Violence in Post-war Sri Lanka – Incidents and Attacks* (September 2014), available at:
http://groundviews.org/2014/09/16/infographic-religious-violence-in-post-war-sri-lanka.

	meeting (24 February 2013, Wennappuwa, Puttalam).
Destruction of property	A group of monks damage a Muslim restaurant in Beruwala (23 January 2013, Beruwala). Members of BBS damage the Believers Fellowship Church building and property (24 March 2013, Ambalanthota Hambantota).
Intimidation, threat or coercion	BBS storms a media conference organised by the Jathika Bala Sena (JBS) and verbally abuse and threaten Muslim clerics present, and JBS General Secretary Vatareka Vijitha Thero (9 April 2013, Slave Island, Colombo). Local residents disrupt a prayer meeting and threaten to assault the host if prayer meetings were continued at the Gospel to the World Church (26 July 2013, Medawachchiya, Anuradhapura).
Hate campaigns or propaganda	BBS General Secretary states that 'the majority of crimes such as smuggling, avoidance of income tax, trafficking of drugs…are perpetrated by Muslims' (13 July 2013, in the media). Referring to the slaughter of animals, the BBS General Secretary asserts that Muslims should not spread their policies in Sinhalese and Tamil areas and insult the Buddhist religion. He also warns that if the government fails to act, the BBS 'may have to destroy everything' (12 December 2013, in the media).
Discriminatory practice	Media reports that Muslims would not be permitted to wear the *hijab* or *fez* cap for the new national identity cards. The police order prayer meetings of the Assembly of God Church to be discontinued (19 March 2013, Walasmulla, Hambantota).

Classification of perpetrators

Apart from a categorisation of attacks, a classification of perpetrators may be necessary to analyse trends in violence. Once again, a clear categorisation does not appear to be readily available apart from the report published by OTI. The following categories are provided in the report:

1. Government institution or public servant
2. Political or social movement or politician
3. Religious institution or clergy
4. Commercial interest group or private sector firm
5. Unaffiliated or unidentified individual or group

This categorisation is quite useful, as it covers the gamut of actors in various spheres, including the socio-political sphere, the public and private sectors, and the religious community. Perpetrators of religious attacks in Sri Lanka broadly fall within these categories.

'Government institutions' include institutions that carry out 'executive and administrative' actions. The terms 'executive and administrative' correspond to the reference made in Article 126(1) of the Sri Lankan Constitution, which defines the scope of fundamental rights applications. The jurisprudence pertaining to these terms may be helpful in interpreting their meaning. The Supreme Court in *Jayakody v. Sri Lanka Insurance and Robinson Hotel Co. Ltd and Others*[52] interpreted the terms to include state agencies that fall within the 'effective ownership and control' of the state. The significance of this definition is that the actions of institutions falling within the definition become potentially responsible for the violation of fundamental rights guaranteed by Article 10 of the Constitution. Government institutions therefore refer to all government departments, corporations, statutory bodies, government-owned enterprises and 'agents of the state' as defined above. 'Public servants' include individuals employed by the state and who generally carry out executive and administrative functions. This sub-category may additionally include judicial officers, who are not ordinarily included within the scope of 'executive and administrative' action described above. It is not clear whether the SLMC study actually includes judicial officers within its definitional scope, as none of the attacks listed in the study directly relate to a judge. Nevertheless, it is noted that the remedy for addressing a religious attack by a judicial officer involves a separate process of inquiring into misbehaviour, which is outside the framework of a typical fundamental rights application. Removal of a judge for proven misbehaviour may either involve disciplinary proceedings by the Judicial Service Commission (for lower court judges) or impeachment proceedings (for judges of the Court of Appeal and Supreme Court).

'Politicians' include elected representatives in legislative or executive bodies, those who come forward as candidates at elections, and those holding leadership positions in recognised political parties. 'Political movements' and 'social movements' refer to political parties, political associations and informal political and social interest groups that pursue specific goals and objectives. Charles Tilly provides separate definitions for political movements and social movements, indicating a subtle but important distinction between the two types of movements. He defines political movements as 'organised around a single issue or set of issues, or around a set of shared concerns.' Such movements often desire to seek 'political space and benefits'. A movement to secure or expand the interests of a particular ethnic or religious group falls within this definition. Social movements, by contrast, are 'large informal groupings of individuals, groups, or organisations focused on political or social issues.'[53] Movements focusing on issues such as women's rights, child rights, the environment and marriage equality may be placed within this category.

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[52] [2001] 1 Sri. L.R. 365.
[53] Charles Tilly, *Social Movements, 1768–2004* (2004), at 262.

'Religious institutions' and 'clergy' refer to faith-based organisations and ordained individuals. The category is not limited to formal institutions i.e. institutions that are registered under the law and therefore recognised by the state. Therefore, the scope of the category extends to informal faith-based organisations and those holding themselves out to be representatives of certain faiths.

'Commercial interest groups' and 'private sector firms' refer to all incorporated and unincorporated entities in the private sector. Chambers of commerce and business associations typically fall within the definition of commercial interests groups. Industry or sector specific associations and groups that may not be formally recognised as legal entities but represent certain 'commercial interests' may be included. For example, an informal association of business owners in a particular locality would still fall within this category. The category also includes both incorporated and non-incorporated private business entities.

Finally, individuals and groups who are not affiliated to a particular organisation or whose identity is unknown are classified separately. Physical violence and destruction of property carried out by unidentified persons invariably fall into this category.

Quantitative mapping of religious attacks

Data on the actual number of religious attacks is collected and analysed by at least two national non-governmental bodies in Sri Lanka – the Secretariat for Muslims and the National Christian Evangelical Alliance of Sri Lanka (NCEASL). The data on religious attacks in 2013 may be disaggregated at a district level.

The following illustration presents the distribution of 166 location-specific anti-Muslim attacks during 2013 (for example, an attack on a specific place of worship). A further 75 incidents were not location-specific (for example, hate campaigns in the media), bringing the total number of attacks to 241.

Figure 1: Anti-Muslim Attacks in 2013[54]
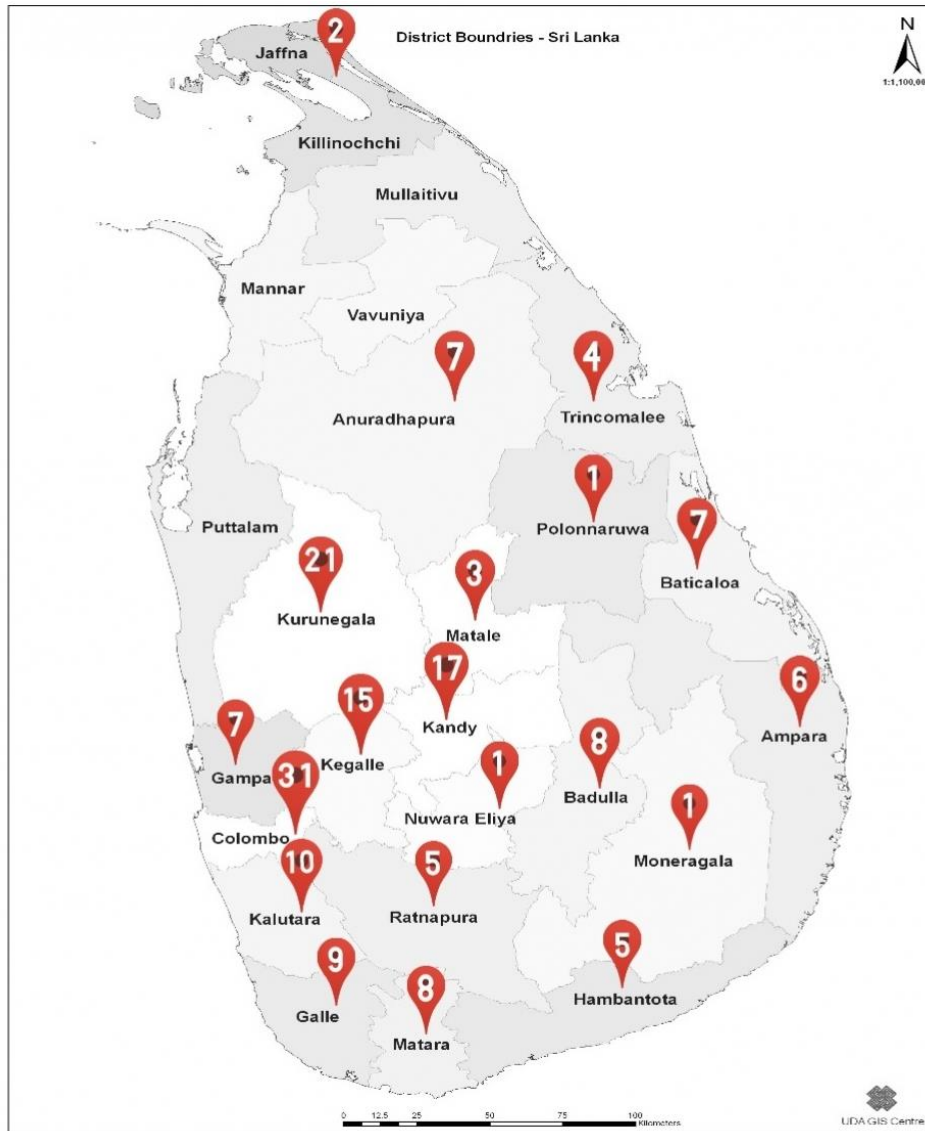
69 anti-Christian attacks took place in 2013. It is noted that the quantity of attacks alone should not prejudice our understanding of the gravity of religious violence against the Christian community. The lower number of attacks—compared to those against the Muslim community—does not necessarily mean that the state of religious freedom among Christians is better than among Muslims. The gravity of the violence ought to be analysed in relation to the nature of the incidents, their intensity, and trends in recurrence (i.e. the propensity for violence to take place in the same location). Bearing this limitation in mind, the following illustration presents the distribution of these attacks.

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[54] Sri Lanka Muslim Congress, *op.cit.* at 2.

Figure 2: Anti-Christian Attacks in 2013[55]
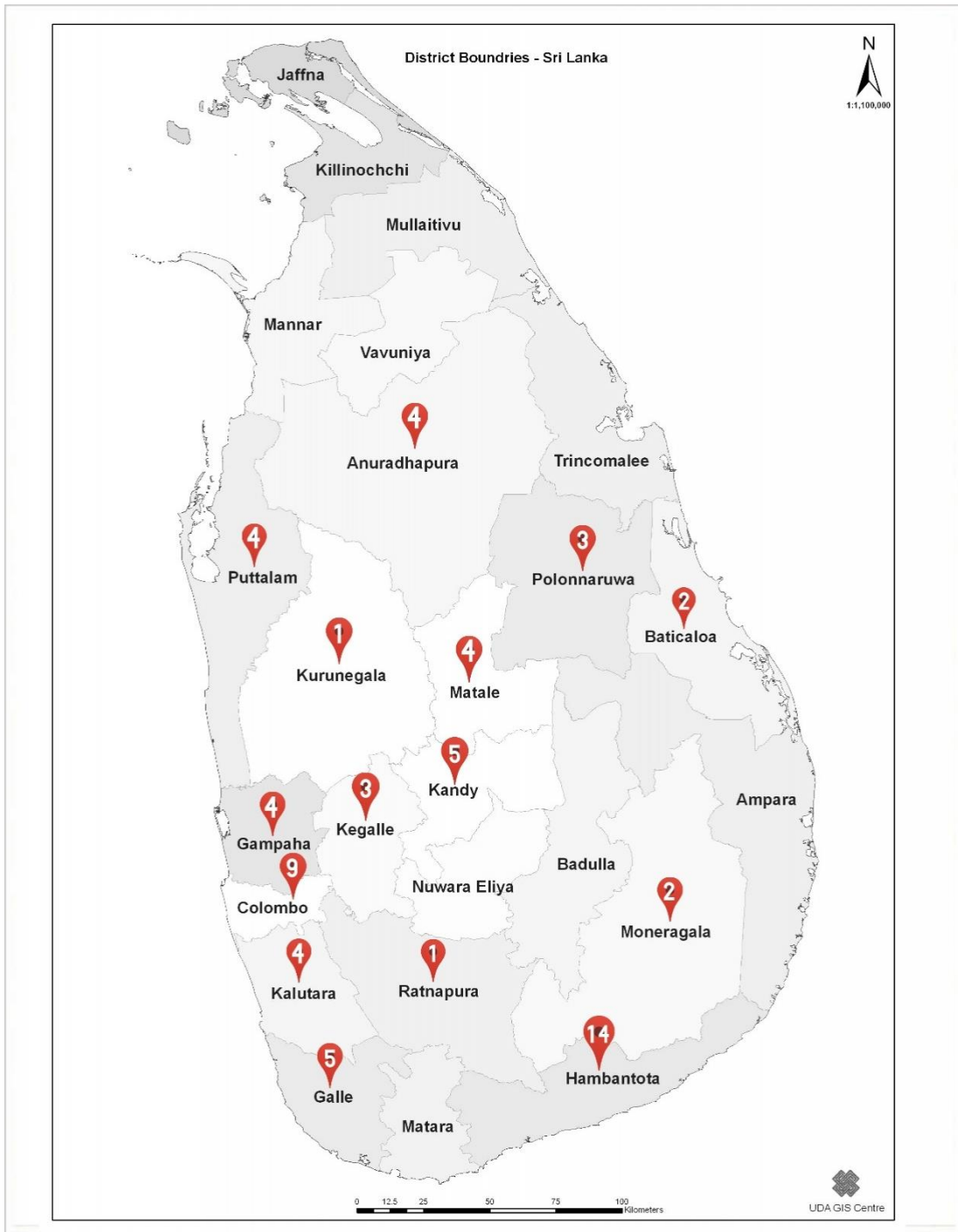
It is noted that the number of attacks on Hindu places of worship have not been quantified. However, members of the Tamil National Alliance, and specifically its leader,

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R. Sampanthan, have repeatedly adverted to continuing violations against Hindu places of worship.[56]

The figures on religious attacks in Sri Lanka received attention at the 24th and 25th Sessions of the UN Human Rights Council.[57] The then UN High Commissioner for Human Rights, Navi Pillai expressed concern during the latter session in February 2014, stating that she was disturbed by 'the significant surge in attacks against religious minorities and the incitement of violence by Sinhala Buddhist nationalist groups, led predominantly by certain extremist Buddhist monks'.[58]

In light of the significant number of attacks against Muslims, anti-Muslim attacks in 2013 may be further disaggregated by type of attack and type of perpetrator.

Figure 3: Anti-Muslim Attacks in 2013 (by type of attack)[59]

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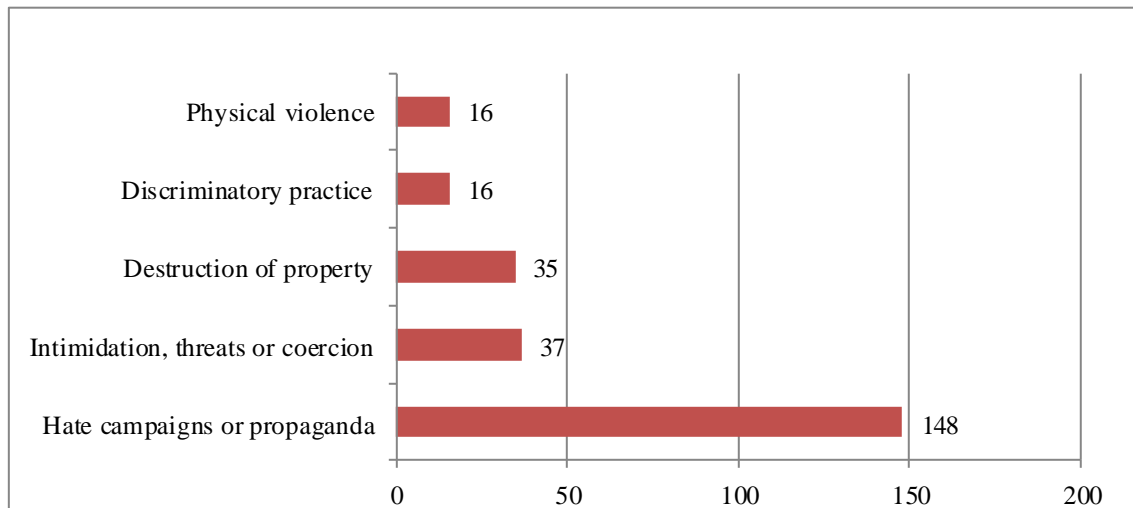
[56] See Parliamentary Debates (Hansard) – Official Report, Volume 219 - No. 3, 8 August 2013, at 325.
[57] See Oral update of the High Commissioner for Human Rights on promoting reconciliation and accountability in Sri Lanka, A/HRC/24/CRP.3/Rev.1, 25 September 2013; Promoting reconciliation and accountability in Sri Lanka: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/25/23, 24 February 2014 ('2014 Report of the OHCHR').
[58] 2014 Report of the OHCHR, at para.20.
[59] Sri Lanka Muslim Congress, *op. cit.* at 1. One limitation in this disaggregation relates to the fact that the same incident could include more than one type of attack. Hence the total number of attacks in this figure does not reflect the total number of incidents.

Figure 4: Anti-Muslim Attacks in 2013 (by type of perpetrator)[60]
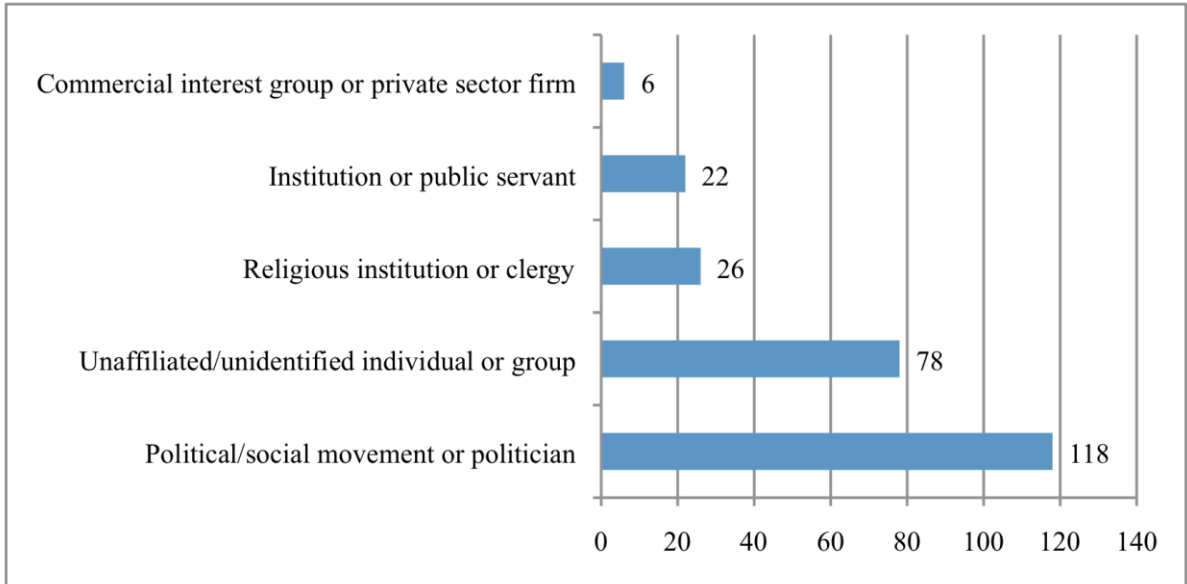
Anti-Christian attacks in 2013 may also be disaggregated in similar fashion.

Figure 5: Anti-Christian Attacks in 2013 (by type of attack)[61]

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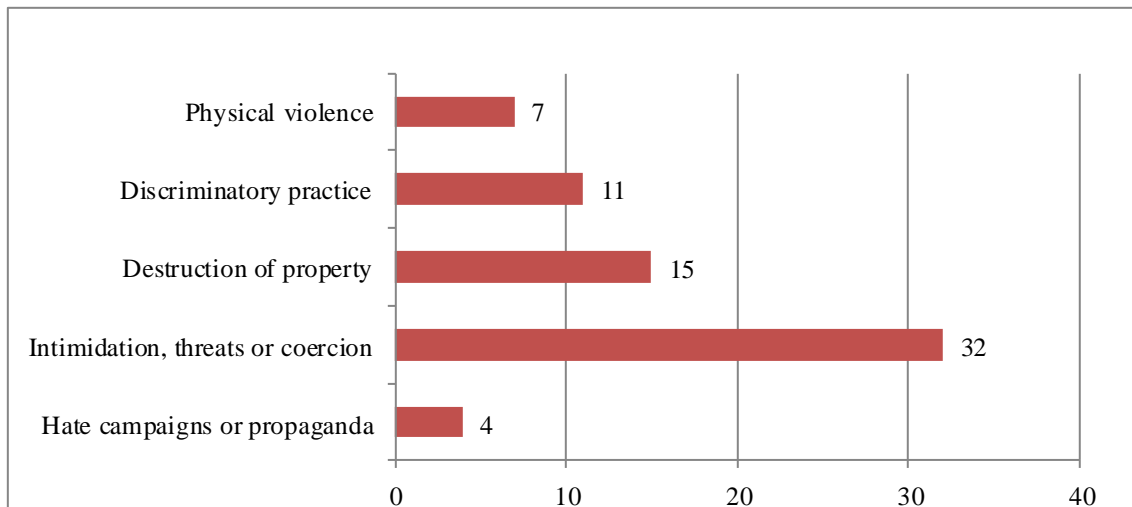
[60] *Ibid.* It is noted that organisations such as the BBS fall into more than one definitional category. For the purposes of clarity and avoidance of duplication, and for reasons explained later in the subsection 'Political Context', BBS is classified as a political movement as opposed to a religious institution.
[61] *Ibid.* at 27.

Figure 6: Anti-Christian Attacks in 2013 (by type of perpetrator)
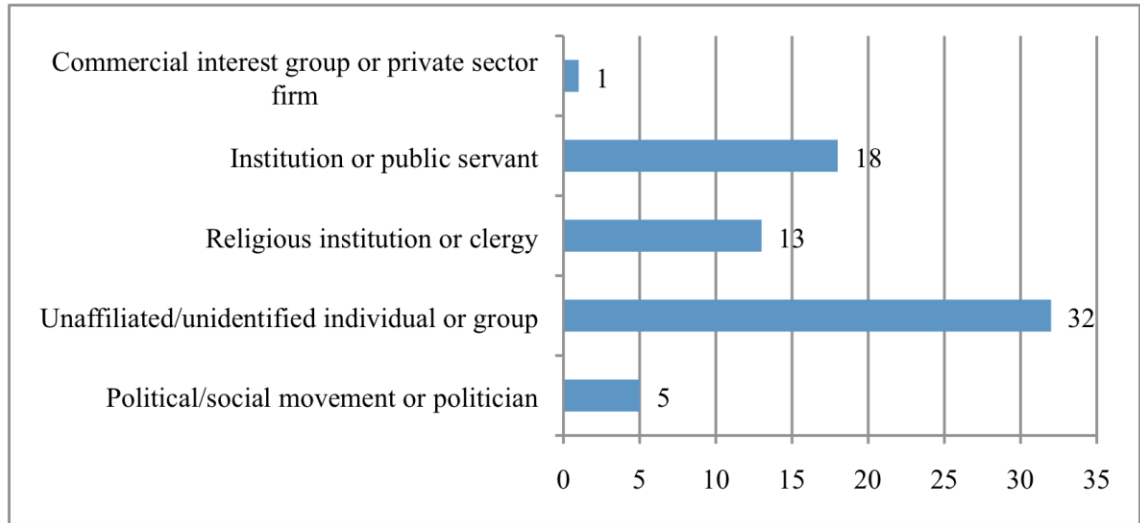
The trend in violence continued in 2014. At least 200 attacks on Muslims were recorded. The following figure presents the distribution of these attacks.

Figure 7: Anti-Muslim Attacks in 2014[62]

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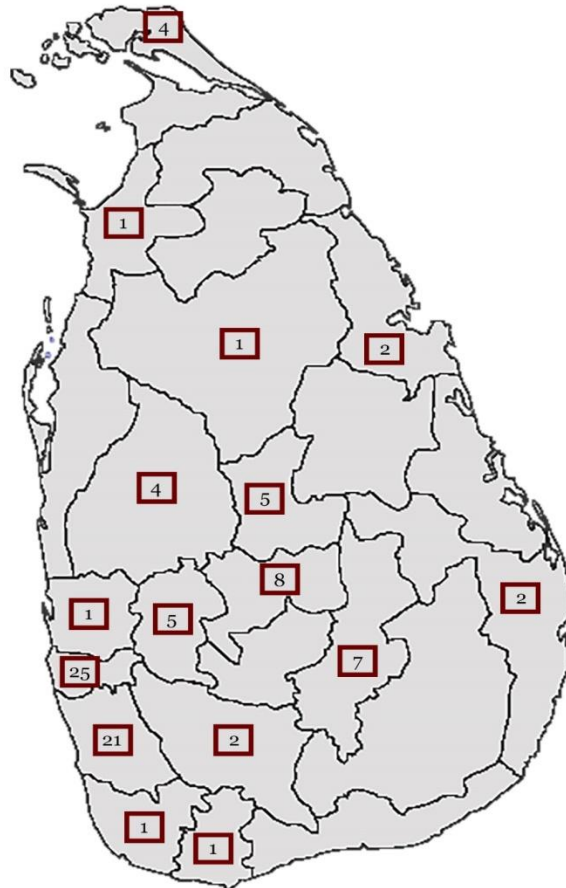
[62] Secretariat for Muslims, *Anti Muslim Sentiment in Sri Lanka 2014* (2015).

Similar to the data from 2013, incidents that are not location-specific are not marked on the map above. The incidents on the map are purely location-specific incidents of anti-Muslim violence that occurred in 2014. It is noted that some of the incidents listed as 'attacks' in the Secretariat for Muslims report on *Anti-Muslim Sentiment in Sri Lanka* in 2014 may not fall directly within the definition of 'attack' adopted in this study. For example, a land dispute recorded on 24 October 2014 in Anuradhapura between Muslims and Sinhalese may not fit within the definition of religious attack, as the dispute was not necessarily religiously motivated. Thus only 200 out of the 214 incidents listed in the Secretariat for Muslims report are captured in this study.

The next two figures depict the breakdown of these attacks by the type of incident and type of perpetrator.

Figure 8: Anti-Muslim Attacks in 2014 (by type of incident)
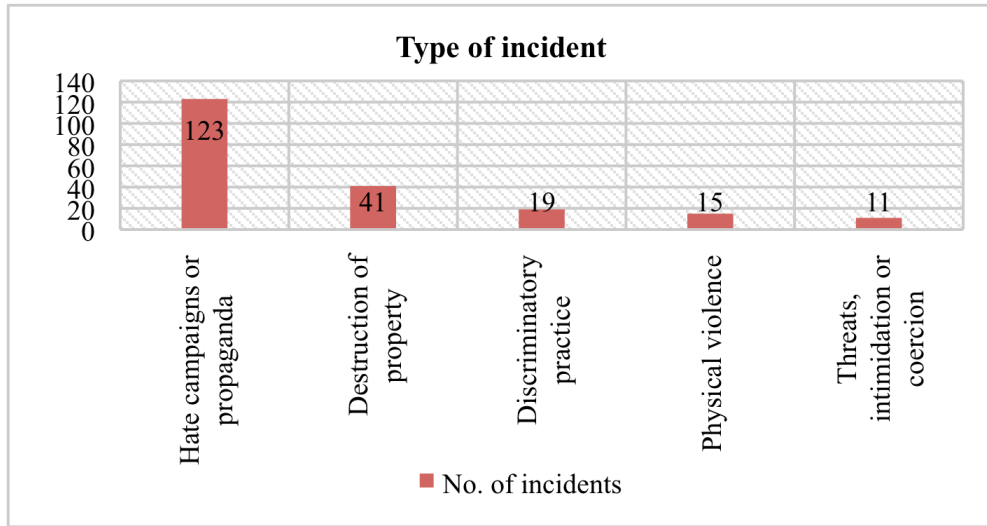
Figure 9: Anti-Muslim Attacks in 2014 (by type of perpetrator)
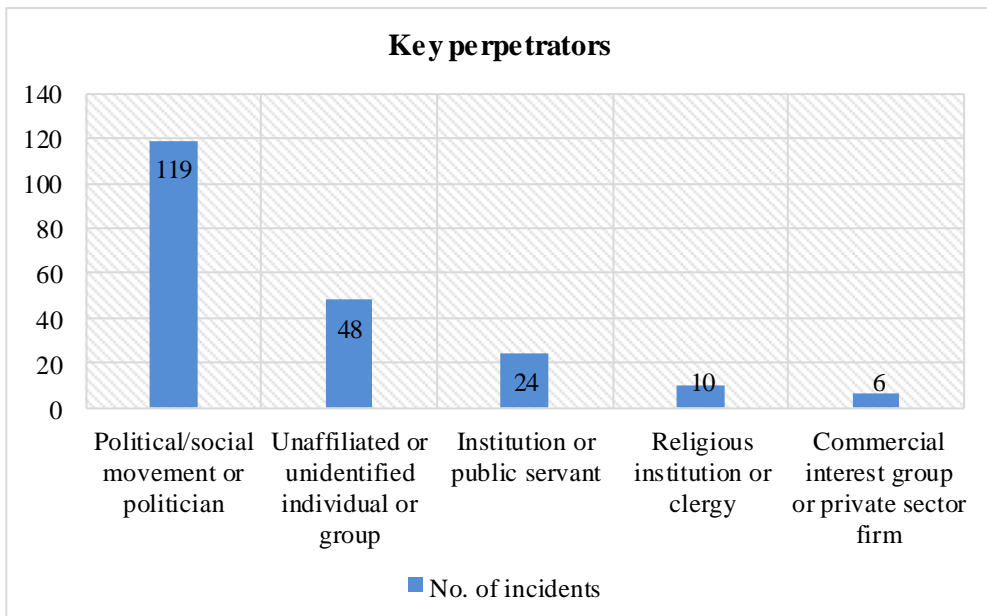
Meanwhile, attacks on Christians increased from 69 in 2013 to 88 in 2014.[63] The distribution and categorisation of attacks are presented in the figures below.

Figure 10: Anti-Christian Attacks in 2014
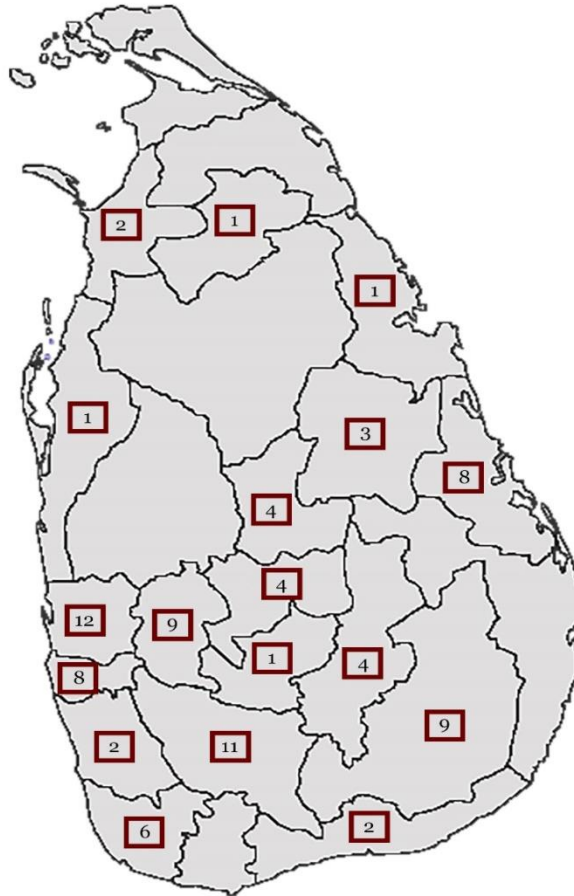
Figure 11: Anti-Christian Attacks in 2014 (by type of incident)

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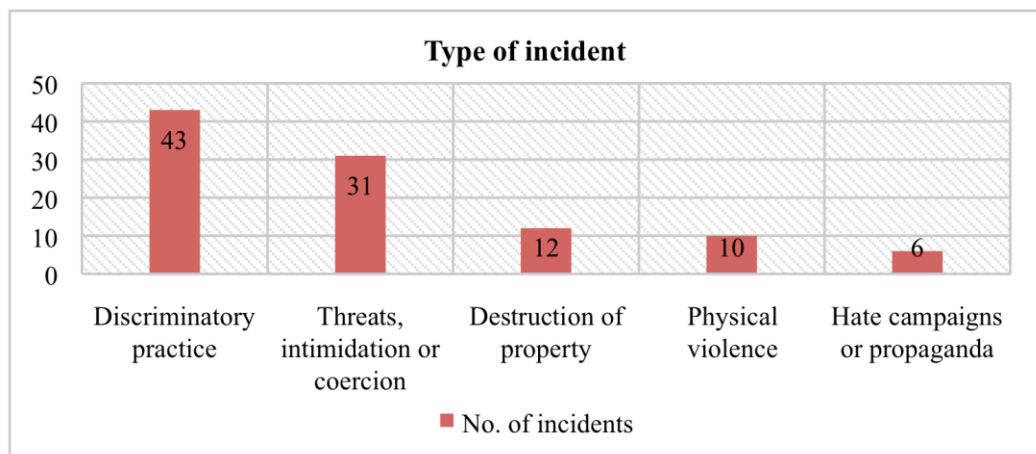
[63] Source of Primary Data: National Christian Evangelical Alliance of Sri Lanka.

Figure 12: Anti-Christian Attacks in 2014 (by type of perpetrator)
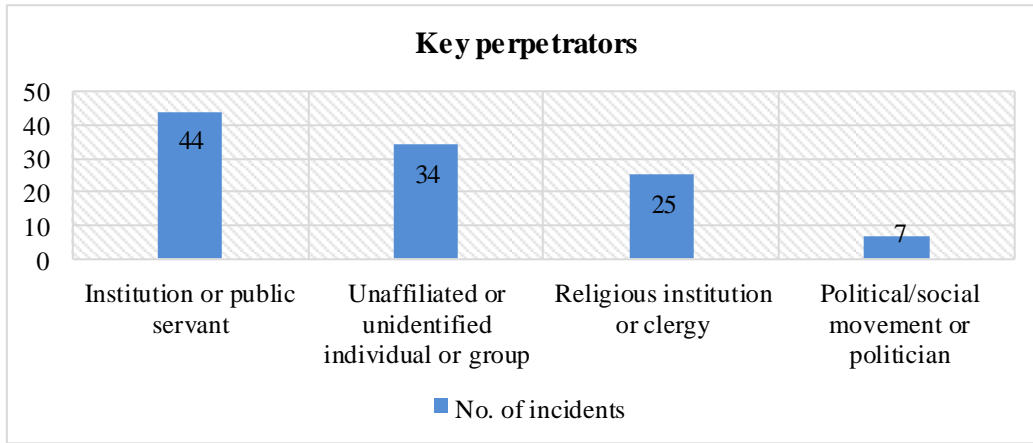
The data from 2013 and 2014 reveal two trends in terms of attacks on Muslims. First, more than 50% of the attacks were non-physical and related to hate speech and propaganda. The study will later explore the significance of this trend. Second, political actors or political or social movements perpetrated more than 50% of the attacks. More than a quarter of all attacks were in fact attributed to a single perpetrator—the BBS. Hence the increase in attacks against Muslims during 2013 and 2014 corresponded with the rise in the prominence and influence of particular organisations. The study will later analyse the emergence and consolidation of organisations such as the BBS, and will attempt to locate such organisations within the social-cultural, economic and political context of religious violence in Sri Lanka.

In contrast to the data on anti-Muslim attacks, nearly 50% the attacks on Christians were perpetrated by unidentified groups and individuals. Local villagers and local religious clergy were responsible for the vast majority of incidents involving physical violence, destruction of property and threats and intimidation. Additionally, public officials often directly or tacitly participated in attacks on Christians—a feature explored in the next section.

Case studies

This section presents two emblematic cases of religious violence during the last two years and one geographic case study of two districts in the Southern Province. Both the emblematic cases involved attacks on the Muslim community. The first took place in mid-2013 and the second a year later. The incidents bear three important similarities. First, as discussed later in this study, both areas had particular local contexts that produced communal fault lines and tensions. Second, organised elements were at play in both cases. These groups aggravated pre-existing tensions and instigated the violence that eventually erupted. Third, a 'trigger event' served to launch the violence. It is noted that the precise same features were present in the context preceding the July 1983 ethnic riots.

Meanwhile, the geographic case study focuses on attacks that took place in 2013 and 2014 against the Christian community in the districts of Galle and Hambantota.

The Grandpass Mosque Incident

By 2013, the main Mosque in the Grandpass area—the Masjidul Deenul Islam Mosque—had reached capacity and could not be expanded due to a Bo tree that had taken root in the adjacent property.[64] The Urban Development Authority (UDA) had previously announced plans to acquire the area for development. The acquisition meant that the Mosque needed to be removed eventually. Under the circumstances, Muslim adherents in the area began worshiping at an alternative building that had been converted into a Muslim prayer centre. The Sinhalese community in the area, and particularly Buddhist monks attached to nearby Buddhist temples, protested the establishment of the alternative site. Extremist groups such as *Sinhala Ravaya* and *Ravana Balaya* worked to escalate the issue. The latter group staged two protests against the prayer centre on 9 June and 5 July 2013.[65] Several police complaints were made seeking the removal of the site.[66] Yet the Ministry of Buddha Sasana and Religious Affairs granted a permit for the use of the alternative site as a Muslim prayer centre. The permit was initially granted temporarily until 10 August 2013. It was, however, extended thereafter.

News of the extension triggered a violent reaction from the Sinhalese in the area. On 11 August 2013, protesters with alleged links to *Sinhala Ravaya* attacked the new prayer centre claiming that it had no permit to function as a place of worship.[67] The incident quickly escalated into communal clashes between the Muslim community in the area and the Sinhalese protesters. Law enforcement authorities did little to prevent the violence or the destruction of property. However, the situation was eventually brought under control and the matter was settled. The agreed settlement was for the UDA acquisition to be halted, the Muslims to return to the original Mosque, and for the Bo tree to be removed to permit the expansion of the original Mosque.[68] The permit for the new prayer centre, however, was eventually revoked. Both the Chief Incumbent of the temple and representative of the Muslim community in the area insisted that the attackers were 'outsiders'.[69]

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[64] Namini Wijedasa, 'Grandpass: A commitment to peace after ugly clashes', *The Sunday Times*, 18 August 2013, at http://www.sundaytimes.lk/130818/news/grandpass-a-commitment-to-peace-after-ugly-clashes-58345.html. It is noted that Bo trees are considered sacred in Buddhism and individuals are usually prevented from removing a Bo tree regardless of its location.

[65] SLMC, *op.cit.* at 19-21.

[66] Wijedasa, *op.cit*.

[67] Latheef Farook, 'Calculated Attack on Grandpass Mosque', *The Colombo Telegraph,* 14 August 2013, at https://www.colombotelegraph.com/index.php/calculated-attack-on-grandpass-mosque/.

[68] *Ibid.*

[69] Wijedasa, *op. cit*. However, as discussed in the subsection titled 'Particular local context', the claim that the violence was caused by outsiders requires further assessment.

The Aluthgama Riots

On 15 June 2014, ethnic riots erupted in Aluthgama, Dharga Town, Valipanna and Beruwela—towns located in the South of Sri Lanka. The area has a large Muslim population that lived alongside a larger Sinhalese community. Amity between the two communities remained somewhat fragile, as communal violence had erupted previously, almost a decade earlier.

The incident that reportedly triggered the riots in 2014 was an altercation between a Buddhist monk and three Muslims from the area.[70] Following the incident, a large rally was organised on 15 June to condemn the alleged attack on the Buddhist monk. The BBS participated in this rally and Galagoda Aththe Gnanasara Thero, the General Secretary of the BBS, made racist and inflammatory remarks against Muslims at the rally.[71] His remarks provoked mobs to attack Muslim-owned businesses and homes in the surrounding areas. During the riots that followed, four persons including three Muslims were killed and over a hundred Muslim homes and businesses were destroyed. The riot was described by the Office of the High Commissioner for Human Rights as 'one of the worst incidents of sectarian violence in Sri Lanka's recent history'.[72]

Law enforcement officials once again failed to contain the violence. There were specific allegations that organised elements operated among the mobs that attacked the Muslim community. For instance, witnesses claimed that many of the attackers wore boots and helmets—suggesting that some of the perpetrators had access to military equipment that an ordinary civilian would not have access to.[73] Such testimonies raised strong suspicions of state involvement in the riots.

Religious attacks in the Southern Province

The districts of Galle and Hambantota accounted for many of the attacks that took place against Christians in 2013 and 2014. A total of 27 specific attacks against Christians were recorded in these two districts during this period. Significantly, the police or some other public official actively or tacitly participated in 13 of these incidents. Several examples are presented below.

On 19 March and 6 April 2013 in Walasmulla, Hambantota, the police ordered the Assemblies of God Church to discontinue all prayer meetings. A meeting of religious leaders hosted by Hambantota District Secretariat was subsequently held on 10 May 2013. At the meeting, local Buddhist monks demanded that all local churches that have not obtained prior state approval be shut down immediately.

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[70] Farzana Haniffa, Harini Amarasuriya & Vishakha Wijenayake, *Where Have All the Neighbours Gone? Aluthgama Riots and its Aftermath: A Fact Finding Mission to Aluthgama, Dharga Town, Valipanna and Beruwela*, Law & Society Trust (2015) at 1. Also see Gehan Gunatilleke, *Confronting the Complexity of Loss*, Law & Society Trust (2015), at 33.

[71] Haniffa *et al.* at 1.

[72] Oral update of the High Commissioner for Human Rights on promoting reconciliation, accountability and human rights in Sri Lanka, 22 September 2014, A/HRC/27/CRP.2, at para.46.

[73] Haniffa *et al.* at 31-32.

On 5 January 2014, five police officers and an official from the Divisional Secretariat's arrived at a place of worship in Hikkaduwa, Galle, used by the Assemblies of God Church. The officials demanded that prayer meetings held at the premises be immediately discontinued. Two days later, the pastor of the church was summoned to the Hikkaduwa police station for an inquiry. Two Buddhist monks thereafter verbally abused him in the presence of the Officer in Charge (OIC) of the police station.

On 26 January 2014, eight police officers and a Buddhist monk entered the premises of a member of the Calvary Free Church located in Ratgama, Galle while a prayer meeting was in progress. The police officers halted the meeting and directed all participants to report to the police station for an inquiry. On 29 January 2014, the police filed a case in the Galle Magistrate Court against the pastor of the church for breach of the peace.

On 24 February 2014, the pastor of the Assemblies of God Church in Mamadalla, Hambantota was requested to appear at the local police station for an inquiry. At the inquiry, the OIC of the police station, together with two Buddhist monks who were present at the inquiry, demanded that the pastor discontinue all religious activities. It was argued that prior approval of the Ministry of Buddha Sasana and Religious Affairs was required to conduct religious activities in the area.

On 6 June 2014, in Angunukolepalessa, Hambantota, a pastor of the Assemblies of God Church was verbally abused by the OIC of the area for holding prayer meetings in private premises. The OIC demanded that the pastor leave the village if he was unwilling to discontinue all prayer meetings.

Each of these incidents appears to display certain typical features. First, they involved Christian worshipers holding prayer meetings or religious services in 'unauthorised' places of worship. These places of worship were often private residences that were not registered as places of worship under a 2008 circular issued by the then Ministry of Religious Affairs and Moral Upliftment. Second, the local Buddhist clergy often instigated public officials to shut these places of worship down or to discontinue prayer meetings or religious services. Buddhist monks often verbally abused pastors and members of churches in the presence of police officers or other public officials. At the heart of this antagonism is the Buddhist anxiety that these religious activities are aimed at propagating Christianity within the community. Third, public officials—particularly police officers—took an active part in threatening and intimidating Christian pastors and worshipers and ordering the discontinuation of religious activities.

These features illustrate the fact that anti-Christian violence often takes on a particular form. The violence is often low in intensity; yet it is continuing—at times to the point of being systematic. These trends in attacks against Christians reflect certain important distinctions in the nature of religious violence. Such distinctions are discussed later in this study and are useful in arriving at a deeper understanding of religious violence in Sri Lanka.

Demographic mapping of religious attacks

Sri Lankan society has been described as 'an ethno-religious mosaic' due its diversity in terms of ethnicity and religion.[74] According to the recent census in 2012, Sinhalese make up a nearly 74.9% of the population. Tamils constitute 15.2% (including 4% based in the estate sector) and Moors 9.2% of the population.[75] Meanwhile, over 70% of the population is Buddhist, while 12.6% is Hindu. Muslims and Christians respectively constitute 9.7% and 7.4% of the population.[76]

The data on religious attacks during 2013 and 2014 may be analysed to expose certain trends and patterns. The method adopted in this analysis was as follows. First, all attacks were classified according to the Divisional Secretary's (D.S.) Division in which they took place. Next, population data released by the Department of Census and Statistics in 2012 was analysed to disaggregate the populations in each D.S. Division by religion. Population data was further analysed to ascertain the demographic profile of each D.S. Division—i.e. by degree of religious diversity and by concentration of religious minorities. The classification was carried out according to the following criteria:

Religious Diversity:

High   - More than two religious communities have population shares of >10%
Medium   - Two religions have population shares of >10%
Low   - Only one religion has a population share of >10%

Concentration of Religious Minorities:

High   - Religious minorities (i.e. non-Buddhist) constitute >66% of population
Medium   - Religious minorities constitute <66% but >33% of the population
Low   - Religious minorities constitute <33% of the population

The data was then analysed to test whether there was any correlation between the occurrence of violence in a particular D.S. Division and the demographic profile of that Division. The results depicted a fascinating trend.

Religious attacks in 2013 and 2014 took place in 88 D.S. Divisions around the country. These D.S. Divisions were profiled according to their religious diversity and concentration of religious minorities. The following grid illustrates the dispersion of religious attacks.

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[74] See Sasanka Perera, *The Ethnic Conflict in Sri Lanka: A Historical and Sociopolitical Outline*, World Bank (February 2001), at 11.

[75] Department of Census & Statistics, Sri Lanka, *Population by ethnic group according to districts* (2012).

[76] *Ibid*.

Figure 13: Classification of Specific D.S. Divisions by Religious Minority/Diversity Profile

Concentration of Religious Minorities

	High	Medium	Low
High	3	3	3
Medium	7	4	19
Low	4	0	45

(Vertical axis label: **Religious Diversity**)
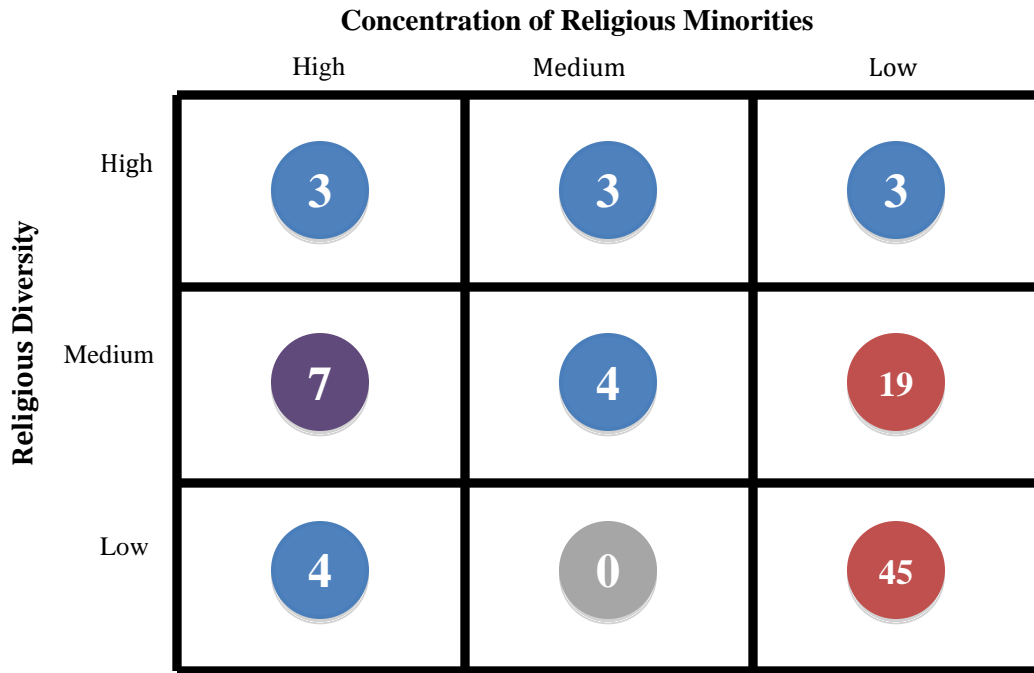
The figure above illustrates the demographic profiles of the 88 D.S. Divisions in which religious attacks were recorded in 2013 and 2014. It is noted that there are 328 D.S. Divisions in the country in total. Of the 88 D.S. Divisions where religious attacks were in fact recorded, 45 D.S. Divisions were 'LL' i.e. *Low* religious diversity and *Low* concentration of religious minorities. Nineteen D.S. Divisions were 'ML' i.e. *Medium* religious diversity and *Low* concentration of religious minorities. These two demographic profiles applied to over 72% of all D.S. Divisions in which religious attacks took place. An analysis of the overall distribution of diversity and religious minority concentration across the remaining 240 D.S. Divisions in the country (in which no religious attacks were recorded in 2013 and 2014) confirm that there is a particular propensity for religious attacks to occur in 'LL' and 'ML' Divisions.

What makes this observation more complex is the fact that violence is less prevalent in D.S. Divisions with a high concentration of a particular ethnic minority but low diversity (for example, where there is a high concentration of Hindus, but a low concentration of other religious groups in the Division). Hence over two-thirds of the recorded violence in 2013 and 2014 appears to have taken place in majority-Buddhist Divisions with either low concentrations of minorities and either low or medium diversity.

Therefore, a trend emerges from the data—a trend perhaps worth exploring further in future research. Attacks on religious minorities appear to be taking place mostly in areas with relatively low concentrations of religious minorities as well as low or medium levels of religious diversity. Meanwhile, fewer attacks are being recorded in areas where

diversity levels are high, or where concentrations of religious minorities are either high or at a medium level. The following D.S. Divisions are classified as 'LL' or 'ML':

Table 2: Districts and D.S. Divisions with LL Profiles

District	D.S. Division
Ampara	Maha Oya
	Ampara
Anuradhapura	Medawachchiya
Badulla	Mahiyangana
Colombo	Maharagama
	Homagama
	Padukka
Galle	Benthota
	Elpitiya
	Imaduwa
	Hikkaduwa
Gampaha	Dompe
Hambantota	Ambalantota
	Angunukolapelessa
	Tangalle
	Sooriyaweva
	Weerakatiya
	Walasmulla
Kalutara	Kalutara
	Ingiriya
Kandy	Yatinuwara
	Hatharaliyadda
Kegalle	Warakapola
	Rambukkana
	Ruwanwella
	Kegalle
	Aranayaka
Kurunegala	Narammala
	Ibbagamuwa
	Galgamuwa
	Maspotha
Matale	Dambulla
	Naula
Matara	Matara
	Akuressa
	Dickwella
Monaragala	Sevanagala
	Buttala
Polonnaruwa	Dimbulagala
Ratnapura	Opanayaka

Table 3: Districts and D.S. Divisions with ML Profiles

District	D.S. Division
Anuradhapura	Malwathu Oya
	Palagala
	Kekkirawa
Colombo	Moratuwa
	Sri Jayawardenapura Kotte
Gampaha	Mahara
	Kelaniya
	Gampaha
Hambantota	Hambantota
Kalutara	Panadura
Kandy	Harispattuwa
Kegalle	Mawanella
	Bulathkohupitiya
Kurunegala	Kuliyapitiya East
	Kurunegala
	Mallawaptiya
	Rideegama
Matara	Kotapola
	Weligama
Ratnapura	Balangoda
	Ratnapura
Trincomalee	Kantale

A further dimension to trends in religious violence must be considered. As illustrated in two of the case studies, religiously diverse areas can be prone to certain 'episodic' events of violence, which often exceed other incidents in terms of their intensity. Both Grandpass and Aluthgama have relatively high levels of religious diversity and religious minority concentrations. Grandpass is located in the Colombo D.S. Division, which has a 'HH' profile, while Aluthgrama is located in the Beruwela D.S. Division, which has an 'MM' profile. These areas usually have low rates of religious attacks. Yet they occasionally produce episodes of extreme violence.

3.5 Chronic and acute violence

A distinction may be drawn between the types of violence we observe in 'LL' or 'ML' Divisions and the episodic violence observed in Grandpass and Aluthgama. The former is mainly a continuous form of low-intensity violence, which may be described as 'chronic' violence. Threats and intimidation, assault, minor damage to property, and hate campaigns and propaganda constituted over 90% of all religious attacks that took place in Sri Lanka during 2013 and 2014. These attacks may be characterised as 'chronic' due to their continuation at low intensity levels, and the fact that they seldom escalated to

widespread manifestations of violence, i.e. the type of extensive violence observed during a communal riot. The incidents recounted in the geographic case study on anti-Christian attacks in the Southern Province fall into this category of chronic violence. The finding that 'LL' and 'ML' Divisions are relatively more prone to encounter violence must be qualified to mean *chronic* violence. By contrast, the latter episodic form of violence is sporadic in nature and higher in intensity, and may be described as 'acute' violence. Such violence may occur anywhere depending on fault lines, instigators and trigger events. Thus acute violence can take place even in areas with high levels of diversity and higher concentrations of religious minorities.

Admittedly, the line that separates chronic and acute violence may not always be clear. For example, a mob of approximately 300 persons led by Buddhist monks attacked and damaged two churches in Hikkaduwa—an 'LL' Division—on 12 January 2014. The incident does not neatly fit into either classification of violence. It could arguably be classified as acute violence. The incident took place immediately after the specific instances of chronic violence in Hikkaduwa that were recounted in the case study above. It thus illustrates the relationship between chronic and acute violence, as it confirms that sustained spells of the former are often followed by sporadic eruptions of the latter.

Yet the Hikkaduwa incident does not compare to the scale and intensity of the violence seen in Grandpass or Aluthgama. Hence it may be important to set a high threshold of intensity (perhaps determined by the scale of the damage together with the number of persons participating in and affected by the attack) in order to classify an incident as acute violence. If such a threshold is applied, it is evident that acute violence is more likely to take place in high or medium diversity areas. This tendency makes intuitive sense, as widespread violence against a religious group would require a reasonably high concentration of that group. Areas with lower levels of diversity produce chronic violence simply because the targeted group is not large enough to warrant widespread attacks. By contrast, a highly diverse area with a substantial minority population may quickly escalate to a widespread, acute form of violence. As discussed in the next section, a particular local context often produces fault lines that make these diverse areas vulnerable to extreme violence. As seen in both Grandpass and Aluthgama, such violence is often prompted by a trigger event and instigated by organised hate groups.

Understanding the distinction between chronic and acute forms of violence and their prevalence in areas with particular demographic characteristics and contexts is key to the future prevention of violence. Such an understanding may assist policymakers in terms of designing future interventions. Law enforcement authorities and peace building initiatives may also benefit from such understanding. The concluding section of this study discusses possible interventions in this regard.

Context of Religious Violence

As discussed in the preceding section, the spate of religious attacks in 2013 and 2014 revealed a disturbing trend in anti-minority sentiments in the country. The escalation towards episodic violence during these two years was often preceded by sustained hate campaigns, thereby reinforcing the relationship between chronic and acute violence. For instance, the BBS ran several hate campaigns against the Muslim community. The most prominent of such campaigns was the 'Anti-halal' campaign in 2013.[77] The campaign was largely successful and resulted in the All Ceylon Jamiyyathul Ulama withdrawing *halal* certifications from all products meant for the local market.[78]

The culmination of months of hate campaigns and propaganda against the Muslim community and the steady rise in religious tensions was perhaps the Aluthgama riots of June 2014. If Aluthgama was in fact the culmination of rising tensions, it is important to unravel the broad contours of the context in which those tensions arose. The following subsections accordingly explore the contextual backdrop to religious violence in Sri Lanka. It is noted, however, that a single strand of circumstances or factors cannot explain violence. It is more plausible that a combination of various contextual factors contributed towards the rise of religious tensions and the emergence of religious violence in the post-war era. Thus, the ostensible compartmentalisation of the various contexts in the following sections (i.e. the socio-cultural, economic and political contexts) should not serve to understate the interplay and mutual reinforcement that often take place between contextual factors.

3.1 Socio-cultural context

Sasanka Perera observes that the retelling of history in the Mahāvamsa by Buddhist monks characterised wars waged by Sinhalese rulers as campaigns undertaken to 'protect Buddhism and the Sinhalese nation'.[79] He claims that these accounts eventually dominated the consciousness of the Sinhalese majority and formed 'an important aspect of…socialisation in contemporary Sri Lanka'.[80] The impetus to spread this narrative of Sinhala-Buddhist nationalism came from a Buddhist revivalist movement that emerged during the latter part of the Nineteenth Century. By the time Sri Lanka obtained independence in 1948, Sinhala-Buddhist nationalism had become a dominant ideological force.[81]

Educational curricula including school textbooks, thereafter reinforced the narrative of a Sinhala-Buddhist nation. Even today, history textbooks draw heavily and uncritically from the Mahāvamsa. Chapter 6 of the Grade 6 History Textbook details an account of

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[77] See Dharisha Bastian, 'This is a Sinhala country, Sinhala Government": Bodu Bala Sena' *Daily FT*, 18 February 2013, at http://www.ft.lk/2013/02/18/this-is-a-sinhala-country-sinhala-government-bodu-bala-sena.

[78] See Kelum Bandara, 'Govt. to formulate new Halal mechanism'. *The Daily Mirror*, 14 March 2013.

[79] Sasanka Perera, *op. cit.* at 4.

[80] *Ibid*. at 8.

[81] Richard Gombrich & Gananath Obeyesekere, *Buddhism Transformed: Religious Change in Sri Lanka* (1988), at 202-238.

Dutugemunu, a Sinhalese ruler, defeating Elara, a Tamil ruler somewhere between 161 and 137 B.C.E. The text cites directly from the Mahāvamsa and begins by claiming that the Tamil ruler was 'foreign' and that the Sinhalese ruler aimed to 'liberate the country from foreign rule', 'reunite the country' and 'protect Buddhism'. Interestingly, the Tamil version of the textbook—meant for non-Sinhala speaking students including Tamils and Muslims—carries a different formulation to the Sinhala version. For instance, the concluding line of the chapter in the Sinhalese version states that Dutugemunu liberated the country from 'foreign' rule and united the country for the first time in 44 years. The corresponding line in the Tamil version states that Dutugemunu, for the first time in 44 years, conquered Anuradhapura where Elara had been ruling 'with justice'.[82]

Authors Richard Gombrich and Gananath Obeyesekere observe that Sinhala-Buddhist nationalism began to emerge as a dominant ideological force in Sri Lankan social and political life well before independence. The new ethno-religious ideology broke away from traditional Buddhist principles and forged a new 'protestant' form of Buddhism, which was far more amenable to the idea of a Sinhala-Buddhist nation.[83] In this context, the use of force for the purpose of protecting the Sinhala-Buddhist nation was not ruled out, as in the case of Dutugemunu defeating Elara. Violence had been associated with Buddhism as early as in 1915 when ethnic riots were sparked as a result of Moors disrupting a Buddhist procession in Kandy.[84] Yet there is no evidence to suggest that the wider socio-cultural or even political impetus for the riots was linked to Buddhist nationalism. This link began to crystallise much later. Carefully chronicling the emergence and consolidation of Sinhala-Buddhist nationalism during the post independence era, Gombrich *et al*, argue that the ideology eventually caused 'violence [to take] root at the heart of the Buddhist establishment.'[85] This observation was made in the context of the violent reaction of the Buddhist clergy to the Indo-Lanka Accord of 1987, which sought to provide Tamils a semiautonomous region in the North and East of the country. The observation, once contextualised, is critical to explaining why ethno-nationalist violence can emerge notwithstanding religious tenets of non-violence.[86]

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[82] According to R.A.L.H. Gunawardana's interpretation of the original Mahāvamsa text and alternative historical sources, Dutugemunu's campaign was unlikely to have been a 'Sinhala-Tamil confrontation'. Gunawardana argues that the campaign was merely aimed at capturing territory—not only from Elara, but also from multiple other regional rulers. See R.A.L.H. Gunawardana, 'The People of the Lion: The Sinhala Identity and Ideology in History and Historiography' (1979) 5(1) & (2), The Sri Lanka Journal of the Humanities 1-36.

[83] Richard Gombrich & Gananath Obeyesekere, *Buddhism Transformed: Religious Change in Sri Lanka* (1988).

[84] Kumari Jayawardena, 'Economic and Political Factors in the 1915 Riots' (1970) 29(2) The Journal of Asian Studies 223-233.

[85] Gombrich & Obeyesekere, *op. cit.* at x.

[86] Gunatilleke, *Confronting the Complexity of Loss*, *op. cit.* at 8. The observations of Gananath Obeyesekere in 'Buddhism, Ethnicity and Identity: A Problem of Buddhist History' (2003) 10 Journal of Buddhist Ethics 192-242, at 192 is perhaps worth reproducing: 'One of the questions often asked of us scholars from educated Westerners is why Buddhism, a religion that is given to an ethic of radical non-violence, has produced a nation like Sri Lanka that has, over the last two decades, produced a culture of extreme violence. In my view this is a wrong question to ask even though it is an obvious question. Buddhism can no more than any other world religion remain immune to the larger social and economic woes that beset a nation. However, one can ask a related question: what can concerned Buddhist lay-folk and monks do to bring about a critique of contemporary life that might in turn have some effect in creating

The post-war era witnessed a radical increase in anti-Muslim sentiment in the country. Sinhala-Buddhist nationalism, which initially focused on dismantling a corresponding form of nationalism among Tamils for several decades, focused on Muslims once the war had ended. Fears began to emerge due to an apparent increase in the overall population share of Sri Lankan Moors since 1981 (an increase from 7.05% to 9.23% of the total population) and a perception that Muslims were controlling the economy—an idea explored in greater detail in the next section. These fears saw the emergence of certain extremist Sinhala-Buddhist nationalist groups such as the BBS. This group focused its attention almost entirely on propagating anti-Muslim sentiments. Muslims in the South were targeted in hate campaigns and organised acts of violence. These tensions culminated in the anti-Muslim riots in Aluthgama, which was instigated by BBS hate speech on the same date. The government was largely ineffective in containing the violence and unapologetic in its aftermath, shifting the blame to the Muslims for provoking the violence.[87]

Meanwhile, Christian groups have also faced violence during various stages of Sri Lanka's recent history. Coastal areas, particularly in the West, have a significant Christian population, mainly as a result of over 500 years of European colonisation and the consequent Christianization of the local population. During colonial times, the English-speaking elite class was predominantly Christian and enjoyed economic favouritism and political patronage. Thus historical antagonisms and communal fault-lines exist between Christians and Buddhists. Such tensions have occasionally produced conflict.

Wide scale violence against Christians is a relatively new phenomenon and is yet to be studied with much precision. However, it is possible to argue that the main tension between the communities pivots on the question of propagation—or what is often termed 'conversion'. Christian evangelical aims to propagate the religion remain fundamentally at odds with the constitutionally protected aim to protect and foster Buddhism. As discussed above, the propagation of religions other than Buddhism has been viewed with suspicion by all state institutions, including the judiciary. Thus any overt attempt to propagate religion in Sri Lanka has been perceived as a threat to the socio-cultural dominance of Buddhism and has been strongly resisted. Such resistance has on occasion turned violent, as seen on 12 January 2014, when mobs attacked two churches in Hikkaduwa causing serious damage to property.[88]

In this context, religious violence is a natural culmination of existing inter-religious tensions. The perceived historical entitlement of Sinhala-Buddhist nationalism—by virtue of the majority status of Sinhala-Buddhists—remains fundamentally at odds with

a new vision of society, one better geared to Buddhist doctrinal values, rather than one oriented towards a destructive Sinhala nationalism.'

[87] P.K. Balachandran, 'Sri Lankan Government Accuses Muslims, President Orders Probe', *New Indian Express*, 22 June 2014, at http://www.newindianexpress.com/world/Sri-Lankan-Government-Accuses-Muslims-President-Orders-Probe/2014/06/22/article2293193.ece.

[88] 'Video: Buddhist Monk Led Mob Attacked Christian Church', *colombotelegraph.com*, 13 January 2014, at https://www.colombotelegraph.com/index.php/video-buddhist-monk-led-mob-attacked-christian-church.

perceptions of Muslim population growth and economic expansion and Christian propagation aims. These socio-cultural clashes underscore much of the religious violence that emerged in the post-war era.

3.2 Economic context

The economic context of religious violence has strong parallels to previous manifestations of communal violence in Sri Lanka. In his essay *The Open Economy and its Impact on Ethnic Relations in Sri Lanka*, Newton Gunasinghe observes: 'It is only from the year 1977 that ethno-religious riots have become more frequent'.[89] He points out that the political patronage structure that marked the economy of the country between 1955-1977 was dismantled in 1977; the open economic policy produced new and unforeseen tensions. Before 1977, 'some sections of the Sinhala entrepreneurs could expect to obtain special concessions as a mark of political patronage.' Gunasinghe argues that '[w]ith the dismantling of state regulation, the possibility of obtaining such concessions vanished' and market forces and availability of credit determined economic success.[90] He also points out that before 1977, the state was 'seen as responsible for the bad state of affairs' marked by low wages, high rates of employment and deterioration of living standards.[91] Thus the frustration and aggression felt by the urban poor took an anti-state direction, culminating in a wave of strikes in 1976.[92]

In the late 1970s and early 1980s, the idea particularly among the urban poor that Tamil-speaking entrepreneurs were benefiting more from the open economy than Sinhalese entrepreneurs became mainstream. The Pettah market, for instance, was viewed as representative of this phenomenon.[93] Moreover, private sector employment expanded during this time, creating new opportunities for citizens to obtain jobs without reliance on political patronage. This shift would not have necessarily advantaged minorities. However, due to the fact that the working language of the private sector was largely English, Sinhala-speaking job seekers became relatively less competitive compared to English-speaking elites, including those from other ethnic groups. Importantly, this new development stood in sharp contrast to the pre-1977 era, where the Sinhala-speaking demographic dominated the public sector—and therefore the labour force in general.[94] In the post-1977 era, the private sector replaced the public sector as the engine of growth. In this context, the non-Sinhalese job seekers—particularly those fluent in English—no

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[89] Newton Gunasinghe, 'The Open Economy and its Impact on Ethnic Relations in Sri Lanka' in Michael D. Woost (Ed.), *Economy, Culture, and Civil War in Sri Lanka* (2004), at 99.
[90] *Ibid*. at 102.
[91] *Ibid*. at 107.
[92] *Ibid*. at 108.
[93] It is noted that economic stereotypes of Tamils and Muslims as better at business, and antagonisms between majority and minority communities over business space predated 1977. Also see Jayawardena, *op. cit*. and S. J. Tambiah, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy* (1986), at 52.
[94] Gunasinghe, *op. cit.* at 112. Also see Harini Amarasuriya, Canan Gündüz & Markus Mayer, *Rethinking the nexus between youth, unemployment and conflict: Perspectives from Sri Lanka*, International Alert (March 2009), at 19. The others observe: 'Over the last 50 years, Sri Lanka has experienced the rise of a system of extreme political patronage built upon the use of welfare-state measures as a means of ensuring votes during elections. This includes distribution of jobs within the state-controlled labour market by political elites, largely among their own party followers.'

longer faced the disadvantages of the previous public sector driven job market. Thus an impression was created that minorities were securing private sector jobs, while Sinhalese youth remained unemployed.

These economic developments underscored the rising tensions between the Sinhalese and Tamil communities during the post-1977 era. The tensions eventually resulted in the July 1983 anti-Tamil pogrom. Gunasinghe concludes:

> The dissatisfied sections of the urban poor no longer directed their hostility against the state, as they did during the phase of state regulation. As the economic role of the state appeared to them to be marginal, some other object of hostility had to be discovered to be held responsible for the current malaise. It is precisely here that the Sinhala chauvinist ideology, which initially emerged from the ranks of the middle-level traders, found fertile ground, engulfing numerous social strata among the Sinhala.[95]

The economic parallels that could be drawn between the 1983 ethnic riots and the post-war religious violence are striking. Despite impressive growth statistics, a closer consideration of ground realities in the post-war years suggests an absence of inclusive and sustainable growth.[96] The post-war economic growth rate of 7.5% was in reality concentrated in a few sectors, namely import trade, transport and construction. Moreover, although the official rate of unemployment declined during this period, this decrease was ultimately attributed to an increase in migrant employment and in public sector recruitment.[97] The low labour force participation rate in 2013—just 53.3%[98]—suggests that there was a fundamental problem pertaining to job growth in the economy.[99]

The failure of the government to deliver on the promises of economic prosperity after the end of the war perhaps required a suitable scapegoat. Ahilan Kadirgamar explains that an anti-Muslim campaign 'could not find reception among broader sections of the Sinhala population, until there was social disaffection with the post-war economy, which was

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[95] *Ibid*. at 113. It is noted that Gunasinghe's economic analysis ought to be read alongside other interpretations of the ethnic conflict. Jonathan Spencer, for example, has delved extensively into the historical and socio-political context of the conflict. He identifies both the process of ethnicisation during the colonial era and the growth of ethno-religious nationalism during the 20th century as major factors that contributed to ethnic tensions in Sri Lanka. See Jonathan Spencer, 'Introduction: the power of the past' in Jonathan Spencer (ed.), *Sri Lanka: History and the Roots of Conflict* (1990), at 8. In this context, economic tension may have been a corollary of deeper historical fault lines.

[96] Prema-chandra Athukorala & Sisira Jayasuriya, 'Victory in War and Defeat in Peace: Politics and Economics of Post-Conflict Sri Lanka' (2015) 14(3) Asian Economic Papers; World Bank, *Sri Lanka - Country partnership strategy for the period FY2013-16* (2012), at:
http://documents.worldbank.org/curated/en/2012/04/16253477/sri-lanka-country-partnership-strategy-period-fy2013-16.

[97] Athukorala and Jayasuriya, *op. cit.* (2015).

[98] Central Bank of Sri Lanka, *Annual Report* 2014 (2015).

[99] 'Defence swallows UDA, substitutes for jobless growth: think tank – Allocations for education, healthcare see no growth', *The Island*, 12 March 2013, at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=74549.

meant to bring prosperity.'[100] According to Kadirgamar, 'sections of the Muslim community in trading and business enterprises [became] the scapegoats.'[101] The government was therefore able to deflect potential criticism of its policies by fostering a culture of paranoia about the Muslim community's monopolisation of economic gains. This paranoia was in turn fed and nourished by local and global discourses promoting Islamaphobia.[102]

A counterpoint to this analysis is perhaps the contention that the burgeoning Sinhala-Buddhist middle class was in fact prospering in the post-war era under a system of patronage. Hence it is important not to reduce the increase in religious violence to purely a matter of economics. It is likely that a host of other political developments influenced thinking among sections of this Sinhala-Buddhist middle class, culminating in hostility towards other communities. The next section accordingly uses a political lens to examine the post-war prevalence of religious violence.

3.3 Political context

The political context in which anti-Muslim sentiments emerged during the recent past is captured in Law & Society Trust's publication *Where Have All The Neighbours Gone? Aluthgama Riots and its Aftermath* (2014).[103] The study traces the emergence of Sinhala-Buddhism as a political ideology from pre-colonial times to the present post-war era. In 1956, S.W.R.D Bandaranaike appealed to the Sinhala Buddhist masses in order to prompt a Sinhala-Buddhist revival in mainstream politics. A. R. M. Imtiyaz explains this revival in some detail. He argues that Bandaranaike's victory at the polls in 1956 signalled, for the first time, overt state approval of a Sinhala-Buddhist political tradition.[104] Many years later, writers such as Nalin de Silva championed this political tradition and extended it to justifying the war against Tamil separatism. According to one study, he argued that the form of Buddhism found in Sri Lanka 'needed to be defended as the only possible answer to the world's problems.'[105] He also argued: 'The cyclic thinking of the Buddha is the perfect answer to modern crises. Such thinking could be preserved only in Theravada Buddhism…in Sri Lanka because Sinhala culture also had similar thinking.'[106] In this context, antagonism towards non-Sinhala-Buddhist power projects was seen as fundamentally justifiable, as it was meant to 'protect the thinking of the Buddha.'[107]

The Buddhist clergy's involvement in and influence over politics during the post-independence era is noteworthy. Mapitigama Buddharakkitha Thero was perhaps one of

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[100] Ahilan Kadirgamar, 'The Political Economy of Anti-Muslim Attacks', *The Island*, 2 March 2013, at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=73829.
[101] *Ibid*.
[102] *Ibid*.
[103] Haniffa *et al., op. cit.*
[104] A. R. M. Imtiyaz, 'Politicization of Buddhism and Electoral Politics in Sri Lanka' in Ali Riaz, *Religion and Politics in South Asia* (2010).
[105] Paul Hedges, *Controversies in Contemporary Religion: Education, Law, Politics, Society, and Spirituality* (2014), at 71.
[106] *Ibid*. Also see Nalin de Silva, *Ape Pravada* (2006), at 172-175; Nalin de Silva, *Panashye Daruwo* (2005), at 40-41.
[107] Hedges, *op. cit*. at 71.

the first influential monks in post-independence politics. He was the driving force behind the *Eksath Bhikku Peramuna*, which virtually brought S.W.R.D Bandaranaike to power in 1956. The *Eksath Bhikku Peramuna* eventually declined following Buddharakkitha Thero's involvement in Bandaranaike's assassination. However, the Buddhist clergy continued to influence local government and national level politics in the decades to follow. In 2000, Venerable Baddegama Samitha Thero became the first Buddhist monk to be elected to Parliament. In 2004, the Jathika Hela Urumaya (JHU) fielded 200 Buddhist monks in the general election, and was successful in securing nine seats in Parliament.[108] The party espoused a Sinhala-Buddhist nationalist vision for the country, and found its support base among the suburban Sinhala-Buddhist middle class. The line between the religious and the political realms was blurred irreversibly through the direct involvement of Buddhist clergy in politics. During this period, a young monk by the name of Galagoda Aththe Gnanasara Thero was part of the JHU as its chief coordinator. He along with Kirama Wimalajothi Thero later left the party stating that it 'was not militant enough to protect Buddhism'.[109] They eventually became founding members of a new Sinhala-Buddhist movement, which was far more militant than any of its predecessors—the BBS.

The BBS officially launched in May 2012 with the appointment of an Executive Committee comprising several Buddhist clergymen and one lay member.[110] It later held a National Convention in July 2012 with the participation of over 1,500 religious figures.[111] It soon began to vocalise its anti-Muslim agenda by staging various protests against 'Islamic extremism'. One such protest took place in Badulla against the vandalism of *Buddhagaya* by the Mujahideen 'terrorist' group in Afghanistan.[112] The rising tension between BBS supporters and the Muslim community eventually culminated in violence. A feature of such violence was the gross impunity with which it was perpetrated. For instance, a clash that left several Muslims injured and hospitalized in Buwelikada was never investigated despite allegations that members of the BBS provoked it.[113] On 7 January 2013, the BBS protested outside Sri Lanka Law College alleging that exam results were being manipulated in favour of Muslim students.[114] They also began to attack businesses deemed 'anti-Buddhist'. On 21 January 2013, for example, they attacked a hotel in Beruwala claiming that they were holding a dinner event that was offensive to the Buddha.[115]

The BBS also began to raise its public profile within the political landscape. In early 2013, the Malwatte Mahanayke, Most Ven. Tibbatuwawe Sri Siddhartha Sumangala

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[108] Mahinda Deegalle, 'Politics of the Jathika Hela Urumaya Monks: Buddhism and Ethnicity in Contemporary Sri Lanka, (2004) 5(2) Contemporary Buddhism 83-103.

[109] Gamini Karunasena & Wasantha Rupasinghe, 'Sri Lankan Buddhist chauvinists provoke violence against Muslims', *World Socialist Website*, 9 January 2013, at:
http://www.wsws.org/en/articles/2013/01/09/sril-j09.html.

[110] See 'Genesis of Bodu Bala Sena, *The Asian Tribune*, 7 April 2013.

[111] See 'Buddhist clergy wants birth control operations banned', *The Island*, 29 July 2012.

[112] See 'Bodu Bala Sena protest', *The Daily Mirror*, 25 October 2012.

[113] See 'Sri Lankan Buddhist chauvinists provoke violence against Muslims', *World Socialist Web Site*, 9 January 2013.

[114] See 'Law school entrance delayed by a week', *Hiru News*, 8 January 2013.

[115] See 'Hotel managers arrested over 'Nirvana style' dinner event', *The Sunday Times*, 27 January 2013.

Thero sent his blessings to the BBS claiming that the organisation's activities were important to drawing attention to a drastic decrease in the Sinhalese population and Buddhist temples.[116] The BBS also secured the endorsement of the then Defence Secretary, Gotabaya Rajapaksa[117] and even met President Mahinda Rajapaksa at his official residence.[118] On 9 March 2013, the Defence Secretary inaugurated 'Meth Sevana,' the Cultural and Training Centre of the BBS in Galle.[119] The Defence Secretary's attendance at this event lent credence to the speculation that the movement had secured the sponsorship of the defence establishment and wielded considerable political power.

As evinced in the data presented in the previous section, the BBS was at the centre of attacks on religious minorities during 2013 and 2014. The dominant feature of these attacks was once again the absolute impunity enjoyed by the group. It is noted that similar groups also began to emerge during this period. *Sinhala Ravaya* and *Ravana Balaya* warrant mention in this regard, as they also operated with similar impunity, although on a smaller scale compared to the BBS. Both these groups featured prominently in the Grandpass Mosque incident. The political context in which such impunity was fostered requires some elaboration. In this regard, there are several hypotheses that might explain the post-war rise of militant forms of Sinhala-Buddhist nationalism in Sri Lanka and its possible sponsorship by the Rajapaksa government.

Galvanising a Sinhala-Buddhist support-base

Sinhala-Buddhists who migrated from rural to urban areas in search of better economic prospects faced the risk of isolation from one another due to increased ethnic and religious diversity in urban areas. In this context, galvanising suburban Sinhala-Buddhists into one community was one of the main political agendas behind campaigns led by activist Buddhist monks such as Gangodawila Soma Thero. Such campaigns succeeded in revitalising the suburban Sinhala-Buddhist identity and began the process of galvanising these communities into a distinct voter base. A Sinhala-Buddhist nationalist party by the name of *Sihala Urumaya* was the first political party to benefit from this new voter base, securing more than 127,000 votes at the 2000 General Elections and a seat in Parliament. The JHU, four years later, secured half a million votes and nine seats in Parliament, signalling the emergence of a formidable voter base in Sri Lanka.

This voter base was essentially held together by an ethno-religious identity that needed constant rhetorical reinforcement. Without such reinforcement, it would have been at least plausible for other goals such as economic development and social mobility to determine voter choices. In this context, a militant form of Sinhala-Buddhist nationalism,

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[116] See 'Malwatte Mahanayake welcomes Bodu Bala Sena', *Forum for Peaceful Co-existence Sri Lanka*, 1 January 2013, at https://mffcoexist.wordpress.com/2013/01/01/malwatte-mahanayake-welcomes-bodu-bala-sena.

[117] See 'Sri Lankan Buddhist chauvinists provoke violence against Muslims', *World Socialist Web Site*, 9 January 2013.

[118] See 'President Rajapaksa stresses need for respecting rights of all communities', *The Island*, 28 January 2013.

[119] See, 'Gota inaugurates BBS Meth Sevana', *Ceylon Today*, 10 March 2013.

which demonised competing ethno-religious identities, was the ideal formula. Hence the arrival of groups such as the BBS may be explained as a move to reinforce this identity through aggressive, xenophobic campaigns targeting ethnic minorities in suburban localities. The ruling elite directly benefitted from any process that galvanised this voter base, as it guaranteed over 500,000 votes. Thus the BBS may have functioned as a rhetorical device to maintain control over this discrete voter base.

Counterpoint to JHU

In 2010, the JHU decided to campaign alongside the ruling Sri Lanka Freedom Party within the United People's Freedom Alliance (UPFA). Compared to 2004, the party did not seem to fare as well in these elections, as only three of its candidates secured seats in Parliament. The Sinhala-Buddhist suburban support base was now integrated within the broader Sinhala-Buddhist nationalist project that had swept through the country both during and immediately after the war.

Yet the JHU's emergence as a mainstream political power was evident in the success of one of its candidates. Among the three JHU parliamentarians was Patali Champika Ranawaka, who was seen as a charismatic politician perhaps capable of wielding the presidency in the future. Ranawaka secured over 120,000 preferential votes in the District of Colombo—the fourth highest in the District. In this context, the JHU support base within the larger UPFA voter base was critical to his success in politics.[120] The ruling elite, including the former President Mahinda Rajapaksa, was perhaps aware of this perceived threat to their dominance. One possible response to this threat was the creation of a more radical alternative to the JHU within Sinhala-Buddhist politics. The BBS offered suburban Sinhala-Buddhists an alternative voice to the JHU. In this context, militant groups such as the BBS benefitted the ruling elite because they undermined the JHU's traditional hold over suburban Sinhala-Buddhist voters.[121]

Militarisation, national security and retention of power

The end of the 30-year war in 2009 shifted expectations on the government—from 'securing peace' to 'securing economic development'. The Rajapaksa government was installed in 2005 based on a mandate to defeat the LTTE and 'reunite' the country. This mandate was used to justify the establishment of a national security state between 2006

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[120] It is noted that the 2015 General Election demonstrated that Ranawaka's political appeal extended well beyond UPFA voters. Following his decision to formally cease his support to Mahinda Rajapaksa, Ranawaka sided with Maithripala Sirisena at the Presidential Election of January 2015. He later came forward as a candidate at the General Election under the United National Front for Good Governance—a coalition formed by the UNP. He went on to secure over 100,000 preferential votes, thereby demonstrating his ability to adjust to new political contexts.

[121] The JHU's voter base declined due to Mahinda Rajapaksa's strategy of co-opting more radical Sinhala-Buddhist elements. During the January 2015 presidential election, the JHU split, with Udaya Gammanpila siding with Mahinda Rajapaksa and Champika Ranawaka with Maithripala Sirisena. The split persisted during the August 2015 general election. As noted above, Ranawaka performed impressively, as he secured over 100,000 preferential votes. However, Gammanpila who came forward as a UPFA candidate secured nearly 200,000 preferential votes. Thus the JHU's voter base had been largely subsumed by the UPFA.

and 2009 and the enforcement of some of the most draconian emergency laws in Sri Lanka's post-independence history.[122] Achievements in securing and maintaining national security were in many ways fundamental to the success of the Rajapaksas in the 2010 presidential and general elections. However, the demand for a national security state began to slowly wane during the post-war era, as 'threats' to national security had been neutralised and expectations of rapid economic growth weighed heavily on the government. The President's own rhetoric in a speech made in Parliament on 25 August 2011 announcing his decision to end the state of emergency in the country clearly reinforced the idea that the threat of terrorism was defused and a return to civilian administration was imminent.[123] This rhetoric, however, presented the government with a dilemma, as its militarisation project and national security rhetoric was critical to the retention of power.

On the one hand, the government's development agenda was dependent on the continued involvement of the military. The defence and urban development portfolios were brought under one ministry, in which Gotabhaya Rajapaksa was secretary. Infrastructure projects relied heavily on the military, which by 2011 had begun engaging in large-scale construction and urban 'beautification'. Moreover, vast swaths of land in the North and East were being acquired by the military for various purposes including commercial projects.[124] The military had become an integral part of the post-war engine of development.[125]

On the other hand, the government could not possibly call out the armed forces for reasons other than the maintenance of public security. In this context, the President was in the habit of deploying the armed forces in all 25 districts of the country under section 12 of the Public Security Ordinance (PSO), No. 25 of 1947. Any military involvement in civilian administration essentially flowed from monthly presidential orders issued under the PSO. The PSO, however, only authorises the President to deploy the armed forces if he was of the opinion that 'circumstances endangering public security has arisen' and that the 'police are inadequate to deal with such situation'. The regime's economic agenda was therefore evidently dependent on the notion that there was a 'public security' agenda being fulfilled by the military. Thus a deep and pervasive incongruence existed in terms of the legal provisions that authorised the deployment of the armed forces and the actual purposes for which they were being deployed. This incongruence may have been effectively resolved if an actual threat to public security was somehow constructed. Hence the creation of a public security threat in the form of tensions between the Muslim community and radical Sinhala-Buddhist groups served to benefit the ruling elite. The

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[122] For a more in-depth analysis of this issue, see International Commission of Jurists, *Authority without Accountability: The Crisis of Impunity in Sri Lanka* (October 2012).

[123] Parliamentary Debates (Hansard) Volume 201 - No. 7, Thursday, 25 August, 2011.

[124] See Gehan Gunatilleke & Vidya Nathaniel, 'Illegal Land Dispossession' in *Sri Lanka Governance Report – Transparency International Sri Lanka* (May, 2014).

[125] Also see Rajesh Venugopal 'The Politics of Market Reform at a Time of Civil War: Military Fiscalism in Sri Lanka', (2011) 46 Economic & Political Weekly 67. The author examines data from the 1980s to the early 2000s to demonstrate the relationship between 'the steady growth in the numbers of the security' and 'reduction in civilian public sector employment'. The analysis also uncovers early trends in the 'logic' of militarisation, which the Rajapaksa government is likely to have applied in the post-war context.

BBS may have been the result of a careful strategy to construct a threat to stability, which only the Rajapaksa government was capable of containing.

3.4 Particular local context

Particular localised contexts may often contribute more heavily towards a particular incident of violence than the overarching socio-cultural, economic or political contexts. For instance, it is noted that the riot of June 2014 in Aluthgama was not the first time communal violence had taken place in that exact location. In 2006, a seemingly trivial altercation between a Sinhalese and a Muslim over a mobile phone escalated into a riot that left a number of shops in the area destroyed.[126] Thus it appears that a particular local context of religious tensions exists in Aluthgama. These fault lines that exist beneath the surface may explain how a seemingly innocuous event might produce widespread violence.

The attack on a Muslim prayer centre in Grandpass, Colombo on 11 August 2013 is another good example of how a particular local context might produce religious violence. The attack could be read simply as an anti-Muslim attack on what the attackers perceived as an 'unauthorised' structure—a common type of attack perpetrated on new religious buildings. However, a deeper analysis of the incident reveals the particular local context in which the violence erupted. Interestingly, the UDA's proposed acquisition covered a Buddhist temple—the Samadhi Viharaya—in close proximity to the old Masjidul Deenul Islam Mosque. Thus the cancellation of the UDA acquisition benefitted the temple as well—leading to speculation as to whether the protests against the new prayer centre was instigated by those with vested interests in terms of safeguarding the future of the temple. The incident demonstrates the contextual complexities that may lie beneath the surface. It is for this reason that applying broad socio-cultural, economic or political contextual factors to explain religious violence is often inadequate. In most cases, a particular local context might contain the necessary ingredients for violence.

As demonstrated in both the Grandpass and the Aluthgama events, these fault lines often require a 'trigger event' to produce violence—which may explain why violence occurs at particular moments and not others. Thus understanding the nature and extent of these fault lines and the actors capable of producing 'trigger events' is key to preventing and mitigating violence.

3.5 Post-Rajapaksa developments

In January 2015, Mahinda Rajapaksa was defeated at the presidential election and 'common opposition' candidate Maithripala Sirisena was elected. Sirisena was in fact a member of Rajapaksa's own Cabinet. However, together with a coalition of opposition parties, including the United National Party, and citizen participation at every level, Sirisena staged a campaign that culminated in an unlikely regime change.

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[126] Haniffa, *et al*. at 39.

Under Sirisena's presidency, the impunity of groups such as the BBS has reduced. Moreover, certain measures to curb hate speech have been taken, such as the drafting and Cabinet approval of a law against hate speech.[127] Notwithstanding the fact that organised national hate campaigns have become less visible, religious discrimination, intolerance and violence have persisted. According to a recent report of the Secretariat for Muslims, at least 37 religious attacks against the Muslim community have been recorded since January 2015.[128] Among these incidents is the attempted demolition of a mosque in Kuragala, Ratnapura on 4 April 2015. The demolition was prevented through the intervention of the police, who dispersed a mob of about 150 protesters reported to be members of *Sinhala Ravaya*.

Meanwhile, there has been no progress on prosecuting perpetrators of past religious violence. For example, those suspected of involvement in acts of violence during the Aluthgama riots are yet to be prosecuted. In this context, the post-January 2015 era has only ensured a reduction in egregious forms of religious violence. It remains to be seen if the new administration would take genuine steps to end impunity by bringing past perpetrators to justice.

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[127] 'Decisions Taken at the Cabinet Meeting Held on 1st April, 2015', *News.lk*, at http://www.news.lk/cabinet-decusions/item/6928-decisions-taken-at-the-cabinet-meeting-held-on-1st-april-2015.

[128] Secretariat for Muslims, *2015 Anti Muslim Sentiment In Sri Lanka: Hate Incidents – January To April 2015* (2015).

4   The Role of the Media

The role of the media in terms of the discourse on religious freedom might be best understood by considering its recent role during and after the Aluthgama riots. The mainstream media did not cover the events of Aluthgama as they unfolded. On the day of the riots, the mainstream media published updates merely indicating that a 'tense situation' had arisen in the area.[129] It thereafter failed to accurately report what had taken place. The state media in particular presented a distorted and highly sanitised version of events. The editorial of the English medium state newspaper, *Daily News*, on 17 June 2014, downplayed the incident by claiming it was 'isolated' and was being exaggerated[130] Meanwhile, Keheliya Rambukwella, the Minister of Mass Communication and Information made a statement that was carried in the *Daily News* directing the media to 'act with responsibility'—also insinuating that the incident was being sensationalised.[131] Privately owned newspapers such as the *Island* and the *Daily Mirror* presented very little information on the incident. In fact, the *Island*'s editorial on 16 June 2014 insinuated that the blame lay with the Muslim community, as it claimed that participants at the BBS rally were attacked first.[132] The mainstream media's version of events ultimately began to resemble quite closely the government's official version.[133]

During this period, social media emerged as an alternative channel of information. Independent journalists were instrumental in terms of reporting—in real time—the events in Aluthgama using social media platforms such as Facebook and Twitter. The extraordinary controls that the government exercised over the mainstream media did not appear to extend to social media. Independent journalists were freely sharing information and updates to produce a raw and unedited version of events as they unfolded.[134] Such information was ultimately instrumental in generating public awareness of the Aluthgama riots. The government responded sharply to this phenomenon by attempting to discredit independent journalists who were using social media platforms to report on the incident. On 17 June 2014, the editorial of the *Daily News* criticised social media as pursuing 'petty political ends'.[135] The government began to show signs that it was concerned about how little control it wielded over social media. It was also clear that anonymity and fluidity inherent within social media made this realm very difficult to control.

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[129] 'Tense situ in Aluthgama', *The Daily Mirror*, 12 June 2014, at http://www.dailymirror.lk/48354/tense-situ-in-aluthgama.

[130] See 'They Try in Vain', *The Daily News*, 17 June 2014, at http://www.dailynews.lk/?q=editorial/they-try-vain.

[131] See 'Act with responsibility - Minister Keheliya', *The Daily News*, 17 June 2014, at http://www.dailynews.lk/?q=local/act-responsibility-minister-keheliya.

[132] See 'Police curfew clamped in Alutgama, Beruwala', *The Island*, 16 June 2014, at http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=105187.

[133] Balachandran, *op. cit.*

[134] See for example, 'What happened in Aluthgama, a verified account', *Republic Square*, 15 June 2014, at http://www.therepublicsquare.com/news/2014/06/what-happened-in-aluthgama-yesterday.

[135] 'They Try in Vain', *The Daily News*, 17 June 2014, at http://www.dailynews.lk/?q=editorial/they-try-vain.

During this time, independent journalists began to criticise the government's inaction in respect of the Aluthgama riots. Journalists such as Dharisha Bastians were instrumental in this regard, and her articles featured even in mainstream newspapers such as the *Daily FT*. In a bold and provocative piece titled 'Striking the Match' she observed:

> The Government that arrested journalist J.S. Tissainayagam, politician Azath Sally and human rights activists Ruki Fernando and Father Praveen Mahesan under sections of the Prevention of Terrorism Act dealing with an incitement of communal tension, has been criminally derelict in the case of Galagoda Aththe Gnanasara.[136]

The defence establishment understood the extent of the new threat social media and independent journalism posed. It therefore, in the latter part of 2014, began a campaign to intimidate independent journalists and characterise social media as a threat to national security.[137] In fact on 8 July 2014, journalist Dinouk Colombage was summoned for questioning by the Criminal Investigation Department of the Police, and was questioned for four hours over his coverage of the Aluthgama incident.[138] Colombage was instrumental in providing updates to the public on the situation in Aluthgama via social media. In July 2014, the government introduced restrictions on the activities of civil society organisations through a letter issued by the Ministry of Defence.[139] The letter instructed all civil society organisations to refrain from holding press conferences, workshops and training for journalists. Workshops on investigative journalism organised by Transparency International Sri Lanka were subsequently called off following protests and disruptions by organised mobs.[140] Although the Defence Ministry's letter did not possess the force of law, it intimidated organisations and even appeared to endorse the disruption of civil society events. The timing and terminology of the defence establishment's campaign had obvious links to its anxiety over how independent journalists reported on the Aluthgama riots.

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[136] See Dharisha Bastians, 'http://www.ft.lk/article/313452/Striking-the-match' *The DailyFT*, 26 June 2014, at http://www.ft.lk/article/313452/Striking-the-match#sthash.kg9F0kFc.dpuf.

[137] Gotabaya Rajapaksa, 'Sri Lanka's National Security', Ministry of Defence - *defence.lk*, 19 August 2014, at http://www.defence.lk/new.asp?fname=Sri_Lankas_National_Security_20140819_02; Gotabaya Rajapaksa, 'Reconciliation will enhance national security', *The Sunday Observer,* 31 August 2014, at http://www.sundayobserver.lk/2014/08/31/fea02.asp. The Defence Secretary observed: 'The final threat to Sri Lanka's national security is the emergence of new technology-driven media, including social media sites such as Facebook, Twitter and other websites…Particularly due to increasing internet penetration and computer literacy in Sri Lanka, many youth are familiar with social media; they use them to gather information as well as to propagate ideas. Those with vested interests can exploit social media, causing problems in Sri Lanka or any other country, by circulating certain ideologies online and mobilizing and organizing people. This can be done with a minimal physical presence, and therefore constitutes a threat that is difficult to contain through the traditional tools of national defence.'

[138] 'Journalist quizzed by CID over Aluthgama', *The DailyFT*, 8 July 2014, at http://www.ft.lk/article/318944/Journalist-quizzed-by-CID-over-Aluthgama;

[139] K. Ratnayake, 'Sri Lankan government imposes political gag on NGOs' *The World Socialist Website*, 10 July 2014, at https://www.wsws.org/en/articles/2014/07/10/sril-j10.html.

[140] Dinouk Colombage, 'Sri Lanka accused of trying to gag NGOs', *Al-Jazeera*, 22 September 2014, at http://www.aljazeera.com/indepth/features/2014/09/sri-lanka-accused-trying-gag-ngos-201492263518312357 .html.

During 2013 and 2014, the government grossly miscalculated the value of galvanising a radical Sinhala-Buddhist voter base at the expense of religious minorities. The religious minorities Mahinda Rajapaksa helped marginalise voted against him at the presidential election. Moreover, the civil society actors and independent journalists who his government suppressed vocally campaigned for his opponent, Maithripala Sirisena. To complete the irony, social media platforms were instrumental in advancing Sirisena's campaign, which was eventually framed as a campaign for good governance. In essence, the government's inaction and collusion with respect to religious violence in the post-war era may have contributed fundamentally towards the remarkable regime change of 8 January 2015.

5 Conclusion

Several key findings emerge from the foregoing discussion on religious violence in Sri Lanka. These findings are by no means exhaustive. They do, however, reflect certain broad lessons that may be learnt from the data and literature on the subject.

First, religious violence in Sri Lanka manifests in two essential forms. On the one hand, religious minorities have been subjected to continuous, low-intensity attacks ranging from hate campaigns and propaganda, to threats, intimidation, minor destruction of property and occasional physical violence. This type of violence may be described as 'chronic' violence. On the other hand, religious communities have clashed in sporadic episodes of high-intensity violence. The nature of such violence has been particularly egregious, and is characterised by widespread physical assaults, destruction of property and a general breakdown in law and order. Such violence may be described as 'acute' violence. It should be borne in mind that the line between the 'chronic' and the 'acute' may not always be clear. Moreover, the classification is not necessarily an indication of gravity. Chronic violence certainly should not be downplayed in significance, as it can have a sustained negative and long-term impact on the targeted community. Yet, understanding this dichotomy is important to unravelling the problem of religious violence in Sri Lanka and devising effective interventions.

Second, an important trend emerges when geographic data on religious attacks is compared with demographic data. The chronic-acute dichotomy is particularly relevant in this regard.

It was found that areas with low or medium levels of religious diversity and relatively low concentrations of religious minorities were more likely to witness chronic violence against religious minorities. This finding is of course limited to location-specific attacks. Thus areas with 'LL' or 'ML' profiles may be regarded as 'high-risk' areas in which location-specific chronic violence can take place. There are obvious exceptions to this trend, as chronic violence may also occur in areas with high diversity levels or high concentrations of religious minorities. Moreover, chronic attacks that are not location-specific, by definition, can arise generally. For example, hate campaigns in the media are not location-specific. Notwithstanding such exceptions, religious minorities residing in specific 'LL' or 'ML' D.S. Divisions (which have been identified in the tables 2 and 3) face particular vulnerabilities to chronic violence. It is possible to hypothesise as to why such Divisions might display greater tendencies towards chronic violence. On the one hand, the relatively low number of persons belonging to the targeted minority community exposes them to the risk of being perceived as defenceless. Perpetrators from the majority community in the area may not fear retaliation, and may therefore be somewhat emboldened. On the other hand, low diversity may produce a 'host-guest' dynamic, where the majority community view themselves as the 'hosts' of the area, and the minority community as the 'guests'.[141] When the minority community oversteps the perceived limits of this arrangement—for instance, by engaging in propagation—the

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[141] This idea has been explored by Verité Research in its weekly publication *The Media Analysis*. See for example, Verité Research, *The Media Analysis*, Vol.3 Issue No.4 (4 to 10 February 2013).

context could shift to a 'host-intruder' dynamic. In such a context, the majority community might perceive the incursion as an existential threat. Chronic attacks, including threats and intimidation, and the occasional assault or destruction of property, may then ensue.

Highly diverse areas appear to be confronted with a different type of problem. Such areas may see relatively fewer instances of chronic violence. Yet they may encounter acute violence where certain communal fault lines exist as a result of a particular local context. A trigger event together with incitement by an organised group could create the necessary conditions for such acute violence to erupt. The violence in Grandpass and Aluthgama certainly demonstrates the manner in which particular local tensions might erupt into acute violence owing to certain trigger events alongside instigation by hate groups.

Third, the legal and policy framework in Sri Lanka with regard to protecting and promoting religious freedom and preventing religious violence is reasonably sound. The overarching constitutional and statutory framework, alongside policy statements of past and current governments, has produced a protection framework that could potentially prevent religious violence, particularly of an acute type. While new laws and policies could be introduced to strengthen this framework, the fundamental problem with respect to the existing framework is one of enforcement.[142] Detailed jurisprudential studies on religious freedom in this country have revealed a lack of judicial willingness to protect and promote religious freedom.[143] Meanwhile, the inaction of law enforcement authorities is a common feature of the narrative on religious violence during the post-war era. Thus the instigation of religious violence—an element vital to the occurrence of acute violence—takes place within a climate of impunity where hate speech is generally tolerated. Prosecuting and punishing hate speech offenders may be crucial to removing at least one of the ingredients of acute religious violence. Without the involvement of groups such as BBS, *Sinhala Ravaya*, and *Ravana Balaya*, many of the incidents of acute violence may not have occurred. In fact, the conspicuous decline of acute violence in the post-January 2015 era corresponds to the decline in space for these groups. The priority in terms of preventing acute religious violence in the future is therefore stricter enforcement of laws and robust institutional reform—both in terms of the judiciary and law enforcement authorities.

Meanwhile, chronic violence at the community level has taken place with the support or acquiescence of local state institutions. For example, a majority religious community may approach the local police station, magistrate or *pradeshiya sabha* (i.e. local authority) seeking support to harass or intimidate a minority community. The majority of attacks against Christians in 2014 in fact involved either a public servant or institution. These attacks were mostly chronic in nature, and often involved decisions to prevent religious worship or close down places of worship. Hence broader institutional reform to infuse

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[142] This observation is also made elsewhere. See Centre for Policy Alternatives, *Constitutional and Legal Framework Governing Religious Freedom and Related Issues* (July 2014) and Shilpa Samaratunge & Sanjana Hattotuwa, *Liking violence: A study of hate speech on Facebook in Sri Lanka*, Centre for Policy Alternatives (September 2014), at 7.

[143] Pinto-Jayawardena *et al*, *op. cit*.

greater objectivity in dealing with community level disputes will be critical to preventing chronic violence in the future.

Fourth, a careful analysis of the socio-cultural, economic and political context in which religious violence takes place reveals certain general fault lines in the country. Chronic violence against religious minorities often takes place when contextual factors converge to produce a host-intruder dynamic within a particular community. Moreover, as seen in numerous examples of religious violence in 2013 and 2014, a particular local context may explain the eruption of violence in far more accurate terms than broad contextual factors. Responding to this complex contextual milieu may require an approach that extends beyond law enforcement and institutional reform. Thus it is crucial that these local contexts are delved into and solutions are ultimately discovered and implemented at the community level.

Finally, social media has been instrumental in maintaining the democratic space necessary to counter religious hatred and violence. Social media is certainly a double-edged sword. One the one hand, we must recognise that hate speech is often transmitted over social media. As observed by Shilpa Samaratunge & Sanjana Hattotuwa, it can become a platform for infringing religious freedom and propagating hate.[144] However, on the other hand, it is equally important to understand that social media can successfully counter-balance state control over the mainstream media. It is perhaps the only unrestricted channel through which state-sponsored religious attacks can be documented and reported on to inform the public of ongoing attacks and prompt resistance. Moreover, social media platforms are crucial to 'counter-messaging', which might help defuse the build up of hate speech in the public domain.[145] Once these pros and cons are carefully weighed, maintaining the free space that is social media appears to be worth the risks inherent in its nature. Independent journalists and activists must have this space to report on religious violence as and when it takes place. Moreover, new civil society movements such as *Purawasi Balaya* (Citizen's Power) and *Aluth Parapura* (New Generation) that operate predominantly over social media must be supported in their counter-messaging efforts. These groups are likely to play a crucial role in advancing religious coexistence in the future.

This study concludes by suggesting interventions that policymakers and civil society might consider in relation to the findings above.

1. Enforcement of laws on hate speech

Civil society actors ought to advocate for stricter enforcement of laws on hate speech and policymakers ought to adopt measures to ensure such enforcement. Incitement to discrimination, hostility and violence remains a key ingredient in acute violence. Hate

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[144] Samaratunge & Hattotuwa. *op. cit.* The authors analyse hate content found on the pages of 20 Facebook groups and raise serious concerns over the growth of such digital content. Also see Sanjana Hattotuwa, 'Liking violence: A study of hate speech on Facebook in Sri Lanka', *Groundviews*, 24 September 2014, at http://groundviews.org/2014/09/24/liking-violence-a-study-of-hate-speech-on-facebook-in-sri-lanka.
[145] Samaratunge & Hattotuwa. *op. cit* at 63.

groups often play a significant role in the build up to such episodic violence, and in Sri Lanka, they have done so with impunity. Thus enforcing laws including the Penal Code and the ICCPR Act, and prosecuting individuals that engage in hate speech, will be important to preventing acute violence from occurring. However, such prosecution will need to take cognisance of both the intention and likelihood of such speech to cause discrimination, hostility or violence. In the context of regulating hate speech online, Anja Kovacs recommends that laws:

> [S]hould include at the very minimum the real and present danger test: there should be a real possibility of danger or violence and such danger or violence should be imminent. The act of incitement has to be public. And the intention to commit an offence, to offend, harm or discriminate needs to be demonstrated and malice needs to be manifest. Only by establishing high thresholds in each of these areas can it be ensured that hate speech laws do not have a chilling effect on the free flow of information.[146]

There is a serious danger that hate speech laws could be applied selectively to target political opponents of the state, much in the same way counterterrorism laws have been abused in Sri Lanka. Activists ought to be vigilant with respect to how hate speech laws might be enforced. Hence interventions calling for the enforcement of hate speech laws must be closely accompanied by systemic reform whereby institutional competence and impartiality are strengthened.

2. Strengthening institutions

Both policymakers and civil society ought to work towards reforming state institutions responsible for preventing religious violence and resolving community level disputes. Given the widely reported and analysed indifference of the judiciary and the incapacity and apathy of law enforcement, it is crucial that the government formulates a sound plan of action to reform these institutions. Acute violence often occurs in the context of serious institutional failure, and on occasion, due to state collusion. Moreover, chronic violence often takes place with the support or acquiescence of public officials. Institutional reform will therefore be important for two reasons. First, the equal and objective application of strong deterrent laws on hate speech will depend on the nonpartisan approach of law enforcement and judicial officers. It may be dangerous to embark on any initiative advocating stricter enforcement of these laws without restoring the competence and impartiality of law enforcement agencies and the independence of the judiciary. Second, chronic forms of violence are tolerated to a great extent by state institutions. Responding to such violence will therefore require robust institutional reform that enables those institutes to remain objective.

Programmes geared towards judicial sensitisation and capacity building in terms of the protection and promotion of religious freedom ought to be developed in conjunction with the Judicial Service Commission and the Judges Training Institute. Moreover,

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[146] Anja Kovacs *Regulating social media or reforming section 66A? Our recommendations to the Law Commission of India* (August 2014), at 4, cited in Samaratunge & Hattotuwa, *op. cit.* 59.

community-policing programmes already being implemented with foreign assistance could be adapted to include components on preventing religious violence.[147] The special unit established within the Police Force to deal with religious disputes—reportedly set up in April 2014—could perhaps be given a greater functional role in preventing disputes from escalating into violence and investigating religious attacks. The plan of action ought to ensure that law enforcement authorities are capable of and motivated towards protecting religious minorities from both acute and chronic forms of violence. It should also aim to reform attitudes among officials working at the local level to enable equal and objective resolution of disputes between communities. Such interventions must ultimately aim to build genuine trust between minority communities and state institutions.

3. Community-based early warning systems

Civil society actors have an important role to play in setting up early warning systems in areas that may be particularly vulnerable to chronic violence. Given the trends in demographic profiles and religious violence, it may be useful to set up community-based early warning systems in divisions that possess 'LL' or 'ML' profiles. It is noted that the LLRC recommends such systems in its final report. Such systems could serve to monitor communal tensions. They could also provide platforms for community leaders and law enforcement to resolve disputes. These systems ought to be driven from within the community and must necessarily take on a grassroots dimension.

Early warning systems could take the shape of interfaith committees that meet regularly to discuss issues and resolve disputes. Such mechanisms could help detect fault lines at an early stage and prevent tensions from escalating into violence. Diverse participation in these systems, including the participation of women, children and youth, and the elderly, must be ensured. Such participation may in turn ensure that solutions are based on past community experiences, and are relatable and practicable. As explored in the next recommendation, these community-based systems should also focus on peace building and human rights education activities to build a greater sense of equality, inclusion, respect for diversity and community cohesion.

4. Peacebuilding, human rights education, and discourse transformation

At the core of religious violence in Sri Lanka are the broad and localised fault lines that exist between communities. This study has discussed the manner in which socio-cultural, economic and political contexts converge to produce the necessary conditions for religious violence. It has also examined how particular local contexts contribute towards the occurrence of such violence. These contextual fault lines cannot be assuaged by law enforcement, institutional reform and early warning systems alone. A transformation of our understanding of coexistence is equally necessary.

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[147] See, 'UK-funded Community Policing Project in North of Sri Lanka', 3 September 2014, at https://www.gov.uk/government/world-location-news/uk-funded-community-policing-project-in-north-of-sri-lanka.
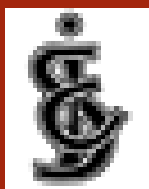
The three-pronged approach to peace building suggested by the Karuna Center for Peacebuilding presents a useful starting point. This multisectoral and holistic approach aims to respond to social, economic and political fault lines in a given context. Such an approach could include a cross-cutting human rights education approach in reconciliation and peace education programmes, economic stimulus and cooperation programmes, and transitional justice programmes. Institutions such as the Office of National Unity and Reconciliation should take the initiative together with civil society actors in developing peace-building programmes that respond to the particular communal fault lines evident in Sri Lanka. Such programmes must ultimately aim to achieve two objectives. First, they must shape national discourses on religious freedom to emphasise the equal status of all religious communities. Second, they must transform the 'host-guest' dynamic that exists at the local level, particularly in Sinhala majority areas. Such a dynamic must ultimately be replaced by a climate of coexistence between religious groups with equal status despite numerical disparities.

5. Protecting the realm of social media

Finally, civil society must work towards protecting the realm of social media from unwarranted regulation. This realm ought to be appreciated for its unadulterated value and must not be subjected to any overarching controls whatsoever. Whereas existing and proposed legislation on hate speech must necessarily cover the substance of speech communicated via social media, the form itself must not be restricted. Therefore, civil society must vigilantly oppose any proposals to regulate social media or to introduce criteria for censorship. Instead, this realm must be safeguarded, bearing in mind its irreplaceable value in times of authoritarian control over other media and in terms of counter-messaging. Ultimately, it is reasonable to suggest that religious freedom is tied closely to the freedom of social media.

The Chronic and the Acute: Post-War Religious Violence in Sri Lanka

This study has examined the phenomenon of post-war religious violence in Sri Lanka in the hope of improving our understanding of how and why such violence occurs. It has discussed the overarching legal, policy and institutional framework that applies to the prevention of violence. It has also analysed trends in violence and the contextual factors that motivate such trends. The analysis reveals that religious violence in Sri Lanka occurs in two essential forms: 'chronic' and 'acute' violence. This distinction ought to inform our understanding of the nature of religious violence in this country and help us to better design interventions of prevention and cure. For violence much like illness comes in diverse forms. The diagnosis must be accurate. The response to violence much like treatment for illness must be precise to be potent.

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