

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# INCREASED MARGINALIZATION, DISCRIMINATION AND TARGETING OF SRI LANKA'S MUSLIM COMMUNITY

The Sri Lankan government has taken several decisions recently that indicates and exacerbates a worrying trend of increased marginalization and targeting of Sri Lanka's Muslim community. Amnesty International has recorded recent incidents of cabinet proposals, decisions, and government regulations that from the outset discriminates against the country's Muslim minority community which make up approximately nine percent of Sri Lanka's population. The incidents must be placed and understood in the wider context of discrimination against Muslims, forced cremations which have had a discriminatory impact on Muslim victims of COVID-19 for close to a year, and the anti-Muslim violence over consecutive years that pre-date the most recent incidents.

Amnesty International is deeply concerned by these developments and emerging trends which represent clear early warning signs of a deteriorating human rights situation and a significantly heightened risk of future violations as recognized by the recent report of the Office of the High Commissioner for Human Rights (OHCHR),<sup>1</sup> and echoes the calls made by the UN High Commissioner for strong preventive action as recommended in the report. These include calls made to the Sri Lankan government to establish a moratorium on the use of the Prevention of Terrorism Act (PTA) for new arrests until it is replaced by legislation that adheres to international best practices; to the UN Human Rights Council (UNHRC) to request the OHCHR to enhance its monitoring of the human rights situation in Sri Lanka; and to support a dedicated capacity to collect and preserve evidence and other related information for future accountability processes. Amnesty International fears that without preventive action, Sri Lanka's Muslim community will be the target of further human rights violations, leading to distress and tensions within Sri Lanka's ethnic and religious communities, harming any efforts towards sustainable peace.

## INCIDENTS RECORDED OVER A PERIOD OF NINE DAYS IN MARCH 2021

Amnesty International has recorded at least four new incidents of government proposals, decisions and regulations that target the Muslim population in just over a period of nine days between 5 - 13 March 2021.

### CABINET PROPOSAL TO BAN THE BURQA AND THE NIQAB (FACE VEIL)

On 13 March 2021, Sri Lanka's cabinet Minister for Public Security announced that he had signed a cabinet paper seeking the approval of the Cabinet of Ministers to ban wearing face covers that cannot be removed in public upon request, including the burqa and the niqab.<sup>2</sup> The Minister claimed that it directly affects national security and that it was a sign of religious extremism. A ban effectively targets, stigmatizes, and marginalizes women who choose to wear the face veil according to their religious beliefs. In practice this would mean that women who choose to wear the burqa and the niqab will be forced out of public spaces to stay at home, and will be unable to work, study or access basic services. The ban also violates their rights to non-discrimination, freedom of expression and the freedom of religion and belief. The Sri Lankan Government must reject this regressive step.

### CABINET PROPOSAL TO BAN MADRASAS

The Minister also stated that the government plans to ban more than 1,000 *madrasas* (Islamic education institutions) that are operating outside of the national education policy.<sup>3</sup> If authorized, the move would almost certainly amount to discrimination solely on the ground of religion and may also violate the freedom to manifest religion or belief in worship,

<sup>1</sup> Report of the Office of the High Commissioner for Human Rights on the Promotion reconciliation, accountability and human rights in Sri Lanka tabled at the UNHRC at its 46<sup>th</sup> session

<sup>2</sup> Newswire, "*I signed the cabinet paper yesterday to ban wearing Burqa in SL*" Minister (Audio), 13 March 2021, <http://www.newswire.lk/2021/03/13/i-signed-the-cabinet-paper-yesterday-to-ban-wearing-burqa-in-sl-minister-audio/>; The Morning, *Niqab included in proposed ban*, 15 March 2021, <https://www.themorning.lk/niqab-included-in-proposed-ban/>

<sup>3</sup> Reuters, *Sri Lanka to ban burqa, shut many Islamic schools, minister says*, 13 March 2021, <https://www.reuters.com/article/sri-lanka-islam-idUSKBN2B5080>; Newswire, "*I signed the cabinet paper yesterday to ban wearing Burqa in SL*" Minister (Audio), 13 March 2021, <http://www.newswire.lk/2021/03/13/i-signed-the-cabinet-paper-yesterday-to-ban-wearing-burqa-in-sl-minister-audio/>

observance, practice and teaching, as provided by Article 18 of the International Covenant on Civil Political Rights (ICCPR).<sup>4</sup> Any limitation to this right must be prescribed by law and must be shown to be necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.<sup>5</sup> The move could also violate the right of religious minorities to profess and practice their own religion in community with the other members of their group.<sup>6</sup> Additionally, Sri Lanka has an international obligation under the International Covenant on Economic, Social and Cultural Rights (ICESCR), to respect the liberty of parents and legal guardians to choose schools for their children, so long as the schools conform to minimum educational standards as laid down by the State, and to ensure the religious education of their children in conformity with their own convictions.<sup>7</sup> This could be achieved by working with the *madrasas* to ensure they fall in line with the national education policy and standards while also ensuring the right to religious education. Sri Lanka has acceded to both the ICCPR and the ICESCR.

## **MANDATORY SCRUTINY OF ALL ISLAMIC RELIGIOUS BOOKS ARRIVING IN THE COUNTRY**

Sri Lanka Customs began seizing Islamic religious books shipped into Sri Lanka from as far back as June 2020.<sup>8</sup> According to instructions provided by the Ministry of Defence, from 5 March 2021,<sup>9</sup> Islamic books brought into the country through the airport will only be released upon approval from the Ministry of Defence which scrutinizes and reviews the books as a part of its counter terrorism measures. The move discriminates solely on the grounds of religion and violates Sri Lanka's international obligations to respect the right to religion and belief, and to respect the right to seek, receive and impart information and ideas as protected under the right to freedom of expression .

## **NEW REGULATIONS ISSUED UNDER THE PREVENTION OF TERRORISM ACT ON DE-RADICALIZATION OF PEOPLE FROM HOLDING VIOLENT EXTREMIST RELIGIOUS IDEOLOGY**

On 12 March 2021, the Sri Lankan President issued new regulations under the PTA.<sup>10</sup> The regulations intend to refer people who have surrendered or have been arrested on suspicion of an offence under the PTA or the Emergency Regulations No. 1 of 2019,<sup>11</sup> to a so called rehabilitation programme. In the aftermath of the bombings that took place in several locations on 21 April 2019 striking three churches and three five-star hotels on Easter Sunday and killing more than 250 people, as many as 1,800 Muslim individuals were arrested using the PTA and the Emergency Regulations.<sup>12</sup> The attacks were later claimed by the armed group calling itself Islamic State, but the local attackers' connection with the group remains uncertain.<sup>13</sup> Amnesty International has called for the PTA to be repealed and for the government to end its use immediately.<sup>14</sup>

So called de-radicalization, rehabilitation, and reintegration centres regulated under similar legal provisions have in the past been rife with serious human rights violations such as torture and other ill-treatment including, sexual and gender-based violence. That some of the same alleged perpetrators of these violations named in UN investigations are in positions of power and authority linked to the latest regulations, such as the current Secretary to the Ministry of Defence, is of further concern.<sup>15</sup> Amnesty International believes the regulations may be used disproportionately to target a broad group of

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<sup>4</sup> Article 18 (1), ICCPR

<sup>5</sup> Article 18 (3), ICCPR

<sup>6</sup> Article 27, ICCPR

<sup>7</sup> Article 13 (3), ICESCR

<sup>8</sup> Amnesty International has reviewed letters written to the Secretary of Defence in June 2020 by an institution seeking to clear a consignment of Islamic books.

<sup>9</sup> DailyFT, *MoD starts controlling Islamic thought, 8 March 2021*, <http://www.ft.lk/columns/MoD-starts-controlling-Islamic-thought/4-714344>

<sup>10</sup> The regulations issued under the PTA published in the Gazette Extraordinary No. 2218/68 of March 12, 2021, [http://documents.gov.lk/files/egz/2021/3/2218-68\\_E.pdf](http://documents.gov.lk/files/egz/2021/3/2218-68_E.pdf)

<sup>11</sup> Emergency (Miscellaneous Provisions and Powers) Regulation, No. 1 of 2019 published in the Gazette Extraordinary No. 2120/5 of April 22, 2019, [http://documents.gov.lk/files/egz/2019/4/2120-05\\_E.pdf](http://documents.gov.lk/files/egz/2019/4/2120-05_E.pdf)

<sup>12</sup> International Crisis Group, *After Sri Lanka's Easter bombings: Reducing risks of future violence*, 27 September 2019, [www.crisisgroup.org/asia/south-asia/sri-lanka/302-after-sri-lankas-easter-bombings-reducing-risks-future-violence](http://www.crisisgroup.org/asia/south-asia/sri-lanka/302-after-sri-lankas-easter-bombings-reducing-risks-future-violence); Human Rights Watch, *Sri Lanka: Muslims face threats, attacks*, 3 July 2019, [www.hrw.org/news/2019/07/03/sri-lanka-muslims-face-threats-attacks](http://www.hrw.org/news/2019/07/03/sri-lanka-muslims-face-threats-attacks)

<sup>13</sup> Amnesty International, *On Hejaaz Hizbullah: The latest victim of Sri Lanka's draconian Prevention of Terrorism Act*, 15 July 2020, [www.amnesty.org/en/latest/news/2020/07/sri-lanka-on-hejaaz-hizbullah-and-the-prevention-of-terrorism-act/](http://www.amnesty.org/en/latest/news/2020/07/sri-lanka-on-hejaaz-hizbullah-and-the-prevention-of-terrorism-act/)

<sup>14</sup> Amnesty International, *Countering terrorism at the expense of human rights: Concerns with Sri Lanka's counter terrorism bill*, 31 January 2019, <https://www.amnesty.org/en/documents/asa37/9770/2019/en/>

<sup>15</sup> The current Secretary to the Ministry of Defence, Major General Kamal Gunaratne was the commander of the 53<sup>rd</sup> Division of the Sri Lanka Army during the last phase of the war. His Division has been accused of extrajudicial executions of those surrendering to the Sri

government critics, including members of Sri Lanka's Muslim community and calls on the Sri Lankan government to repeal the regulations immediately.

- **Overly broad, vague and subjective offences:** The definition of an "offence" under the regulations are imprecise and ambiguous, and they run the risk of being used against civic dissent and legitimate criticism of government and its treatment of ethnic and religious minority communities. Any law or regulation must classify and narrowly define offences. As it stands, the regulations can be used against "any person who 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."<sup>16</sup>
- **Rehabilitation and detention up to two years without a trial:** According to the regulations, based on the nature of the offence committed, the Attorney-General can decide whether a detainee or a "surrende" can be rehabilitated at a "reintegration centre" in lieu of instituting criminal proceedings against him. The suspect will be produced before a Magistrate with the written approval of the Attorney-General, and the Magistrate can make an order referring him for rehabilitation for up to one year at a "reintegration centre" - a period extendable by six months at a time for up to two years. The rehabilitation process does not presume the innocence of the suspect, nor does it give the suspect an opportunity for a fair hearing with access to legal counsel, which are basic international human rights guarantees. In effect, the new regulations intend to restrict the liberty of movement and penalize the suspect without any access to due process guarantees, without charge or trial.

The report of the Office of the High Commissioner for Human Rights (OHCHR) investigation on Sri Lanka released in 2015 (also known as the OISL report) highlighted how the government of Sri Lanka processed "surrende" at the end of the war in 2009 in "rehabilitation centres" for up to 12 months, extendable up to two years, without charge or trial. The report stated how there was no clear indication of the legal or policy basis on which the "rehabilitation" of more than 11,000 individuals who had "varying degrees of involvement" with the LTTE took place. There was also no clear indication of the legal or policy basis on which shorter or longer rehabilitation was based.<sup>17</sup> The report further noted that the length of detention described by former detainees varied from days to months to several years, often well beyond the two years permitted under the regulations.<sup>18</sup> Rehabilitation in lieu of criminal proceedings result in incarceration of persons in "rehabilitation camps" is a violation of the detainees' right to a fair trial and will result in a violation of their right to liberty.

- **Access to a court:** The suspect is unable to challenge their detention through legal means and safeguards that would usually be available by law, including through *habeus corpus* proceedings. Under international human rights law everyone deprived of their liberty has the right to take proceedings to challenge the lawfulness of their detention before a court. The court must be able to rule without delay and order release if the detention is unlawful.<sup>19</sup>
- **Access to family:** The suspect will only have access to family once every two weeks with the permission of the officer in-charge of the reintegration centre. Several concerns were raised by child protection agencies even at the end of the war with regards to the Sri Lankan government's "rehabilitation centres."<sup>20</sup> The Special Envoy for the Special Representative for the UN Secretary General for Children and Armed Conflict, in the report of his mission to Sri Lanka in December 2009, expressed concerns about the delays in contact with families at "rehabilitation centres."<sup>21</sup> Denying

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Lankan government. He was also the Competent Authority for Internally Displaced Persons (IDPs) in the Northern Province, a period during which many serious allegations of human rights violations have been recorded by the OHCHR investigation.

<sup>16</sup> The regulations issued under the PTA published in the Gazette Extraordinary No. 2218/68 of March 12, 2021, [http://documents.gov.lk/files/egz/2021/3/2218-68\\_E.pdf](http://documents.gov.lk/files/egz/2021/3/2218-68_E.pdf)

<sup>17</sup> The report of the OHCHR investigation on Sri Lanka, paragraph 361

<sup>18</sup> The report states that as of July 2011, some 5,000 of the approximately 12,000 "surrende" originally detained at the end of the war in May 2009, were reportedly still being held in "Rehabilitation Centres", apparently without having been brought before a judge or other officer authorized by law to exercise judicial power. The report of the OHCHR investigation on Sri Lanka, paragraph 379

<sup>19</sup> Article 9(4) of the ICCPR, Article 17(2)(f) of the Convention on Enforced Disappearances, Guideline 32 of the Robben Island Guidelines, Article 8 of the Universal Declaration of Human Rights

<sup>20</sup> The report of the OHCHR investigation on Sri Lanka, paragraph 709

<sup>21</sup> The report of the OHCHR investigation on Sri Lanka, paragraph 709

access to family during this period violates the rights of those detained, as the “reintegration centres” would essentially serve the function of prisons.<sup>22</sup>

- **Power to arrest:** According to the regulations, the arrest or the surrender can be carried out by “any police officer, or any member of the armed forces, or to any public officer or any other person or body of persons authorized by the President by Order.” Amnesty International is concerned that the regulations empower many agents, including members of armed forces and persons authorized by the President, to make arrests. In the past, members of military intelligence units such as the Tripoli Platoon were alleged to have been involved in human rights violations, including in killings and abductions of journalists. That such units could be empowered to make arrests is deeply troubling.<sup>23</sup> Police powers should only be wielded by civilian authorities with the authority by law to do so.
- **Risk of torture and other ill-treatment including sexual and gender-based violence; enforced disappearances and extrajudicial executions while in detention:** According to the regulations, the person carrying out the arrest or surrender will have 24 hours to hand over such a person taken into custody to the Officer in Charge of the nearest police station – a dangerously long time where the suspect may be exposed to torture and other ill-treatment.

Following his mission to Sri Lanka in 2017, the then UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, noted that “the PTA had been used to commit some of the worst human rights violations, including widespread torture and arbitrary detention, in the run-up to and during the conflict, particularly to target minorities and suppress dissent.”<sup>24</sup> The Human Rights Commission of Sri Lanka (HRCSL) in its 2016 submission to the UN Committee against Torture also highlighted the blatant use of torture within the Sri Lankan context. They noted that according to complaints received by the Commission, “torture is routinely used in all parts of the country regardless of the nature of the suspected offence for which the person is arrested.”<sup>25</sup> A more recent prison study done by the HRCSL published in December 2020<sup>26</sup> found that PTA detainees in prison faced a continuum of violence. The study found that “violence in police custody was found to be an inherent element of the investigation process, whereby torture is inflicted to extract information, confessions and evidence from detainees.”<sup>27</sup>

The regulations offer no safeguards against human rights violations at “reintegration centres” which is concerning. That the OHCHR recorded multiple international human rights and humanitarian law violations committed by the government of Sri Lanka at detention centres, including at “rehabilitation centres” in the past, adds to this concern. These violations included being held incommunicado sometimes for months, torture,<sup>28</sup> sexual and gender-based violence, enforced disappearances and extrajudicial executions.<sup>29</sup> The report also noted how the security forces had summoned individuals

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<sup>22</sup> “Reintegration centres” would physically confine and deprive personal freedom, liberty and movement of detainees and would be strictly regulated- all functions of a prison. Therefore Rule 58 on contact with the outside world from the Mandela Rules would apply here. [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)

<sup>23</sup> Human Rights Watch, *Sri Lanka: Open Wounds and Mounting Dangers: Blocking Accountability for Grave Abuses in Sri Lanka*, 1 February 2021, <https://www.hrw.org/report/2021/02/01/open-wounds-and-mounting-dangers/blocking-accountability-grave-abuses-sri-lanka>

<sup>24</sup> Report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, July 2018, [https://www.ohchr.org/Documents/Countries/LK/Sri\\_LankaReportJuly2018.PDF](https://www.ohchr.org/Documents/Countries/LK/Sri_LankaReportJuly2018.PDF)

<sup>25</sup> Report of the Human Rights Commission to the CAT Review of the 5th Periodic Report of Sri Lanka, October 2016, <http://hrsl.lk/english/wpcontent/uploads/2016/11/Report-to-CAT-Committee-.pdf>

<sup>26</sup> Prison study by the Human Rights Commission of Sri Lanka, December 2020, <https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Report-Final-2.pdf>

<sup>27</sup> Prison study by the Human Rights Commission of Sri Lanka, December 2020, <https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Report-Final-2.pdf>

<sup>28</sup> The report “documented the use of torture in multiple facilities, including army camps, police stations, “rehabilitation camps”, and prisons. In the period around the end of the conflict, the security forces rapidly set up detention centres, for example in school or college buildings, where torture was carried out on a routine basis.” The report of the OHCHR investigation on Sri Lanka, paragraph 545. “Torture has long been prevalent in Sri Lanka, both in relation to the armed conflict and the regular criminal justice system. OISL documented particularly brutal use of torture by the Sri Lankan security forces, particularly in the immediate aftermath of the armed conflict when former LTTE members and civilians were detained en masse. OISL documented the use of torture following similar patterns by a range of security forces in multiple facilities, including army camps, police stations and “rehabilitation” camps, as well as secret, unidentified locations.” The report of the OHCHR investigation on Sri Lanka, paragraph 1129

<sup>29</sup> The report of the OHCHR investigation on Sri Lanka, paragraphs 365-366

to regularly report to army camps or police stations even after their release, where they were sometimes re-arrested, tortured and/or suffered sexual violence.<sup>30</sup>

## CONTEXT

The aforementioned increase in incidents follow a trend of marginalization, discrimination and targeting of the Muslim community in Sri Lanka over several years, without consecutive governments taking any concrete measures to decry, desist and hold perpetrators of violence to account, affording sufficient protection for the Muslim community against such violence, or stopping itself from making decisions that target and adversely affect the community.<sup>31</sup>

## FORCED CREMATIONS

During the COVID-19 pandemic, the Muslim community was marginalized in new ways.<sup>32</sup> The 2021 OHCHR report on Sri Lanka noted that Sri Lankan Muslims have “been stigmatized in popular discourse as carriers of COVID 19”<sup>33</sup> – a concern also raised by the UN High Commissioner for Human Rights in her global update to the UNHRC in June 2020.<sup>34</sup> One year ago, in March 2020, the Sri Lankan authorities moved to change the Ministry of Health guidelines on the management of a dead body in the context of COVID-19 to order cremations for anyone who died or is suspected to have died of COVID-19.<sup>35</sup> Despite the World Health Organization (WHO) guidance that allowed for either burials or cremations,<sup>36</sup> forced cremations took place for almost a year in Sri Lanka. The guidelines directly affected the final burial rites of the Muslim community whose right to freedom of religion and belief were violated in the process. The UN Special Procedures condemned the move as a decision “based on discrimination, aggressive nationalism and ethnocentrism amounting to persecution of Muslims and other minorities in the country.”<sup>37</sup> On 5 March 2021, the government resumed burials- a long overdue and welcome move.<sup>38</sup> However, the sites earmarked for burials were in remote parts of the country, inaccessible to many.

## CASES

The Sri Lankan authorities have mounted a concerted clamp down on civic space, including arresting those of Muslim faith who have criticized the government.<sup>39</sup> Amnesty International has recorded several key cases where members of the Muslim community have been arbitrarily and unfairly targeted by law enforcement authorities.

- **Hejaaz Hizbullah:** Amnesty International recorded the arbitrary arrest and detention of a Muslim lawyer who is a minority rights advocate appearing as counsel on behalf of many Muslim victims of human rights violations.<sup>40</sup> Hejaaz Hizbullah

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<sup>30</sup> The report of the OHCHR investigation on Sri Lanka, paragraph 367

<sup>31</sup> Also see Amnesty International's submission to the Special Rapporteur on Freedom of Religion and Belief, 8 June 2020 <https://www.amnesty.org/en/documents/asa37/2487/2020/en/>

<sup>32</sup> Amnesty International's submission to the Special Rapporteur on Freedom of Religion and Belief, 8 June 2020 <https://www.amnesty.org/en/documents/asa37/2487/2020/en/>

<sup>33</sup> Report of the Office of the High Commissioner for Human Rights on the Promotion reconciliation, accountability and human rights in Sri Lanka tabled at the UNHRC at its 46<sup>th</sup> session

<sup>34</sup> Statement by Michelle Bachelet, UN High Commissioner for Human Rights at the 44<sup>th</sup> session of the UNHRC, 30 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26015&LangID=E>.

<sup>35</sup> Amnesty International, *Sri Lanka: Religious minorities must have their final rites respected*, 3 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/sri-lanka-religious-minorities-must-have-their-final-rites-respected/>

<sup>36</sup> World Health Organization, *Water sanitation hygiene, Disposal of dead bodies in emergency conditions*, [www.who.int/water\\_sanitation\\_health/publications/tech\\_note8/en/index1.html](http://www.who.int/water_sanitation_health/publications/tech_note8/en/index1.html).

<sup>37</sup> OHCHR, *Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts*, 25 January 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26686&LangID=E>.

<sup>38</sup> Amnesty International, *Sri Lanka: Ending of forced cremations for COVID-19 victims restores dignity of Muslim burials*, 26 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/sri-lanka-ending-of-forced-cremations-for-covid-19-victims-restores-dignity-of-muslim-burials/>

<sup>39</sup> Amnesty International, *Old ghosts in new garb: Sri Lanka's return to fear*, 18 February 2021, <https://www.amnesty.org/en/documents/asa37/3659/2021/en/>

<sup>40</sup> Amnesty International, *Concerns mount for detained lawyer: Hejaaz Hizbullah*, 27 April 2020, <https://www.amnesty.org/en/documents/asa37/2221/2020/en/>; Amnesty International, *On Hejaaz Hizbullah: The latest victim of Sri Lanka's draconian Prevention of Terrorism Act*, 15 July 2020, <https://www.amnesty.org/en/latest/news/2020/07/sri-lanka-on-hejaaz-hizbullah-and-the-prevention-of-terrorism-act/>; Amnesty International, *Prominent human rights lawyer arbitrarily detained for six months must be released*, 16 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/sri-lanka-prominent-human-rights-lawyer->

was arrested under the PTA in April 2020, and was denied unrestricted access to family and legal counsel for most of his detention.<sup>41</sup> In March 2021, he was charged and indicted for “inciting communal disharmony” under the PTA,<sup>42</sup> for “advocating national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” under the ICCPR Act<sup>43</sup> and for conspiracy and abetment charges under the Penal Code.<sup>44</sup> Hizbullah remains in detention for almost a year since his arrest. Hizbullah’s family believes that the charges against him are trumped up to penalize him for his activism.

- **Ahnaf Jazeem:** 25 year-old poet Ahnaf Jazeem was arrested by authorities also using the draconian PTA in May 2020 for a collection of poems he published under the title “Navarasam.”<sup>45</sup> Sinhalese-speaking law enforcement officers have said that the poems written in Tamil contain “extremist” messages.<sup>46</sup> Amnesty International has reviewed the poems and have found that his writings speak against extremism, violence and war. Ahnaf, who has been in detention for more than ten months, was only permitted access to legal representation on 8 March 2021. Access to lawyers was only permitted after two months of continuous appeals by his lawyer, and only with officers of the Terrorism Investigation Division (TID) listening in on privileged conversations between Jazeem and his lawyers.<sup>47</sup> Further, he was subjected to inhuman and degrading treatment while in detention, where the conditions of detention were unhygienic.<sup>48</sup> Jazeem was also made to sign documents written in a language he doesn’t understand. Authorities have attempted to get him to make self-incriminating, forced confessionary statements. He was denied access to his family for close to five months.<sup>49</sup>
- **Ramzy Razeek:** Social media commentator, Ramzy Razeek was arrested on 9 April 2020 for a Facebook post on 2 April 2020, where he called for an ideological jihad (ideological struggle), using the pen and keyboard as weapons, against the government’s policy of forced cremations in the context of COVID-19.<sup>50</sup> Razeek spent more than five months in detention without charge or proper access to a lawyer amidst deteriorating health conditions.<sup>51</sup> He was finally released on bail on 17 September 2020. He didn’t receive adequate medical care while in custody where he fractured his arm following a fall, and furthermore, had to have half of one of his toes amputated due to an infection.<sup>52</sup> Although released, the case against Razeek remains open, and faces the threat of arrest and formal charges being brought against him at any time- a means through which his harassment continues to date.

## ANTI-MUSLIM VIOLENCE

Sri Lanka’s Muslim population has been the target of violence by mobs that rarely faced accountability under consecutive governments. Muslim-owned houses, shops and businesses and places of religious worship have been attacked<sup>53</sup> on multiple occasions over consecutive years in the recent past. Examples of this violence were seen in Aluthgama and

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arbitrarily-detained-for-six-months-must-be-released/; Amnesty International, *Old ghosts in new garb: Sri Lanka's return to fear*, 18 February 2021, <https://www.amnesty.org/en/documents/asa37/3659/2021/en/>

<sup>41</sup> Officers from the TID did not permit Hizbullah to speak with family or legal counsel alone, without listening in on their conversations.

<sup>42</sup> Section 2 (1) (h) of the PTA. The offence is overbroad and vague, and has been used to convict a journalist in the past: “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.” See more: Amnesty International, *Jailed Sri Lankan journalist released on bail*, 12 January 2010, <https://www.amnesty.org/en/latest/news/2010/01/jailed-sri-lankan-journalist-released-bail-20100112/>

<sup>43</sup> Section 3(1) of the ICCPR Act

<sup>44</sup> Section 102 and 113 (a) of the Penal Code.

<sup>45</sup> DailyFT, *Poetic injustice: Another writer languishes in prison under PTA*, 14 December 2020, [www.ft.lk/news/Poetic-injustice-Another-writerlanguishes-in-prison-under-PTA/56-710172](http://www.ft.lk/news/Poetic-injustice-Another-writerlanguishes-in-prison-under-PTA/56-710172)

<sup>46</sup> Daily FT, *Arrest of Mannar poet under PTA: Academics, writers and activists cry foul*, 6 January 2021, [www.ft.lk/news/Arrest-of-Mannar-poetunder-PTA-Academics-writers-and-activists-cry-foul/56-711243](http://www.ft.lk/news/Arrest-of-Mannar-poetunder-PTA-Academics-writers-and-activists-cry-foul/56-711243)

<sup>47</sup> Amnesty International spoke with Jazeem’s legal counsel

<sup>48</sup> Amnesty International spoke with Jazeem’s legal counsel. Also see:

<https://twitter.com/sanjayawilson/status/1372415851119349762?s=20>

<sup>49</sup> Amnesty International spoke with Jazeem’s legal counsel. Also see:

<https://twitter.com/sanjayawilson/status/1372415851119349762?s=20>

<sup>50</sup> See Translation of Razeek’s post at: <https://groundviews.org/2020/05/03/freedom-of-expression-vs-hate-speech-fake-andmisleading-news/>. Original here: [www.facebook.com/ramzy.razeek.5/posts/3367204646642916](http://www.facebook.com/ramzy.razeek.5/posts/3367204646642916)

<sup>51</sup> Amnesty International, *Sri Lanka: Health concerns for detained blogger – Ramzy Razeek*, 20 May 2020, [www.amnesty.org/download/Documents/ASA3723572020ENGLISH.pdf](http://www.amnesty.org/download/Documents/ASA3723572020ENGLISH.pdf)

<sup>52</sup> Update on Razeek available at: [www.facebook.com/1566553880058866/posts/3267409956639908/](http://www.facebook.com/1566553880058866/posts/3267409956639908/)

<sup>53</sup> Includes vandalism, looting, throwing rocks and use of arson

Beruwala in 2014 where at least four people were killed, and many others were injured.<sup>54</sup>In Gintota in 2017, dozens of Muslim homes and businesses were burned and vandalized.<sup>55</sup>In Ampara in 2018, violent mobs attacked Muslim houses, businesses, mosques and other property. In Digana and Theldeniya also in 2018, similar attacks took place while the Police looked on, and according to media reports allegedly took part in the violence.<sup>56</sup> In Negombo in 2019 in the aftermath of the April 2019 explosions, mob attacks targeted mostly refugees and asylum seekers.<sup>57</sup> In attacks in the North Western province and in Minuwangoda in 2019, at least one person was killed as a result of widespread violence that took place in some areas. Eyewitnesses that spoke with Amnesty International claimed the Police did little to intervene to stop the violence.<sup>58</sup>

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<sup>54</sup> Amnesty International, *Sri Lanka: Act now to prevent further bloodshed in anti-Muslim violence*, 17 June 2014, [www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/](https://www.amnesty.org/en/latest/news/2014/06/sri-lanka-act-now-prevent-further-bloodshed-anti-muslim-violence/)

<sup>55</sup> DailyFT, *Gintota and the shadows of extremism*, 23 November 2017, <http://www.ft.lk/opinion/gintota-and-the-shadows-of-extremism/14-643843>

<sup>56</sup> Amnesty International's submission to the Special Rapporteur on Freedom of Religion and Belief, 8 June 2020 <https://www.amnesty.org/en/documents/asa37/2487/2020/en/>

<sup>57</sup> Amnesty International, *Unsafe at Home Unsafe Abroad: State Obligations Towards Refugees and Asylum-Seekers in Sri Lanka*, 2019, [www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF](https://www.amnesty.org/download/Documents/ASA3712502019ENGLISH.PDF)

<sup>58</sup> Amnesty International's submission to the Special Rapporteur on Freedom of Religion and Belief, 8 June 2020 <https://www.amnesty.org/en/documents/asa37/2487/2020/en/>