

Written testimony – Hejaaz Hizbullah

Firstly, I thank you for inviting me to participate at this webinar hosted by the US Commission on International Religious Freedom on the challenges to religious freedom in Sri Lanka. A key challenge to religious freedom in Sri Lanka is that Buddhists are overwhelmingly Sinhalese. Hindus are overwhelmingly Tamil. Muslims are Muslims. Christians of course straddle both the Sinhalese and Tamil ethnicities but there are differences based on Tamil – Hindu, Tamil – Christian, Sinhala – Christian. Therefore allowing a person to practice his religion is loaded to the distinct ethnic identity and the conflict there. This is most evident on the question of established places of religious worship. In my understanding of the Kurunthormalai dispute in Mullaithivu district, this is evident in that it is not a conflict between Hindus and Buddhists but that of Sinhalese and Tamil. The Sinhalese claims to the area does not appear to be ready to accommodate – Tamil Buddhists but insists on a Sinhala Buddhist right. I am saying this to highlight the underlying fault lines so as to help understand the issues.

A very recent religious freedom event was the judgement on March 28th, 2024 where the High Court of Colombo sentenced Galagoda Atthe Gnanasara thero to four years rigorous imprisonment for insulting Islam in a statement made in 2016. This is the first such conviction of a Buddhist priest for insulting a minority religion. I personally have mixed feelings about the conviction. Gnanasara thero was the ‘poster boy’ literally and metaphorically of the Bodu Bala Sena, a very hardline extremist Sinhala Buddhist group that emerged in 2011 – 2012 and made its first major public appearance with the Dambulla mosque incident where Buddhist monks stormed the Dambulla mosque on a Friday, preventing congregation prayer and wanting the mosque to be removed. Since then Gnanasara thero was the voice of the BBS and spewed hatred against Muslims on a daily basis with all major media platforms giving him in full coverage. The Muslims made a large number of complaints against him and I have personally advised clients in over 50 complaints. However Gnanasara thero was never arrested. He was

untouchable. There was no long pre – trial detention for him and it took 8 years for the law to have any effect on him.

This is not the case for quite a few Muslims who are arrested under the PTA or the ICCPR Act as suspects for similar offences, prosecutions of which often end up being thrown out. Muslims get arrested the next day, remain in custody for long periods without bail and face the full brunt and force of the law. Gnanasara thero's conviction although surprising and welcome for what it is, still highlights the difference in treatment depending on who is insulting which religion.

The stark distinction between Gnanasara thero's treatment before the law, although guilty and the treatment of Ahnaf Jazeem and Ramzy Razik – both of whom were arrested under the PTA and ICCPR respectively and Ahnaf spent almost two years in custody reflects the weaponization of the law against the minorities. I saw this particularly in the context of the enactment of the Online Safety Act which has the potential to seriously curb the freedom of expression and to be abused to target selected groups/persons.

The fact that you can exist above the law is further highlighted in the forced cremation issue where on supposed advise of an expert panel, despite existence of contrary opinion, applying the wrong science, Muslim covid – 19 victims were cremated. After intense local and international outcry, Muslims were allowed to bury the dead but only in a selected burial grounds, in the Muslim town of Oddamavadi. Now, the government admits that this was a mistake. Yet, no one has faced any consequence for their actions. The experts remain in their positions and even getting promotions. There are zero consequences.

Finally, the aftermath of the Easter Sunday attacks, the Muslims faced severe restrictions on religious freedom. A mosque in Mahara was closed down. Muslim women faced restrictions on their attire. School girls had problems going to school in Islamic attire, restrictions placed on the importing of Islamic books and copies

of the Quran and even Islamic tv channels were prohibited. These restrictions have not been entirely removed. Although the public discussion based on the investigations refute the original assertion that ‘widespread radicalization of Muslims’ as the cause, the community as a whole remains suspect and treated as if radicalized.