



PREJUDICE AND PATRONAGE

An Analysis of Incidents of Violence against
Christians, Muslims, and Hindus in Sri Lanka

(September 2019 - September 2020)

Cover image taken after the 2018 Digana riots courtesy the National Christian Evangelical Alliance of Sri Lanka (NCEASL).

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The study is based on data collected by the National Christian Evangelical Alliance of Sri Lanka (NCEASL).

NCEASL works actively in three broad areas: mission and theology; religious liberty and human rights; and relief and development. NCEASL is affiliated to the World Evangelical Alliance (WEA), a worldwide network of over 620 million Christians in 129 countries. NCEASL is led by renowned social transformation, religious liberty and human rights activist Deshamanya Godfrey Yogarajah.

For over two decades, the Religious Liberty Commission (RLC) of NCEASL has monitored and documented incidents of violence, intimidation and discrimination against Sri Lanka's Christian community. The aim of the Religious Liberty Commission, however, is to advance religious liberty for all Sri Lankans through advocacy and lobbying, research and documentation and training and education.

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CONTENTS

EXECUTIVE SUMMARY	5
INTRODUCTION	7
1. SOCIO-POLITICAL CONTEXT (SEPTEMBER 2019 – SEPTEMBER 2020)	9
2. KEY INSIGHTS ON VIOLENCE TARGETING CHRISTIANS	10
3. THE ROLE OF THE STATE IN INCIDENTS OF VIOLENCE TARGETING CHRISTIANS	12
4. GEOGRAPHIC DISTRIBUTION OF INCIDENTS OF VIOLENCE TARGETING CHRISTIANS (DISTRICT-LEVEL BREAKDOWN)	18
5. VIOLENCE TARGETING MUSLIMS AND HINDUS	21
CONCLUSION	26
ANNEX 1	28
ANNEX 2	32
END NOTES	34

EXECUTIVE SUMMARY

Ethno-religious violence is an enduring feature of Sri Lankan history irrespective of the political party in power. This study presents an analysis of key trends and drivers of violence aimed at Christians, Muslims, and Hindus from September 2019 to September 2020—i.e., the latter stages of President Maithripala Sirisena’s tenure and the election of the Sri Lanka Podujana Peramuna (SLPP) led government under incumbent President Gotabaya Rajapaksa. The study is presented in two parts. The first part examines incident reports compiled by the National Christian Evangelical Alliance (NCEASL) in episodes of violence targeting Christians. The second part uses secondary literature to examine press coverage on violence targeting Muslims and Hindus.

A total of 63 incidents of violence targeting Christians were analysed in the period under review. A ranking system devised to understand the severity of violence and the type of perpetrator in each incident showed that state officials were more likely to engage in borderline severe forms of violence. While incidents involving severe/extremely severe forms of violence were relatively less, identifiable/unidentifiable individuals and groups were more likely to be responsible for these forms of violence. Religious leaders of other faith groups also engaged in some incidents of extremely severe forms of violence.

A similar ranking system was devised to evaluate police action to different forms of violence in each incident. This exercise showed that police action was actively negative in incidents involving borderline severe forms of violence. By contrast, police action was passively positive in several incidents involving severe/extremely severe forms of violence. In only one of the 63 incidents was police action recorded as actively positive.

Upon further assessment of the data, the study found that the state played a key role in restricting the religious rights of Christians in the period under review. The state was the offending party in at least 65% of incidents targeting Christians, especially Christian religious leaders and places of worship. State officials were mostly involved in episodes of borderline severe or non-physical violence (threats, intimidation or coercion) and the least severe form of violence or structural violence (discriminatory actions and practices). For example, from 50 instances of non-physical violence, state officials were involved in at least 35 instances.

The findings of the study suggest that the state tends to display prejudice against Christians. Additionally, state officials who perpetrate violence against Christians appear to enjoy protection or patronage from other arms of the state. For example, 31 out of 41 times

(76%) the police actively or tacitly sided with fellow state officials whose actions had a negative bearing on Christians.

With respect to the district-level breakdown of incidents of violence against Christians, Batticaloa (a Hindu-dominated area) recorded the highest number of violent incidents against Christians (15), especially in terms of physical violence. A few incidents in Batticaloa were marked by Hindu-Christian tensions. Polonnaruwa (a Buddhist-dominated area) recorded the second highest number of violent incidents (6) that were religiously motivated and were often led by Buddhist monks. This trend suggests that at a regional level, the majority in that region may have greater agency to perpetrate violence.

A notable observation made in the study is the percentage distribution of religious groups in areas where monks mobilised large groups against Christians. Episodes of violence involving monks mainly occurred in districts where Christians were a vulnerable minority (10% or less) and Buddhists were a supermajority—more than 70%.

As in the case of Christians, the study found that discrimination and violence experienced by Muslims

and Hindus were primarily led by the state. The state introduced certain policies and bodies that were widely criticised for discriminating against Muslims and Hindus (e.g. mandating cremation for COVID-19 victims and the Presidential Task Force for Archaeological Heritage Management in the Eastern Province). Muslims and Hindus also raised concerns over institutional discrimination, particularly with the increasing involvement of military officials in civic administration.

Two narratives appeared to drive discrimination against Muslims during the period under review—the perceived cultural ‘peculiarities’ of Muslims (e.g. Islamic laws, and religious attire) and the fear of Muslim encroachment. Discrimination against Hindus centred on land issues and cultural heritage.

Overall, the study reveals how ethno-religious tensions are driven by certain entrenched narratives and factors. The primary data and secondary literature referenced in the study suggest that these entrenched narratives and factors may negatively affect the state’s ability to restrain the perpetrators, and respond to incidents of religious violence in an impartial manner.

INTRODUCTION

Ethno-religious violence is an enduring feature of Sri Lankan history regardless of changes to the country's political leadership. The impunity for egregious acts of violence against minorities, and inaction of the *yahapaalanaya* government undermined expectations of reconciliation and accountability. Public frustration with that government enabled the immediate post-war government to return to power under the leadership of Gotabaya Rajapaksa in November 2019.

Against this backdrop, this study examines acts of violence targeting ethno-religious minorities from September 2019 to September 2020. The study comprises four sections. The first section presents an overview of the socio-political context in the period under review. The second section undertakes a quantitative and qualitative analysis of trends relating to incidents of violence against the Christian community. More specifically, this section uses a classification system developed by Verité Research to evaluate the primary targets, key perpetrators, types of harm, the role of the state, and the geographic distribution of violence (see Annex 1). For this purpose, the study relies on incident reports compiled by NCEASL during the same time period. The third section provides a

qualitative analysis of incidents of violence targeting the Muslim and Hindu communities. The final section presents concluding observations regarding the factors that sustain violence against minority faith groups in Sri Lanka. Overall, the findings of the study suggest that state patronage offered to perpetrators and prejudice against minority faith groups are obstacles to fostering better intercommunal relations.

Parameters of the study

This study broadly focuses on 'ethno-religious' violence as opposed to 'religious' violence by considering the features that are specific to the Sri Lankan context. Distinctions between ethnicity and religion are often blurred in Sri Lanka as these identity categories tend to overlap. Thus, examining ethno-religious violence, which captures both identity categories, may offer richer insights into the entrenched nature of violence aimed at minority groups.¹

Similarly, the study adopts a broad definition of violence that includes physical violence (physical assault and property damage), non-physical violence

(threats, coercion, intimidation, and hate speech) and structural violence (discriminatory actions or practices).² These types of violence are also ranked to evaluate the severity of violence (see Annex 2). In the context of this study, minority faith groups include Christians, Muslims (adherents of Islam) and Hindus who collectively comprise nearly 30% of the population.³

The section on incidents of violence targeting Christians is based on data compiled by NCEASL. Each incident documented by NCEASL was based on the details provided by primary sources and then verified through NCEASL's networks and/or its regional offices (where applicable). The incident report compiled by NCEASL may not be an exhaustive list that reflects the total number of incidents during the period

under review. In line with Verité's previous studies on religious violence, Verité has undertaken data coding and cleaning. Verité has not verified NCEASL's primary data through third party sources. For details on the data coding methodology see Annex 1.

The section on anti-Muslim violence evaluates key events featured in the Sinhala, Tamil and English press. The section on anti-Hindu violence adopts the same methodology. However, this section also takes into consideration incidents documented by NCEASL in the North and East. NCEASL's field officers have attempted to verify this data using their networks. Similar to the data on anti-Christian violence, the incidents pertaining to violence against Muslims and Hindus may not reflect the total number of incidents against these groups.

I

SOCIO-POLITICAL CONTEXT (SEPTEMBER 2019 – SEPTEMBER 2020)

In November 2019, Sri Lanka witnessed changes to the country's political leadership with the presidential win secured by Gotabaya Rajapaksa. Rajapaksa enjoys support among some population segments who view him as capable of delivering on key outcomes and restoring Sinhala-Buddhist cultural security, which were believed to have deteriorated under the *yahapaalanaya* government.⁴ By contrast, some population segments, including ethno-religious minorities, have raised concerns over Rajapaksa's appeal to a Sinhala-Buddhist constituency and military background.⁵ This polarity was reflected in the election outcome as predominantly Sinhalese and Buddhist areas cast their votes in favour of Rajapaksa, while minority-dominant areas in the North and East voted predominantly for his contender, Sajith Premadasa.⁶

Ethno-religious polarisation has continued in the post-election period over political issues (e.g. singing of the national anthem in Sinhala only)⁷ and public health issues, among several others. For example, Rajapaksa deployed the military as part of Sri Lanka's COVID-19 response, which re-introduced the wartime dynamics of placing the military in charge of eliminating the 'threat' to public safety.⁸ Under

Rajapaksa's administration, former/current military officials were also appointed to oversee civic affairs and improve bureaucratic efficiency. In the Sinhala mainstream media and among some population segments, Rajapaksa was commended for the military appointments and the 'successful' management of COVID-19.⁹

At the 2020 August General Election, Rajapaksa's party, the Sri Lanka Podujana Peramuna (SLPP), benefitted from the momentum built around the president. The SLPP's campaign included promises to roll back certain reforms introduced by the *yahapaalanaya* government (e.g. the 19th Amendment), eschew coalition building with minority parties, and prioritise Sinhala-Buddhist concerns. The party secured a near parliamentary supermajority at the election and received favourable responses post-election in terms of forming a 'strong and stable government' as well as a 'Sinhala-Buddhist government'.¹⁰

However, ethno-religious minorities have problematised the composition and reform agenda of the incumbent government as displaying majoritarian tendencies and neglecting minority grievances.¹¹

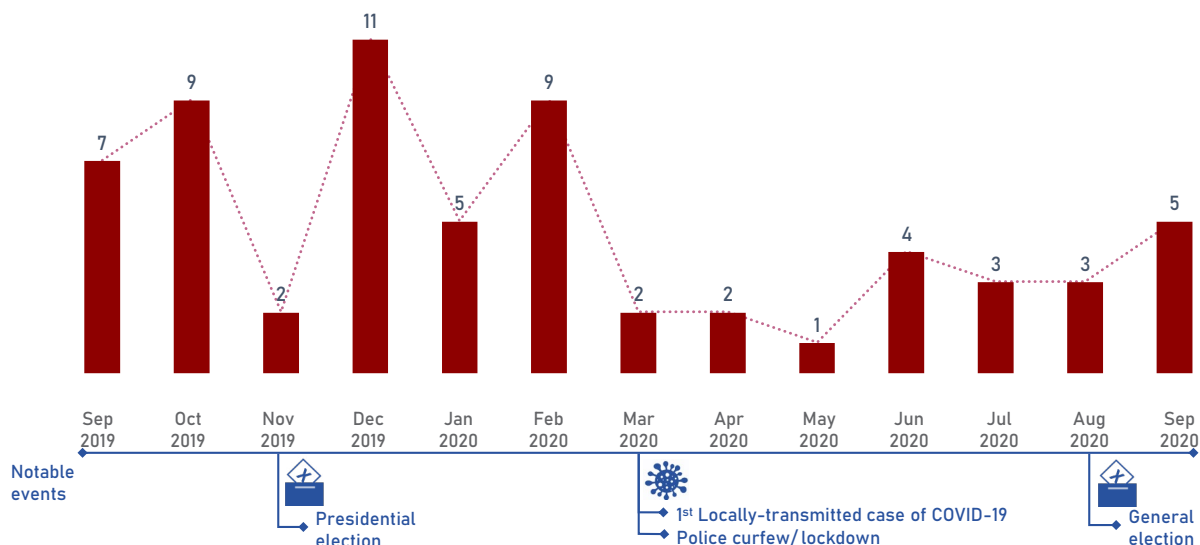
2 KEY INSIGHTS ON VIOLENCE TARGETING CHRISTIANS

Christians residing in Sri Lanka continue to experience episodes of religiously motivated violence. While the findings of this study are specific to the period under review—i.e., September 2019 to September 2020—they add to a growing body of scholarly evidence regarding violence against Christians.

This section presents an overview of the data and key insights into incidents of violence aimed at Christians. At least 63 incidents of violence were discernible in the period being evaluated. The distribution of

these incidents across the 13-month period under review is provided in Figure 1. These incidents were further analysed to identify the primary targets, the key perpetrators and the types of harm. As illustrated in Figure 2, most incidents of violence were aimed at Christian religious leaders, followed by Christian places of worship, church members, and Christian-owned businesses. Meanwhile, Figure 3 identifies state officials as the key perpetrators in the period under review. An in-depth analysis of state officials' involvement in incidents of violence against Christians is provided in the subsequent section.

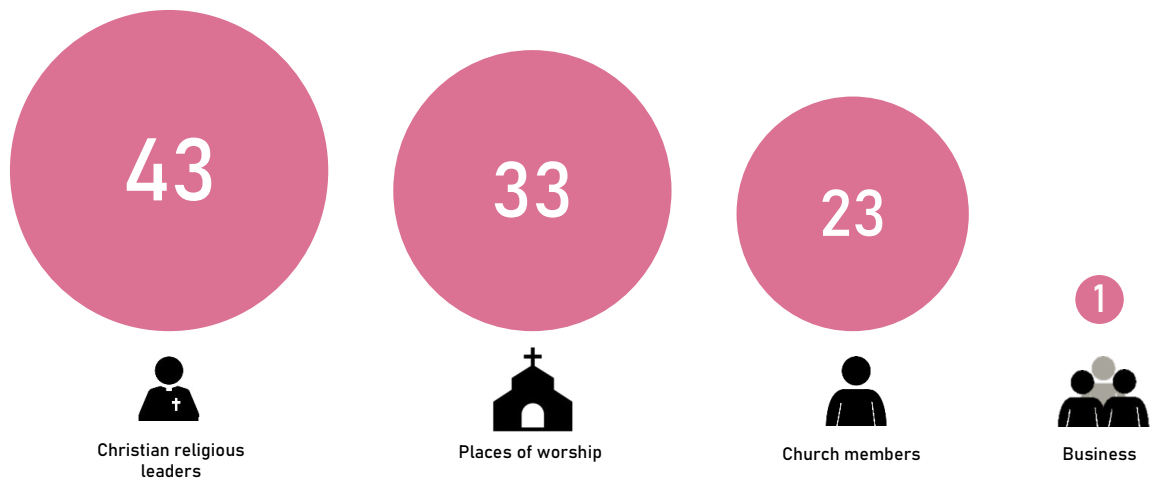
Figure 1: No. of Incidents of Religious Violence against Christians



During the period under review, there were 50 instances of threats, intimidation or coercion, 44 instances of discriminatory actions and practices, and 9 instances each of physical violence and property damage. As noted in *Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019* by Verité Research, each incident of violence can feature more than one type of harm.¹² As such, the summation by types of harm is more than the total number of incidents.

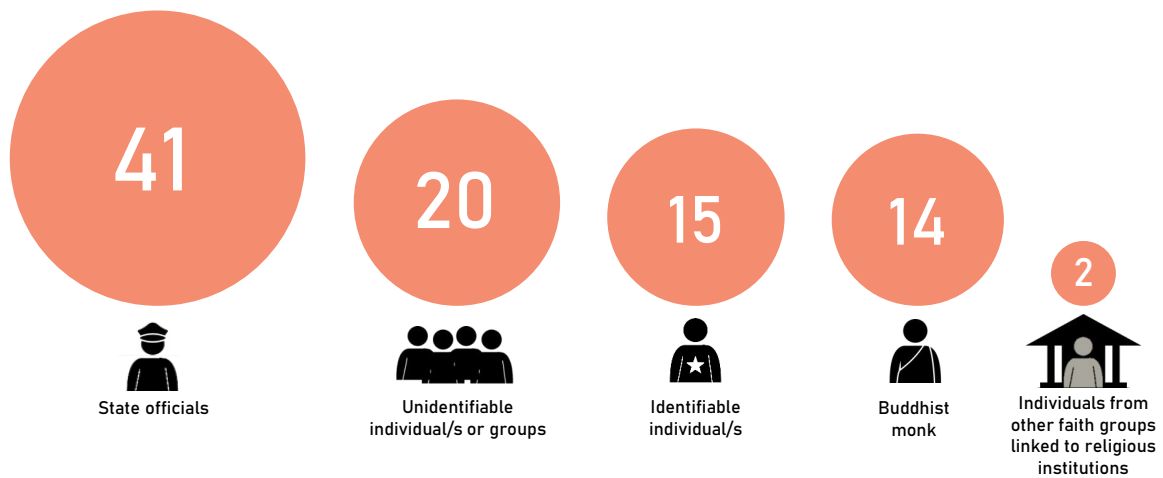
The current study introduces an additional set of streamlined classifications of incidents which allowed for further analysis in two forms. (1) An analysis of the severity or degree of violence in relation to the level of authority of the perpetrators (Figure 4). (2) An analysis of the nature of police action in relation to the severity or degree of violence (Figure 7). These analyses are presented in the subsequent section.

Figure 2: Primary Targets in Incidents of Religious Violence against Christians



*A single incident could feature more than one primary target.

Figure 3: Key Perpetrators in Incidents of Religious Violence against Christians



*A single incident could feature more than one key perpetrator.

3

THE ROLE OF THE STATE IN INCIDENTS OF VIOLENCE TARGETING CHRISTIANS

Most incidents of religious violence can likely be prevented with the intervention of one key actor—the state. A specific duty is assigned to the state to both respect and protect religious freedoms. Moreover, the state is afforded broad legal powers to hold perpetrators to account and shield minority faith groups from experiencing further harm. A careful examination of the incidents of violence against Christians in the period under review, coupled with scholarly observations, suggests that the state appears to be prejudiced or biased against minority faith groups and their religious freedoms. This finding is explained in two interconnected parts.

The first part analyses all incidents of violence against Christians where state officials were the perpetrators. The data in this part shows that there is a nexus between the state's use of authority and its display of prejudice against Christians or 'negative bias' towards the Christian community in episodes of non-physical and structural violence. The second part analyses the type of action taken by law enforcement officers (the police). The data in this part shows that the police

tend to bolster the state's negative bias towards Christians.

(I) Nexus between state authority and negative bias

The current study devised a ranking system for the types of harm and the key perpetrators. Each incident was ranked by the most serious form of harm or violence recorded in that incident, as well as by the highest level of authority of the perpetrators involved in that incident (see Annex 2). The clustering of incidents based on these rankings is illustrated in Figure 4.

State officials were involved as perpetrators in preponderance of the recorded incidents. State officials mainly comprised local level actors such as grama niladharis, divisional secretariats, pradeshiya sabha officers and the police. Overall, they were the offending party in 41 out of the 63 incidents (65%) that had a negative bearing on Christians.

Figure 4: Incident Clusters: Severity of Harm/Violence and Level of Authority of Key Perpetrators (September 2019 – September 2020)

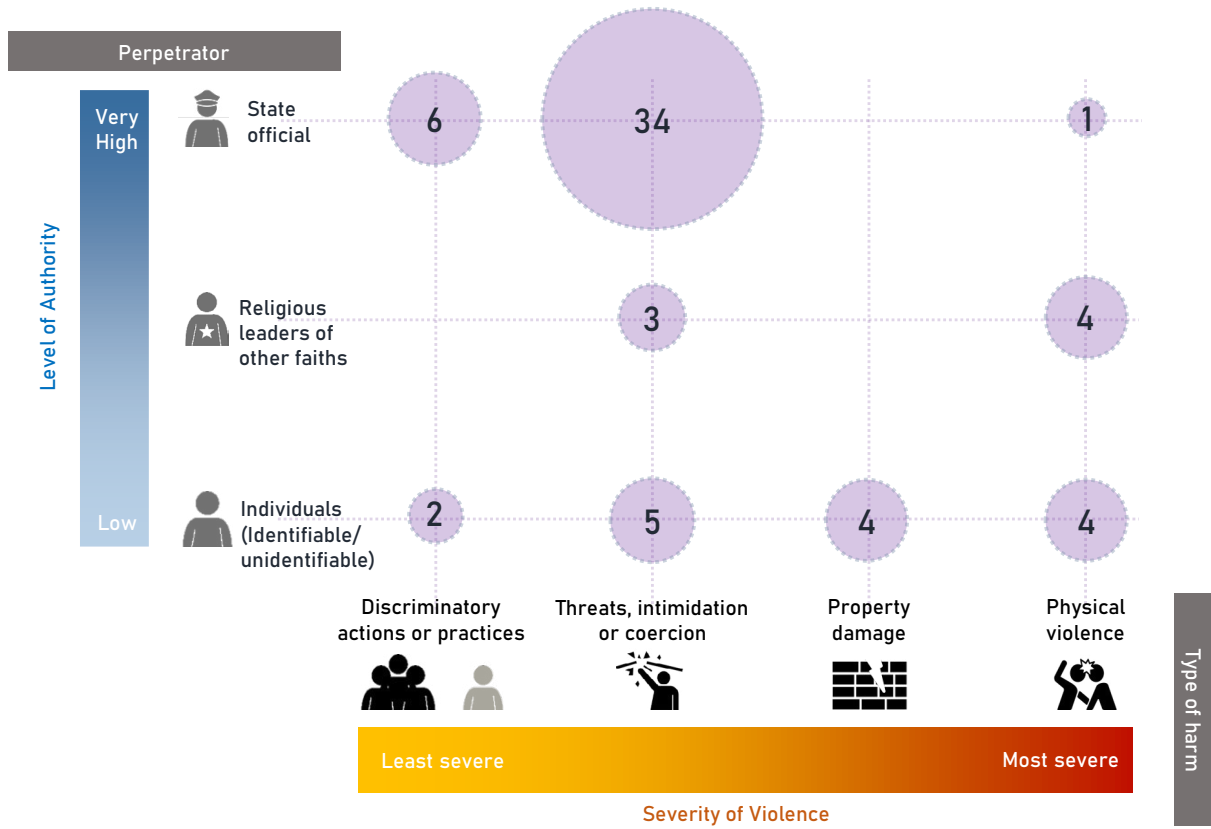


Figure 5: Primary Targets in Incidents of Violence against Christians where State Officials were the Key Perpetrators



As set out in Figure 4, incidents involving borderline severe forms of violence (such as threats, intimidation or coercion) and the least severe forms of violence (such as discriminatory actions and practices) were more likely to involve state officials (34 incidents and 6 incidents respectively). While incidents of physical violence against persons and property damage were lesser in comparison, they generally involved identifiable/unidentifiable individuals (8 incidents in total). Meanwhile, religious leaders of other faith groups were mainly responsible for some incidents of physical violence (4 incidents) and threats, intimidation or coercion (3 incidents). However, these incidents were less prevalent.

State officials were more likely to be involved in incidents that adversely affected Christian religious leaders (30 out of 43 instances) and places of worship (25 out of 33 instances) than other perpetrator groups (Figure 5).

State officials were also responsible for most instances of non-physical violence and structural

violence—i.e., threats, intimidation or coercion (35 out of 50 instances), and discriminatory actions or practices (32 out of 44 instances). These findings set out in Figure 6 correspond with the data illustrated previously in Figure 4, which noted that state officials were mostly involved in incidents that included less severe forms of harm or violence.

Severe cases of non-physical violence in the period under review included: admonishing pastors; declaring Christian worship activities were ‘illegal’ without clearly providing a legal basis; and demanding that Christian places of worship be registered with the grama niladhari or, in some cases, with the local Buddhist temple. In one of the most extreme cases, a senior police officer coerced a pastor to sign a bond regarding the breach of peace and threatened the pastor with arrest if he refused to comply.

The data finds indications of two phenomena that enable the state’s overt display of negative bias towards Christians in incidents of non-physical and structural violence.

Figure 6: *Type of Harm in Incidents of Violence against Christians where State Officials were the Key Perpetrators*



The **first** relates to the state's privilege to exercise power/command authority. State officials seem to be emboldened to display their prejudice against Christians and other minorities in episodes of non-physical and structural violence due to their state power. This source of legitimacy allows state officials to act in a formal capacity not typically possible for other actors. The broad scope of powers available to state officials enables them to defend targeted groups. However, these powers may also be used to achieve the opposite effect. Such abuse of power allows state officials to act with impunity yet justify intimidation, coercion, threats, and discrimination by relying on discourses that frame them as an authoritative functionary.

The **second** relates to the ethno-religious framing of the state, which asserts a host-guest dynamic between the Sinhala-Buddhist majority and other ethnic or religious groups. The identity asserted for the people living in present day Sri Lanka has historical referents that are coded in ethno-religious terms, such as *sinhadipa* (the island of the Sinhalese) and *dhammadipa* (the island containing Buddhist teachings).¹³ The re-assertion of that identity posture is seen in contemporary political discourse as well. This conflation of the Sinhala-Buddhists' identity with the broader Sri Lankan identity allows for the ethno-religious majority to view ethnic relations within a host-guest dynamic: where Sinhala-Buddhists are positioned as the 'hosts' who are the primary citizens, and minorities are considered as 'guests' who are accommodated on certain terms.¹⁴ This host-guest dynamic is reinforced by an existential fear that the 'minority-guests' are attempting to alter this dynamic and challenge the position of the 'Sinhala-Buddhist hosts'.¹⁵ From this perspective, the perceived threat from 'minority-guests' vindicates even violent actions taken to advance the interests of the hosts.

Orlando Woods (2018) argues that any conceptualisation of the Sri Lankan state must take into account

the broader cultural setting that shapes both the imagination of the state and its functions.¹⁶ Thus, the state cannot be divorced from the host-guest dynamic and existential fears that permeate Sri Lanka's socio-cultural and political landscape. Actions taken by the state throughout Sri Lanka's post-independence history affirm its role in entrenching Sinhala-Buddhist hegemony.¹⁷ Past analyses of the state and religious relations in Sri Lanka such as Gehan Gunatilleke's (2019) 'The Structural Limits of Depoliticisation in Sri Lanka' and Verité Research's (2019) *Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019* have similarly attempted to explain the state's bias towards the Sinhala-Buddhist majority through Neil DeVotta's (2007) concept of 'institutional decay'.¹⁸ These analyses highlighted that institutional decay occurs when institutional actors appease majoritarian sentiments or demonstrate preferential treatment towards the majority while neglecting the legitimate grievances of minority groups.

In the context of this study, cases of state bias against Christians not only stem from the state's privilege to wield authority, but also from an entrenched view that normalises and necessitates its negative bias. This phenomenon was observable in cases where state officials sided with perpetrators who demanded that Christians cease activities in 'Buddhist villages' or obtain permission from the Ministry of Buddha Sasana and Religious Affairs/the local temple to conduct worship activities.

(2) Police action as bolstering negative bias

The current study devised a ranking system for the types of harm and the associated police action. Each incident was ranked by the most serious form of harm or violence recorded in that incident, as well as by the nature of police intervention that incident (see

Annex 2). The findings of this exercise are illustrated in Figure 7.

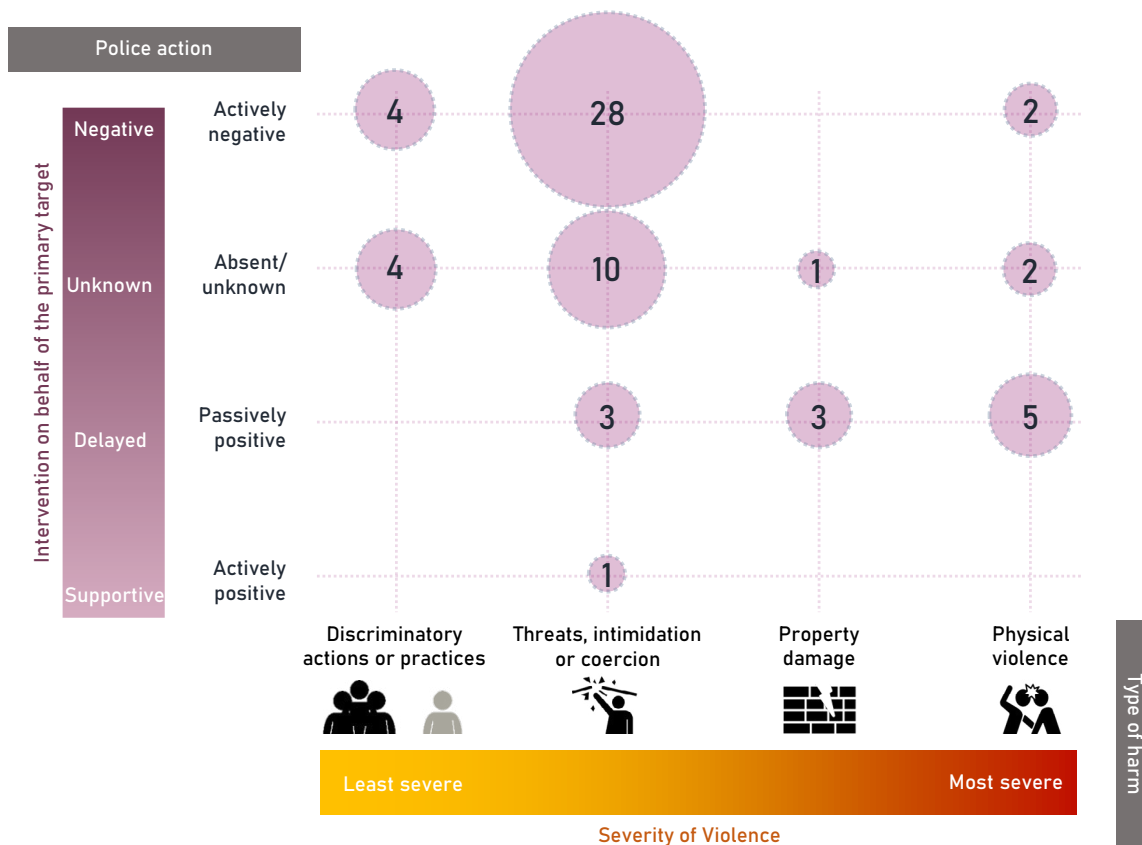
As set out in Figure 7, police action is for the most part actively negative or absent/unknown in the incidents of religious violence recorded (in 51 of the 63 incidents recorded). However, there is a greater likelihood of police action becoming passively positive (rather than being unknown or negative) when the level of harm increases towards property damage and physical violence (police were passively positive in 8 out of the 13 such incidents recorded). In only one of the 63 incidents was police action recorded as actively positive.

It is also possible to analyse police action more specifically, in incidents where state officials displayed negative bias towards Christians. For this purpose,

two criteria were evaluated. First, all incidents in which the police were the offending party were analysed. Second, the police’s response to incidents where fellow state officials were the perpetrators was also analysed. The findings suggest that the police bolstered the state’s prejudicial conduct against Christians in at least two ways.

First, the police seemed to bolster the state’s negative bias through their direct **participation** in such incidents. From the 41 instances in which state officials targeted Christians, the police were identified as the key perpetrator in at least 27 of these instances (66%). In approximately 12 out of 27 instances involving the police, police officers would demand pastors to cease worship activities in a given locality. Refusal to comply with police demands generally resulted in threats and discriminatory action. In at least 7 instances,

Figure 7: Incident Clusters: Severity of Harm/Violence and Type of Police Action (September 2019 – September 2020)



pastors were either threatened with arrest or had cases on the breach of peace filed against them, despite citing their legal right to engage in religious activities. Occasionally (at least 2-3 instances), pastors were also warned that police protection would not be available to them should they or their place of worship come under attack. In some cases, the police coerced pastors to accept an alternative solution; worship activities could be conducted provided two conditions were met, i.e., (i) they were held in a private setting (e.g. the pastor's house) and (ii) they were not open to members of the public.

Second, the police seemed to **protect** fellow state officials who displayed negative bias towards Christians. 31 out of 41 times (76%) the police actively or tacitly sided with state officials by not acting in defence of targeted groups or individuals. In certain cases, the police were silent when state officials explicitly threatened or spoke strongly against Christians (at least 7 instances). They also agreed with state officials who demanded that pastors register Christian places of worship with the grama niladhari, divisional secretariat and the police. On some occasions, they refused to intervene when a state official was the perpetrator. Only 7 times out of 41 times (17%) did they intervene

after or during an incident involving a fellow state official if they were notified.

Aside from the police's direct participation in incidents that had a negative bearing on Christians, and the protection of fellow state officials, the police also appeared to engage in acts of surveillance. Officers from the Criminal Investigation Department (CID) would inquire about the legality of a place of worship, the number and identity of congregants, and details about the pastor and the church board (board members are broadly entrusted with overseeing the financial, legal and policy aspects of the church). On one occasion, a CID officer called a Buddhist monk in the presence of the pastor and relayed this information. On another occasion, police officers visited a pastor's premises unannounced, took pictures of the premises, and inspected the premises with others in the village. While such incidents were less common, they may be indicative of a culture of state surveillance of minorities. In the past, mostly Tamil and Hindu communities have expressed concerns over being closely monitored by the state.¹⁹ Similar concerns over state surveillance are discussed in the section on violence against Muslims and Hindus.

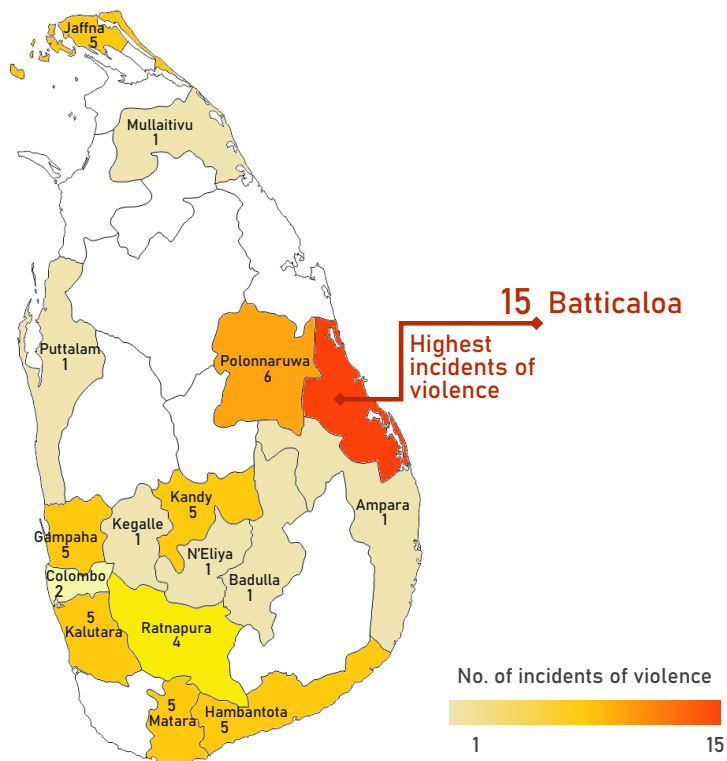
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GEOGRAPHIC DISTRIBUTION OF INCIDENTS OF VIOLENCE TARGETING CHRISTIANS (DISTRICT-LEVEL BREAKDOWN)

Violence against Christians was recorded in 16 out of 25 administrative districts in Sri Lanka from September 2019 to September 2020 (Figure 8). The districts of Batticaloa (15) and Polonnaruwa (6) recorded the highest number of incidents. This section of the report identifies the notable characteristics

of these districts and the patterns of violence that are observable in the period under review. It also analyses a district-level breakdown of monastic mobilisation, i.e., the mobilisation of large groups and leadership provided to these groups by Buddhist monks in the intolerant treatment of Christians.²⁰

Figure 8: Geographic Distribution of Incidents of Violence against Christians (District-Level Breakdown)



(I) Batticaloa and Polonnaruwa: Characteristics and patterns of violence

Despite being similar in terms of high concentration of religious violence, the ethno-religious demographic breakdown of Batticaloa and Polonnaruwa is quite different. In terms of ethnicity, Tamils (72.7%) are the majority in Batticaloa, followed by Sri Lankan Moors (25.4%), Sinhalese (1.2%), and Burghers (0.5%).²¹ In terms of religion, Hindus (64.3%) are the religious majority in the district.²² Christians (9%) are a religious minority.²³ By contrast, Sinhala-Buddhists are the ethnic and religious majority in Polonnaruwa (90.7% Sinhalese and 90% Buddhist) while Christians (1.1%) are a clear minority.²⁴

While physical violence (physical attacks and property damage) was common to both districts, most cases of physical violence were reported from Batticaloa. In a few incidents, the perpetrators were identified as Hindus, and state officials attached to the Rural Development Society. However, the religious identity of perpetrators was not documented in all instances. The lack of details relating to perpetrators poses a challenge to ascertaining the religious groups involved in episodes of violence. Nevertheless, the identification of Hindus as the offending party in some cases can be taken as being indicative of the dominant Hindu community having greater agency in the violence.

Perpetrators' religious identities were generally discernable in Polonnaruwa. Notably, most incidents of violence involving the Buddhist clergy took place in the Polonnaruwa district. 4 out of 6 incidents directly involved Buddhist monks. The remaining 2 incidents were part of a series of related incidents that initially involved Buddhist monks (e.g. a Buddhist monk would threaten a pastor. The following day, a policeman would question the pastor regarding the incident and threaten the pastor). A discernable

pattern can be drawn from the incident reports recorded in Polonnaruwa. Buddhist monks would arrive with large groups at Christian places of worship. Thereafter, monks would admonish and threaten the Christians. The Christians were also informed that the site was a 'Buddhist village' and/or that Christians/Christian places of worship would not be condoned.

Taken together, these observations suggest that at a regional level, it is the majority religious group within that region that is more likely to have more agency with regard to perpetrating religious violence.

In Batticaloa, a noticeable feature in most incidents was the time at which the incidents occurred. Many of these incidents took place when churchgoers were on their way for service or already at service. In Polonnaruwa, the reference to certain localities as 'Buddhist villages' may offer insight into discourses that justify intolerant actions. Declaring a site as a 'Buddhist village' prescribes a specific religious identity to a geographic area. This prescribed identity disallows alternative readings of the area as a shared space of living that can accommodate diverse groups. Instead, the area becomes marked as the exclusive space of a single religious community. This discourse is heightened by an entrenched perception that casts the village as 'a repository of Sinhala authenticity'.²⁵ Sinhala writers have in the past framed the *dagoba* (Buddhist stupa), along with the *weva* (lake/tank supplying water), and *yaya* (paddy fields) as the 'symbolic triad of Sinhala cultural imagination'.²⁶ Sinhala nationalist figures such as Piyadasa Sirisena, Gunadasa Amarasekara and S.W.R.D. Bandaranaike also deployed this conceptualisation of the village in political movements to galvanise the Sinhala polity. In this context, the visible sight of other religious communities is a reminder that the exclusivity and authenticity of the Sinhala-Buddhist village is being challenged.

In both Batticaloa and Polonnaruwa therefore, the

visibility of the minority religious group seems to function as a trigger point for the violent actions recorded. This could be underscoring an observation by Orlando Woods (2018) that violence against Christians is often aimed at decreasing the Christian presence (i.e., people and buildings) rather than addressing specific, allegedly problematic actions (i.e., alleged 'unethical' conversions).²⁷

(2) Monastic mobilisation

Members of the Buddhist clergy were identified as perpetrators in 14 incidents across 7 districts. The geographic breakdown of incidents involving monks was as follows: Polonnaruwa (4), Kalutara (3), Hambantota (2), Gampaha (2), Ratnapura (1), Colombo (1), and Ampara (1). In most incidents, monks would mobilise a large group of individuals, demand that Christian worship activities are discontinued, and threaten assault if Christians did not comply.

A comparison between the geographic data on monastic mobilisation and demographic data reveals two key observations. First, all incidents involving Buddhist clergy recorded chronic violence—i.e., low intensity attacks such as threats, intimidation, discrimination, minor destruction of property and occasional physical violence.²⁸ Second, such violence occurred in areas where Buddhists are generally the religious supermajority (more than 70%) while Christians are a vulnerable religious minority (10% or less).

The only exceptions were Ampara and Gampaha. In Ampara, Muslims (43.4%) are the main religious group, however, Buddhists (38.7%) constitute a sizeable population.²⁹ In Gampaha, Buddhists (71.2%) are the clear majority.³⁰ Although Christians in Gampaha account for 21.4% of the population, which is more than the Christian population in other districts that recorded monastic mobilisation, Christians are still a religious minority.³¹

These two key observations on the correlation between type of violence and demographic data are similar to the observations made in past reports on religious violence. Gunatilleke (2015) in *The Chronic and the Acute: Post-War Religious Violence in Sri Lanka* argues that areas with relatively low concentrations of religious minorities are more likely to witness chronic violence targeting religious minorities.³² He reasons that the relatively lower percentage of religious minorities exposes them to the risk of being perceived as defenceless. As such, perpetrators from the majority or from a relatively large religious group in the area may not fear retaliation. Similar observations were made by Verité Research (2015) in *Silent Suppression: Restrictions on Religious Freedoms of Christians 1994-2014*.³³ Verité noted that the incidents of violence exhibited a pattern of targeting vulnerable Christian minority populations as opposed to resulting from inter-religious tensions between competing religious groups of relatively equal size or power.

5

VIOLENCE TARGETING MUSLIMS AND HINDUS

Ethno-religious violence in Sri Lanka has gravely affected Muslim and Hindu communities in the country. This section of the study evaluates religiously motivated violence targeting these communities from September 2019 to September 2020. Unlike in the case of anti-Christian violence, with regard to incidents of religious violence against Muslims and Hindus in the 25 districts there is a lack of a well-documented list of verified data on the incidents. The study therefore evaluates data extracted in two ways.

With respect to anti-Muslim violence, the study draws from key incidents featured in press reports in the period under review and supports the main observations with secondary literature. With respect to anti-Hindu violence, the study adopts the same method. However, the study also takes into account incidents of anti-Hindu violence documented by NCEASL in the North and East. Most incidents of anti-Hindu violence that are analysed are thus limited to the North and East. This section of the study will specifically unpack the underlying narratives that drive violence against Muslims and Hindus. The findings of this section suggest that akin to Christians, minority Muslim and Hindu communities also experienced negative bias by state officials.

(I) Anti-Muslim violence

Two longstanding narratives regarding Muslims seemed to drive anti-Muslim violence in the period under review: (i) cultural ‘peculiarities’; and (ii) land acquisition and encroachment.

(i) Cultural ‘peculiarities’

This narrative draws from the view that Muslims have certain laws, customs, and practices that are ‘at odds with that of the Sinhalese-Buddhists’ and discourage cultural assimilation.³⁴ When viewed within the host-guest dynamic mentioned previously, the ‘majority-host’ may interpret the perceived cultural ‘peculiarities’ of the ‘minority-guest’ as attempts to change the host-guest dynamic. Read in this way, these perceived cultural ‘peculiarities’ may challenge the host’s authority to manage the guest. Insecurities held by certain segments of the population in this regard have resulted in increased scrutiny and propaganda against Muslims’ religious attire (e.g. burka), sharia law, Islamic financial systems, and the consumption of halal certified food.³⁵ During the COVID-19 pandemic, the perceived cultural

'peculiarities' of Muslims were overemphasised as threats to public health on two occasions.

First, during the initial outbreak of the virus in Sri Lanka, Muslims were blamed for reportedly prioritising cultural practices and habits over public health concerns. Negative stereotypes of Muslims also surfaced during this time, directing public anger towards Muslims. For example, several reports highlighted that Muslims tend to live in large groups that could accelerate the risk of spreading COVID-19.³⁶ Some news reports claimed that Muslims were predisposed to lie and were concealing vital information relating to COVID-19.³⁷ The negative view of Muslims was bolstered by state officials who directly or indirectly held Muslims responsible for the spread of COVID-19.³⁸ The racial profiling of patients or highlighting of patients from Muslim majority areas by state officials and media personnel were also normalised in the daily news cycle.

Second, requests by Muslims to respect their Freedom of Religion or Belief (FoRB) in terms of burial rites for COVID-19 victims were framed as 'extremist'.³⁹ Muslims were accused of seeking an 'exclusive law for themselves'.⁴⁰ Cremation is prohibited in the Islamic faith and considered as desecrating the dignity of the human body.⁴¹ Similarly, some Christian groups also bury deceased relatives. However, the Sri Lankan state sustained a policy of mandating cremations for victims of COVID-19 by citing risks to public health. Support for the state's policy persisted among certain Sinhala and Buddhist sections who subscribe to the narrative of Muslim cultural 'peculiarities'. The negative consequences of this narrative during the COVID-19 pandemic signalled to minorities that even in death, denial of rights and discrimination are real possibilities.

The state's policy on mandating cremations came under criticism for its 'callous disregard for religious rites' and disregard of international and local health

guidelines that outline safe procedures for burials and cremations.⁴² White cloths were tied at the Borella cemetery to symbolise public opposition to the state's policy and solidarity with the Muslim community. Momentum around the protest built as diverse groups such as religious groups, political actors, and rights groups called out the government for discriminating against religious minorities, especially Muslims.⁴³

Subsequently, security personnel were accused of intimidating protesters and erasing signs of the protest by removing the white cloths.⁴⁴ In the past, security forces have been accused of attempting to silence dissenting voices through intimidation.⁴⁵ The resurfacing of these accusations during the COVID-19 pandemic suggest that old state tactics continue to be relied on in newer contexts. Additionally, it illustrates how different arms of the state are deployed to sustain the state's negative bias towards minority faith groups. Concerns over the involvement of security officials in the issues experienced by minority faith groups are also discussed in the section on anti-Hindu violence.

At the time of writing this report, the gazette mandating cremations was revised amidst national and international pressure.⁴⁶ The decision to revise the gazette was announced during the 46th session of the United Nations Human Rights Council (UNHRC), which has placed on its agenda the scrutiny of Sri Lanka's human rights record, and after the state visit by the prime minister of Pakistan. However, there were initial delays to revising the state's health guidelines to permit safe burials.

In the lead up to this decision, around the UNHRC agenda in February/March 2021, there was a series of inconsistent state messaging on allowing burials. The state initially permitted both burials and cremations and then disallowed burials.⁴⁷ Thereafter, the advice of the first expert committee to the Ministry of Health

was countered by the advice of the second expert committee, which recommended both burials and cremations.⁴⁸ In February 2021, the prime minister claimed that burials would be permitted and then reframed his initial statement.⁴⁹

(ii) Land acquisition and encroachment

This narrative suggests that minority communities, including Muslims, are acquiring or encroaching into lands that have historically been owned and populated by Sinhala-Buddhists. For some Sinhala-Buddhists, allegations of Muslim land acquisition or land ‘grabs’ reinforce existential fears of the ‘minority-guest’ attempting to displace the host. However, tensions over the acquisition of land not only exist between Buddhists and Muslims. In the Eastern Province for example, land disputes are common among Tamil and Muslim communities.⁵⁰ The potency of the land acquisition/encroachment narrative has intensified anti-Muslim sentiments and in at least one instance, led to large-scale violence.⁵¹

In the period under review, this narrative arose with accusations of Muslim encroachments in the area around a Buddhist temple, the Muhudu Maha Viharaya. In response to these accusations, the Archeological Department began surveying the land around the temple on the directive of the Presidential Task Force (PTF) for Archaeological Heritage Management in the Eastern Province. Defence Secretary Kamal Gunaratne, who heads the PTF, also ordered the deployment of a sub-unit of the navy to protect the temple.

However, both Muslim and Tamil residents in the area feared the PTF was a state mechanism to forcibly evict minorities and take over legally-owned private properties.⁵² For Tamil-Hindus, the Archeological Department’s involvement signalled a red flag. In the past, they have raised concerns over the

Archeological Department enabling Sinhala-Buddhist expansionism by acquiring privately-owned land via the Sacred Spaces Act.⁵³ Accordingly, they interpreted the incident as another state measure to change the ethnic ratio in the Eastern Province in favour of Sinhala-Buddhists.

Such an interpretation suggests that concerns of state bias towards Sinhala-Buddhists are held by all minority faith groups; not Christians alone. Additionally, this interpretation exposes the existential fears that are held by all ethno-religious groups; not Sinhala-Buddhists alone. This interpretation is also discussed in the subsequent section on anti-Hindu violence.

(2) Anti-Hindu violence

The section on anti-Hindu violence focuses on a key underlying narrative that drives some Sinhala-Buddhists to be violent against Tamil-Hindus. This narrative will be discussed as ‘land acquisition and encroachment’. A second narrative advanced by Tamil-Hindu voices, interpreting the violence perpetrated by some Sinhala-Buddhists, is also analysed. This narrative will be discussed as ‘majority expansionism’. Central to both narratives is the framing of spatial identity.

(i) Land acquisition and encroachment

In September 2019, Ven. Galagoda Aththe Gnanasara Thera and a large group, including members of the Buddhist clergy, violated a court order and performed the final rites of the chief prelate of the Gurukanda Rajamaha Viharaya at a contested religious site in Nayaru. Hindus and Buddhists argue that the site is part of their respective cultural and religious heritage. Lawyer Kanagarathinam Sugash recalled a monk’s response when informed of the court order, ‘This is

a Sinhalese Buddhist country and monks come first, they are above all'.⁵⁴ Subsequent to this incident, a petition was filed by Tamil National Alliance (TNA) MP Shanthi Sri Skandaraja on the contempt of court.⁵⁵

The first part of the monk's statement can be read together with similar statements made by members of the Buddhist clergy. For example, Ven. Gnanasara Thera—who also violated the court order—has previously claimed, 'This country belongs to the Sinhalese, and it is the Sinhalese who built up its civilisation, culture and settlements'.⁵⁶ The tendency to remind minorities of their place in the host-guest relationship and re-assert the host's authority over spaces points to an insecurity among some sections of the Sinhala-Buddhist population. This insecurity draws from a narrative of perceived minority acquisition/encroachment of Sinhala-Buddhist lands.

Although Sinhala-Buddhists are the majority in Sri Lanka, they perceive themselves to be a minority within the larger global context, i.e., 'a majority with a minority complex'.⁵⁷ Thus, actions taken outside of the law are justified as protecting Sinhala-Buddhist heritage. Reading of negative Buddhist experiences under the colonial administration may offer insight into the development of the majority with a minority complex.⁵⁸ According to Shamara Wettimuny (2021), the colonial state 'repeatedly offended the religious sensibilities of the Buddhist community', which was generally tolerant and non-violent.⁵⁹ Buddhists were thus reduced to the status of a persecuted subject-population. Fears over the denial and deprivation of Buddhist religious rites appear to permeate Sri Lanka's post-independence landscape. In the post-independence years, however, resistance once aimed at the colonial state seem to be re-directed at minority faith groups—the immediate 'threats' to Sinhala-Buddhist heritage.

Against this backdrop, it is possible to evaluate the clergy's disregard of the court order. From the

perspective of the clergy, the site in Nayaru is part of the Sinhala-Buddhist heritage and is under threat from minorities seeking to claim ownership over the site. Groups supportive of the clergy's actions are likely to subscribe to this narrative and justify the clergy's conduct as acting within what they perceived as Sinhala-Buddhist territory.

(ii) Majority expansionism

Tamil-Hindu sections of the population appeared to interpret certain events in the period under review, in addition to the incident at Nayaru, as majority expansionism. According to this narrative, there are sustained efforts by Sinhala-Buddhists to take over areas in the North and East. In the Tamil language press, this narrative is often captured by terms such as 'Sinhalisation' and 'Buddhistisation'.⁶⁰ This narrative holds that the state is complicit in efforts to take over areas in the North and East in at least two ways; by deploying various state institutions, and by affording an exceptional status to Buddhist clergy who lay claim to minority dominant areas.

The appointment of the PTF for Archaeological Heritage Management in the East was one such incident viewed with scepticism. The PTF exclusively comprises Sinhalese, security officials, and members of the Buddhist clergy. Such a composition does not take into consideration the religious and ethnic breakdown of the Eastern Province. 37% of the Eastern Province comprises Muslims, followed by 34.7% of Hindus, and 23% of Buddhists.⁶¹ 39.2% of the Eastern Province comprises Sri Lankan Tamils, followed by 36.9% of Sri Lankan Moors, and 23.2% of Sinhalese, among several other groups.⁶²

The Archaeological Department's affiliations/work with the PTF surfaced during this period. NCEASL's incident report on anti-Hindu violence also documents a few instances of the Archaeological

Department's discrimination against Hindus. As analysed in the section on anti-Muslim violence, the Archaeological Department has long been viewed as a state institution that demonstrates negative bias towards minority faith groups, especially by Hindus. The negative views on the PTF and the Archaeological Department suggest that both bodies are considered to be vehicles of majority expansionism.

The inclusion of the Buddhist clergy in archaeological preservation and exclusion of religious leaders of other faith groups appeared to strengthen the narrative of majority expansionism. In particular, some clergy in the PTF have explicitly countered claims of Tamil-Hindu heritage in the East. For instance, PTF member Ven. Ellawala Medhananda Thera stated in an interview that there is 'no place' for Tamils to declare the East their 'native homeland'.⁶³ Such statements demonstrate how certain actors in state bodies are biased towards histories that favour Sinhala-Buddhist claims to space. This bias does not allow for competing claims to space or shared histories among the country's diverse populations.

The involvement of military officials in the PTF has also raised concerns among segments of the Tamil population. These concerns can be read together with other task forces such as the PTF to build a Secure Country, Disciplined, Virtuous and Lawful Society, and the National Operations Centre for Prevention of COVID-19 Outbreak (NOCPKO) task force, which are also headed by military officials. Several Tamil victim survivors of Sri Lanka's nearly thirty-year war have accused the largely Sinhalese armed forces of committing war crimes, occupying privately-owned property, and intimidation.⁶⁴ Involving the security forces in the context of archaeological preservation, which is a particularly contentious issue for Tamil-Hindus, is likely to reignite fears of potential military occupation and intimidation. Moreover, the links between the military, the clergy, and senior Sinhalese figures in the PTF may further erode the Tamil community's trust in state measures. It may also reaffirm beliefs in the state's complicity in advancing Sinhala-Buddhist majoritarianism.

CONCLUSION

This study set out to identify key trends and insights into incidents of religious violence against minority faith groups in Sri Lanka from September 2019 to September 2020. A total of 63 incidents of anti-Christian violence were identified during this period, while press reports were monitored to document episodes of anti-Muslim and anti-Hindu violence. The findings of the study illustrate that ethno-religious minorities continue to be vulnerable to episodes of violence.

A ranking system devised to understand the nature of violence and the type of perpetrator in violence against Christians showed that state officials were more likely to engage in less severe or borderline severe forms of violence. By contrast, identifiable/unidentifiable groups were likely to engage in more severe forms of violence such as property damage and physical violence. Religious leaders of other faith groups were also responsible for some incidents of physical violence.

A similar ranking system to understand police action to different forms of violence showed that police action was largely negative. Police action was actively negative in most cases involving borderline severe violence and a few incidents involving more severe

forms of violence such as physical violence. In several cases of extremely severe/severe forms of violence (physical violence and property damage) however, police action was passively positive.

Further evaluation of the data demonstrated that violence against Christians and other minority faith groups is driven by certain entrenched negative narratives and perceptions, which have also allowed for state partiality towards the Sinhala-Buddhist majority. Such state partiality appeared to drive the state's prejudice against minorities and patronage to other branches of the state that restricted the religious freedom of minorities.

In the case of Christians, state officials were responsible for at least 65% of incidents of violence. The study also found that state officials such as the police abused their powers by openly threatening, coercing, intimidating or discriminating against Christian religious leaders and places of worship. Moreover, the police appeared to endorse fellow state officials' intolerance of Christians by not positively intervening on behalf of targeted individuals. The study also noted some cases of police surveillance of Christians.

Similar episodes of discrimination, intimidation

CONCLUSION

and surveillance were experienced by Muslims and Hindus at the hands of the state. The state's treatment of minorities in the period under review, especially in terms of the discriminatory policies and bodies it introduced, may signal to minorities that

they are relegated to a secondary status. The state's neglect of the concerns raised by minority religious groups reinforces the view that the Sri Lankan state is adversely affected by entrenched anti-minority perceptions, and that it is biased against minorities.

ANNEXURE

Annex I

The methodology given below was created by Verité Research in 2013 and was adopted in its previous report, *Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019*.⁶⁵ The current study has nuanced some of the categories evaluated under this methodology to capture other areas provided in NCEASL's recent incident reports.

Incident and Incident ID

The current study maintains the previous study's reference to each event as an 'incident'. Each individual incident was given a unique ID based on the date mentioned in the incident reports provided by NCEASL.

An incident is a single data point. For a religiously motivated act of violence to qualify as an 'incident', the data should be sufficient to ascertain that the 'Type of Harm' falls under one of the categories listed below. In some instances, NCEASL's incident reports documented a series of related incidents occurring at different times in the same area. These incidents were classified as separate incidents provided that each incident constituted a different 'Type of Harm'.

Type of Harm

Definitions for the types of harm are listed below. An incident that did not fit any of the five types of harm was not classified as an 'incident'. A single incident may have more than one type of harm or violence.

- 1. Property damage or destruction** – unlawful forced entry (unlawful forced entry that does not result in property damage will be classified under 'Threats, intimidation or coercion'), vandalism or any other form of attack on the property of an individual, institution or group.
- 2. Physical violence** – violence against person/s of any form including but not limited to forcible restraint, assault, rape, abduction and murder.
- 3. Hate speech** – Hate speech broadly encompasses any kind of communication that attacks or uses pejorative or discriminatory language with reference to the protected characteristics of a person or a group.⁶⁶ In the context of this report, hate speech includes any printed material, meeting, rally or media campaign which expresses messages to attack or incites feelings against a religion, religious practices, religious symbolism, places of worship, religious community or

followers of a religion based on their religious affiliation.

- 4.** *Threats, intimidation or coercion* – includes any verbal threats, phone calls, or direct encounters that do not result in violent acts against persons or property but where there is a threat of force or a forcing of person/s to perform any action against their will. This type of harm includes threatening or coercing Christians to cease worship activities. This type of harm may also encompass incidents involving surveillance or monitoring the primary target/s in a manner that is aimed to intimidate the primary target/s.
- 5.** *Discriminatory actions or practices* – Any form of discrimination on religious grounds, including but not limited to denying or limiting services, denying or limiting access through differential treatment in an isolated case or a sustained policy/practice of differential treatment. Actions in this category are not limited to state actors but apply to any of the ‘Key Perpetrators’ categories listed.

Key Perpetrators

Perpetrators were classified from the given list of primary actors as identified by NCEASL incident reports. A single incident may have more than one type of perpetrator.

- 1. a.** *Political/Social movement or politicians* – refers to all groups that identify themselves by a name or political figures who are not holding any government office at the time of being involved in an event.
- b.** *Political/Social movement comprising Buddhist monks or led by a Buddhist monk*
- 2.** *Unidentified individual or group* – when the affiliations of perpetrators are unclear or unstated.
- 3.** *Institution or public servant (state officials)* – only

used when the institution or person in question had a legal affiliation to the state, including elected individuals holding public office (e.g. state-run school, government administrator, minister).

- 4. a.** *Religious institution or clergy (individuals from other faith groups linked to religious institutions)* – to a member of a religious order, a place of worship or a religious institution (e.g. religious education institute, welfare institution affiliated to a religion), but excludes clergy formally associated with a social/political movement, which is captured above. This category also excludes members of the Buddhist clergy as they are documented in a separate category.
- b.** *Buddhist monk* – refers to a member of the Buddhist clergy. Violence perpetrated by members of the Buddhist clergy are coded separately due to two reasons: (i) several incidents of religiously motivated violence against minority faith groups, especially post-war, have been perpetrated by certain members of the Buddhist clergy; and (ii) NCEASL’s incident reports have documented many episodes involving Buddhist monks. Past reports for NCEASL such as *Silent Suppression: Restrictions on Religious Freedoms of Christians 1994-2014* and *Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019* have thus included a separate analysis of Buddhist monks’ involvement in incidents of violence.⁶⁷
- 5.** *Commercial interest group or private sector firm* – refers to a formally registered private commercial entity (e.g. a company registered under the Companies Act of Sri Lanka), business association or any other entity involved in any form of commercial activity or acts as a space for promoting commercial activity.

- 6. Identifiable individual/s or group in the locality**
– This includes identifiable individuals or groups including but not limited to residents and workers in the locality.

Perpetrators' Religious Affiliation

This category was used if the group or individual either self-identifies or has an unambiguously identifiable religious affiliation, otherwise classified as 'unknown'.

Perpetrators' Ethnic Affiliation

This category was used if the group or individual either self-identifies or has an unambiguously identifiable ethnic affiliation, otherwise classified as 'unknown'.

Primary Targets

This section refers to the main target in the recorded incident. The six choice categories represent the broader classifications of potential targets and more than one may be entered for a given event.

- 1. Individual/s (church members)** – could include an individual or a group of individuals not specified in any of the other categories for 'Primary Targets'. E.g. a Christian church worker or the church congregation. Attacks on an individual's property (not used for worship activities) are also documented under this category.
- 2. Local community** – could include, for example, all the Christian households in the village or a sect of Christians who are targeted.
- 3. Place of worship** – could be a church or the

location/house where prayer meetings are held.

- 4. Business** – could be a Christian-owned enterprise.
- 5. Wider community** – could be used particularly in events when many or all categories may be targeted en masse or Christians targeted at a national level.
- 6. Institutions, clergy, officials or public figures** – could be a pastor, or a Christian organisation or any other Christian public figure. In the current report, this category only included Christian religious leaders. As such, all references to 'Christian religious leaders' are relevant to this category.

Police Action in relation to the Incident

- 1. Actively/Tacitly involved** – if the police play any role actively or tacitly in perpetrating the incident. This type of active or tacit involvement can include: direct involvement; supporting perpetrators by endorsing their actions; and refusing to engage in official duties when notified after an incident has occurred.
- 2. Present and inactive** – if the police are present and allow the religious persecution to continue without intervention.
- 3. Present and intervene** – if the police are present and intervene in the defence of the primary targets.
- 4. Absent/Unknown** – if there is no mention of police action during the incident or if the action is not discernible in the incident report.
- 5. Intervene after the incident** – if the police are called or approached after the incident and if some follow-up action is taken.

Government Official Action in relation to the Incident

A government official could be any employee of the state excluding the police. E.g. an official from the divisional secretariat, grama niladhari etc.

1. *Actively/Tacitly involved* – if a government official plays any role actively or tacitly in perpetrating the incident. This type of active or tacit involvement can include: direct involvement; supporting perpetrators by endorsing their actions; and refusing to engage in official duties when notified after an incident has occurred.
2. *Present and inactive* – if a government official is present and allows the religious persecution to continue without intervening.
3. *Present and intervene* – if a government official is present and intervenes in the defence of the primary targets.
4. *Absent/Unknown* – if there is no mention of a government official's actions at an event or if the action is not discernible in the incident report.
5. *Intervene after the incident* – if a government official is called or approached after the event and some follow-up action is taken.

Legality of Place of Worship

The question of the legality of a place of worship was classified for all events occurring after the Ministry of Buddha Sasana issued a circular in 2008 calling for such places to be registered.

1. *Legality questioned without reference to legislation or circular* – legality of place of worship is questioned without reference to legislation or circular.
2. *Legality questioned with reference to legislation or circular* – legality of place of worship is questioned with reference to legislation or circular.
3. *Clarification sought* – if the legality of the place of worship is questioned and if asked to show proof of authorisation. Generally, the circular is not referenced when proof of authorisation is requested.
4. *Deemed illegal/unauthorised* – a place of worship was deemed illegal if a public official e.g., a policeman, claimed that the pastor could not continue his worship services at a church or prayer meeting without the necessary documentation from the Ministry of Buddha Sasana.

Annex 2

Verité Research devised a ranking system to understand the severity of violence in each incident and the level of authority of the key perpetrator in that incident. The ranking system is as follows.

Type of Harm – Classified According to the Severity of Violence

1. *Physical violence against persons* – most severe form of violence.
2. *Property damage or destruction* – severe form of violence. Most incidents of property damage and destruction also involved physical violence or potential physical harm to individuals (e.g. stones were hurled at a church while congregants were present). Thus, the category ‘Property damage and destruction’ was ranked more severe than ‘Threats, intimidation or coercion’ and less severe than ‘Physical violence against persons’.
3. *Threats, intimidation or coercion* – less severe/ borderline severe form of violence.
4. *Discriminatory actions or practices* – least severe form of violence.

Key Perpetrator – Classified According to the Perpetrators’ Level of Authority

1. *State officials* – very high level of authority. State officials are afforded broad legal powers to uphold public safety.
2. *Religious leaders of other faith groups* – high level of authority. Religious leaders are recognised as guiding figures among certain social segments and are influential/can command authority among these segments.
3. *Identifiable/unidentifiable individuals* – low level of authority due to low access to sources of power when compared with the other perpetrator categories.

The incidents were then clustered based on this ranking system. For example, one incident can include state officials and identifiable/unidentifiable individuals as the key perpetrators. In the same incident, the types of harm can be discriminatory actions and practices and physical violence to persons. In accordance with the ranking system, physical violence would be classified as the most serious form of harm in that incident and state officials would be identified as the perpetrator with the highest level of authority in that incident.

A ranking system was also devised to assess the nature of police action in an incident. The categories in this ranking system were also used to evaluate police action in Verité Research's *Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019*.⁶⁸

Police Action – Classified According to the Type of Police Intervention

1. *Actively negative* – present during the incident and was actively/tacitly involved in supporting the act of violence.
2. *Intervention was unknown (not recorded) or absent.*
3. *Passively positive* – followed up on the relevant accountability processes after the incident had occurred.
4. *Actively positive* - present during the incident and intervened on behalf of the primary target/s.

Each incident was then evaluated by identifying the least favourable course of action taken by the police and the most serious form of violence in that incident.

END NOTES

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13. For example, Michael Roberts explains that *sinhadipa* and *dhammadipa* are 'sister concepts' that 'bequeathed to the Sinhalese a vision: their role as a chosen people destined to preserve Buddhism in its pristine purity within the island bastion'. See Michael Roberts, *Exploring Confrontation. Sri Lanka: Politics, Culture and History* (Harwood Academic Publishers 1994).
14. Verité Research, *Vol.04, #16* (Verité Research 2014).
15. Gehan Gunatilleke, 'The Constitutional Practice of Ethno-Religious Violence in Sri Lanka' (2018) 13 (2) *Asian Journal of Comparative Law* 359-387.
16. Orlando Woods, '(Re)producing Buddhist hegemony in Sri Lanka: advancing the discursive formations of self-Orientalism, religious (im)mobility and 'unethical' conversion' (2018) 48 (2) *Religion* 215-235.
17. See for example the Sinhala Only Act, the special status afforded to Buddhism in the Sri Lankan constitution, and the 2008 Circular issued by the Ministry of Religious Affairs and Moral Upliftment (thereafter known as the Ministry of Buddha Sasana, Religious and Cultural Affairs) to register new constructions for places of worship. The circular has often been used by state officials to question the legality of Christian places of worship.
18. To read more about Neil DeVotta's concept of institutional decay see Neil DeVotta, *Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka* (East-West Centre 2007). Gehan Gunatilleke has since argued that institutional decay constraints meaningful constitutional reform in Sri Lanka (see Gehan Gunatilleke, 'The Structural Limits of Depoliticisation in Sri Lanka' (2019) 108 (6) *The Round Table* 613-624). To see DeVotta's and Gunatilleke's interpretation of the concept in past reports on religious violence in Sri Lanka see Verité Research, *Inaction and Impunity: Incidents of Religious Violence Targeting Christians, Muslims and Hindus 2015-2019* (Minor Matters 2020), at <https://www.minormatters.org/storage/app/uploads/public/5f7/fef/17a/5f7fef17a04b5744424400.pdf> [last accessed 12 February 2021].

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