
Report of the Fact Finding Visit to Batticaloa

**TO STUDY THE IMPACT OF
THE EASTER SUNDAY
BOMBINGS**

4 January 2022

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1. Purpose of the fact-finding visit

On 5-6 December 2021, a fact-finding team visited Batticaloa to ascertain the impact of the Easter Sunday bombings on the Christian and Muslim communities in Batticaloa two and a half years after the incident. The team was conscious of the fact that inter and intra-community tensions in the Eastern Province, which were not dealt with after the end of the thirty-year armed conflict and were brought to the fore again by the Easter Sunday attacks, appear to have worsened existing fissures. As a result, there are new groups emerging, which have found new targets for discrimination and marginalization, thereby creating new centres of conflict and insecurity for vulnerable populations. However, while acknowledging that inter and intra-community relations in Batticaloa in the Eastern Province have to be viewed in the context of the thirty-year armed conflict which impacted and thereby complicated both, the aim of the visit was not to study inter and intra community relations generally, but to focus only on issues arising from the Easter bombings.

The team was mindful that meeting with the victims of the Easter Sunday attacks and inquiring about their experience of recovering from it might re-traumatize them, particularly given countless groups and individuals have already met and spoken with them about it. The team met with persons from the non-denominational Christian community, families of persons detained under the PTA and leaders of the Muslim community. A discussion was also held with those who are facilitating and assisting burials of Muslims that die of COVID-19.

References to interviewees have been anonymised and pseudonyms have been used in the report.

The team consisted of:

Radhika Coomaraswamy: Chairperson, International Centre for Ethnic Studies and Chairperson, South Asians for Human Rights.

Nimalka Fernando: Co-chairperson of the International Movement Against All Forms of Discrimination and Racism and member of Women's Regional Network (South Asia). Lawyer, human rights and women's rights activist.

Sakuntala Kadirgamar: Executive Director of the Law and Society Trust. She is a constitutional lawyer and has served as an Adviser to the Mediation Support Unit of the United Nations as the Gender and Inclusion Advisor and as an Adviser on Constitutions and Power Sharing.

Chulani Kodikara: feminist researcher and activist. She is currently part of the editorial team of *Polity*, the magazine of the Social Scientists' Association.

Rehab Mahamood: lawyer, researcher and activist. She is currently an acting researcher at Amnesty International.

Yamini Ravindran: human rights activist with a specific focus on freedom of religion or belief. A lawyer by profession, she is Associate Secretary-General of the National Christian Evangelical Alliance of Sri Lanka.

Thyagi Ruwanpathirana: researcher and activist. She works as a researcher with Amnesty International.

Kumudini Samuel: women's rights and human rights activist working at the Women and Media Collective and with Development Alternatives with Women for a New Era.

Ambika Satkunanathan: Fellow, Open Society Foundations. She was Commissioner of the Human Rights Commission of Sri Lanka from 2015-2020.

Shreen Saroor, Co-founder of 'Women's Action Network' and 'Alliance for Minorities'. She is also an Ashoka Fellow.

Muqaddasa Wahid: freelance journalist and Programmes Lead at Sisterhood Initiative.

2. Background

On 21 April 2019, Easter Sunday, a series of bomb blasts took place in several churches in Sri Lanka and in a few luxury hotels in Colombo. Zion Church, in Batticaloa, was one such church where more than 31 people were killed that day, including 14 children. The youngest victim was 2 years old. While the other churches attacked were Catholic churches, the Zion Church was an evangelical Christian church.

Several inquiries have been held into the Easter Sunday bombings- the initial by a three-member Presidential Committee headed by Justice Vijith Malalgoda (PC), thereafter by the Parliamentary Select Committee (PSC) and finally the Presidential Commission of Inquiry (PCoI) that was appointed by former President Sirisena on September 22, 2019.

In its report, the PCoI recommended criminal proceedings against former President Maithripala Sirisena for not taking action even though he had prior knowledge of a possible threat and faulted former State Intelligence Service Director, Nilantha Jayawardena for "not attaching the weight he should have attached" when he conveyed the intelligence information of the threat to the then President. The Commission also noted that former Prime Minister Ranil Wickremasinghe was responsible for failing to raise in parliament or cabinet the issue of not being invited to National Security Council meetings. The PCoI report also found that certain senior public officers, law enforcement officers had failed to prevent the attacks. Likewise, the report of the PSC stated the former President had "failed in numerous occasions to give leadership and also actively undermined government and systems, including having ad hoc NSC [National Security Council] meetings" and had excluded key individuals from the meetings. Moreover, the report found the former President and Prime Minister along with other officials, including the SIS Director responsible for the serious intelligence lapses that lead to the attacks.

To identify the necessary action to be taken by state institutions and authorities to prevent another attack by studying the final PCoI report and the report of the Sectoral Oversight Committee on National Security, President Gotabaya Rajapaksa appointed another PCoI on 19 February 2021. This Committee submitted its report on 15 March 2021, which has been referred to Parliament, the Criminal Investigation Division (CID) and the Attorney General's Department for further action. However, more than two years after the Easter bombings, those in the highest positions of power have not been held accountable for failing to prevent the bombings, nor has any reform been undertaken to address the gaps in the oversight and accountability processes related to the intelligence and security sectors.

The Easter attacks have also had an impact on the Muslim community, particularly in the Eastern Province. Since the attacks, over 125 Muslims, including 15 women and 02 infants (data from April 2021) from Kattankudy, in the Eastern Province, have been detained under the Prevention of Terrorism Act (PTA) in connection with the Easter Sunday attacks.¹

¹ Saroor, S. (2021) Sri Lanka: Denying justice while dehumanizing a community at large. *Sri Lanka Brief*, [Online] Available at: <<https://srilankabrief.org/sri-lanka-denying-justice-while-dehumanizing-a-community-at-large-shreen-abdul-saroor/>>

The PTA enacted in 1979 is a human rights deficient law that does not adhere to international human rights standards and from its inception was the focus of criticism. Historically, it has been used against mostly Tamils, and since the Easter attacks against Muslims. It has now been weaponized against dissenters as well. The law allows for arbitrary arrest and detention, prolonged periods of pre-trial detention, and confessions made to a police officer above the rank of an Assistant Superintendent of Police to be admissible as evidence in a trial, despite evidence that torture has been commonly used to extract confessions.² Decisions of the Supreme Court of Sri Lanka which have found torture in many cases of detention under the PTA and instances of persons being discharged or acquitted after pre-trial detention lasting even up to several years illustrate the corrosive impact this law has had on human rights.

While the international community, human rights organizations and human rights activists have pointed out the shortcomings of the PTA, including the misuse of the PTA to intimidate minority communities, and various calls have been repeatedly made to successive governments to repeal or amend the PTA, to date, the PTA remains on the statute books. In March 2021 additional Draconian elements were added to the law in the form of new regulations on deradicalisation.

In July 2021, the Presidential Commission of Inquiry (PCoI) on Human Rights stated the PTA should not be repealed and instead proposed three recommendations. The PCoI recommended that indictments be filed against those who have been detained for more than three months. Furthermore, it recommended that Section 11 that enables the issuance of Restriction Orders be used in certain instances and an Advisory Board be established per Section 13. These recommendations however do not address the flaws in the PTA that have enabled gross human rights violations for decades.³

² For an in depth discussion of these issues please refer chapters 20 and 26 of the National Study of Prisons of the Human Rights Commission of Sri Lanka at <https://www.hrsl.lk/wp-content/uploads/2020/01/Prison-Report-Final-2.pdf>

³ Satkunanathan, A. (2021) PTA ++: Learning the Wrong International Lessons. *Groundviews*, [Online] Available at: <<https://groundviews.org/2021/11/23/pta-learning-the-wrong-international-lessons/>>

3. Findings

3.1. Rights Violations of the Non-Denominational Christian Community

“Wherever there is a majority in a place, the minorities in that place are being oppressed”.

There are several non-denominational Christian groups in Batticaloa in the Eastern Province, many of whom the team met. During these discussions these groups shared the continued challenges faced by this Christian community in exercising their right to practice their faith freely and without fear. These challenges are due to both extra-legal state interference and state inaction to protect the rights of this community, as well as social discrimination by the Hindu community. The groups stated that the fundamental problem is non-denominational churches are not viewed as Christian by both society and the state, i.e., that their identity as Christians is not acknowledged and accepted.

State restrictions on the right to worship of these communities include requiring churches to register despite the absence of a law that requires a place of religious worship, except a Buddhist temple, to be registered. In October 2008, the Ministry for Buddha Sasana and Religious Affairs issued a Circular on the Construction of New Places of Worship, requiring any new place of worship to be registered with the Ministry. However, according to Sri Lankan law, there is no legal requirement to register places of worship. Moreover, at the time the Circular was issued, there was no specific law that permitted the Ministry to issue circulars to curtail an individual’s right to worship under Article 14(1)(e) of the Constitution. This is validated by Article 15(7) of the Constitution, which states that rights guaranteed under Article 14 of the Constitution can only be restricted by ‘law’, which ‘includes regulations made under the law relating to public security’. Hence, it does not include administrative instructions, such as circulars. Also, although the Circular applies to new places of worship, it is regularly misapplied by local authorities to existing places of worship. For instance, non-denominational Christian groups, in particular, face routine harassment by the authorities, who, based on the Circular, demand that they either register their places of worship or discontinue their religious worship activities. This has severely undermined the fundamental right of religious communities to freely practice their religion as guaranteed by the Constitution of Sri Lanka.

A pastor narrated an instance of local authorities directing them to obtain permission from the Ministry of Buddha Sasana, Religious and Cultural Affairs in Colombo to register a church. The Ministry however informed them it was not necessary to register the church as it was not required by law. The pastor stated, “When we try to construct a church building, the building approval form is not approved by local authorities and they ask us to go to the Ministry in Colombo and there we are informed that there is nothing for the Ministry to approve. Despite this, the local authorities do not let us construct a church building easily”.

Pastors also mentioned past incidents of violence and stated that they now face intimidation and discrimination when engaging in their right to freely practice their faith. For instance, their prayer meetings are reportedly often disrupted by local authorities.

State security agencies reportedly visit churches and request information about congregants, supposedly to ensure that those who are not part of the congregation are not allowed to enter the churches, as part of providing security to churches. The pastors however stated this only served to intimidate them and was contrary to the open and inclusive policy they practice of welcoming persons of all faiths. Further, they pointed out that the intention of the security agencies does not appear to be bona fide, as they are eager to gather information on aspects unrelated to providing security, such as whether the church was registered, its income, etc.

Social discrimination of non-denominational Christian groups takes many forms. One of the issues highlighted by the pastors is the targeting of this Christian community by Hindu groups that propagate Hindutva-like ideologies and have affiliations to the right-wing Hindutva groups in India. The Christian groups expressed dismay that Tamil political parties not only seem concerned solely about the problems faced by the Tamil Hindu community, but also that some Tamil politicians are supportive of the Hindutva groups. The pastors shared examples of duplicitous action by politicians who, while assuring the Christian community they will ensure their protection or hold those engaged in anti-Christian action accountable, also enable anti-Christian acts or instruct state entities not to take remedial action.

The link between Hindutva groups in Sri Lanka, which receive financial support from groups abroad, and similar groups in other parts of South Asia, such as India, was pointed out. For example, if attacks against Christians take place in India, it was noted that a few days later an attack against a Christian church in Sri Lanka would take place. A pastor shared his personal experience of a hitherto unknown person from abroad contacting him, due to a case of mistaken identity, and offering him financial incentives to engage in violence against Christians. The continued hostility and discrimination of non-denominational Christians by the Catholic Church was also mentioned as a general issue of concern.

Non-denominational Christians in the Eastern Province face other forms of discrimination, marginalization and harassment as well. There have been instances when they were prevented from using the public cemetery, which is often called a 'Hindu cemetery', through mob violence, or are forced to cremate and conduct last rites according to the Hindu customs. It was stated that although usually the local population has no objection to Christians being buried in the public cemetery, state officials at the local level incite people to protest against it. Those who are engaged in the illicit alcohol and drug trade have also supposedly been noted playing a role in inciting violence during these instances. The informal networks that sometimes supersede formal structures was illustrated in this instance too, as it was said that if a Christian person has social influence, then they are able to bury in the public cemetery without encountering the aforementioned problems.

It was alleged that Christian children are denied admission to national schools. Also, there was a specific incident highlighted of a Christian who worked in a position of authority in a state school being subject to continuous discrimination by a senior official. A pastor narrated his experience of discrimination, harassment and being subject to public humiliation by the

senior officer who had links with Hindutva groups. He said due to this both his psychological and physical health were adversely affected. A trend of Christians not being appointed to positions of authority in the state administration structures at the provincial level, which is said to be increasingly occupied only by Hindus, many of whom are supposedly aligned to Hindutva groups, was identified as another form of discrimination. This they said has resulted in Hindu temples being established in public institutions, which should be secular spaces.

Social discrimination and state discrimination intersect at many points, which exacerbate the violations suffered by the non-denominational Christian community. For instance, their complaints to the police regarding religious liberty violations generally result in no action. They pointed to a case of the police refusing to accept the complaint of a pastor who was assaulted. The increasing inability to hold the police accountable for extra-legal and illegal action was described by a pastor who commented that during the Yahapalana government, policemen were mindful of not engaging in extra-legal action but at present he said they “are not afraid”.

After the Easter Sunday attacks, certain persons had allegedly tried to incite Christians against Muslims and create inter-community violence. The pastors pointed to this as part of a pattern whereby, when a fractious inter-community situation arises, groups that engage in action against non-denominational Christians come together to attack them.

The pastors reiterated they have had and wish to continue to maintain a cordial relationship with the Muslim community. For instance, after the Easter bombings pastors facilitated the visit of Muslim leaders to the homes of those who were killed in the incident to condole with the families with the aim of diffusing inter-community tension.

The pastors attributed state and social antagonism towards non-denominational Christian groups to erroneously equating them with the missionaries of the past and believing they are forcibly converting people. The Pottuvil to Polikandy (P2P) march was cited as an example of Christian clergy increasingly being viewed with suspicion, because in the past Christian clergy would have taken the lead and actively participated in such civic protests but during the P2P march groups with Hindutva links took the lead.

The Christian community leaders expressed deep concern that the government strategy regarding non majority ethno-religious groups appears to be similar to that of the Indian government, i.e., state support for action by Hindutva and other right-wing groups against non-majority ethno-religious groups, which they stated will only lead to inter-community conflict and violence. They, therefore, reiterated the need to pay attention to the early warning signs and take proactive action to prevent violence and inter-community conflict.

3.2. The Impact of the Prevention of Terrorism Act

In the aftermath of the Easter Sunday attacks, many residents of Kattankudy, the hometown of Zahran Hashim, the mastermind of Easter Sunday bombings, were arrested under the

Prevention of Terrorism Act (PTA). The team met with the family members of the arrested persons, nearly all of whom were women. The arrested men are generally from poor families, and hence the women, many of whom are below the age of twenty-five and have young children, face severe socio-economic hardships, which has had a damaging impact on every aspect of their lives. In some families, children are being cared for by grandparents or relatives as both parents have been detained. This places an additional burden on family members already struggling economically, and in some cases some children are unable to continue their education.

3.2.1 Legal dimension

Several arrests made in relation to the Easter Sunday attacks affirm the historical pattern of arbitrary arrests and detention. For instance, many persons were arrested prior to investigation, detained on detention orders for months, and thereafter discharged as there was no evidence against them. This includes persons who, as part of the normal course of their work, booked bus seats for the Easter bombers and had no prior knowledge of the attack. Similarly, the Chairperson of the Centre for Islamic Guidance was arrested for allegedly funding Zahran's activities. At the time of his arrest, he was portrayed in the media as a key actor in funding Zahran's activities but was discharged after several months due to the lack of any evidence. By the time these persons were released they had lost their livelihoods and suffered reputational damage and psychological trauma.

Many arrests are alarming as they appear to have been made not for acts deemed offences in law, but for assumed opinions held. Persons who seemingly did not commit or aid or abet an offence, and only had a peripheral connection to accused persons or to persons who engaged in the bombing have been arrested. For instance, boys and young men who were either forced to attend or were misinformed about the destination and purpose of events organized by Zahran in Hambantota and Nuwara Eliya, and attended for only one or two days were arrested. The mother of a young man said he was eager to go on the trip with his uncle because he had said his parents never take him on such trips and he wanted to visit Nuwara Eliya. They had allowed him to accompany the uncle due to this, only warning him not to bathe in rivers. As a result of these arrests, many young persons have been unable to sit for examinations and to date languish in detention. Illustrative of arrests not based on reasonable suspicion or prior investigation is the arrest a few months ago of a caterer who provided food to Zahran's classes well before the Easter attacks. There was also the case of a family being arrested and detained overnight with the aim of forcing the alleged offender to surrender.

A particular case in which 16 B reports have been filed against 66 persons, of whom 6 are women, illustrates the less than rigorous manner in which the already human rights deficient PTA is being applied. In said case B 427/19, specific charges have not been mentioned in relation to several individuals. Instead, the state has only said investigations are proceeding and to date has requested extension of remand, which has been granted. In this group there are persons who are motorcycle dealers who purchased Zahran's brother's motorcycle when

he was selling his personal possessions prior to carrying out the bombing. It also includes a person who has been remanded for nearly two years because his van is suspected of being used in 'extremist activities'.

Arrest receipts were issued to family members only days after the arrest, and some family members had no knowledge of where arrested persons were detained for several days, and in a few cases, even weeks after the arrest. It is common for families not to be informed when persons are transferred to a different place of detention. Moreover, there are concerns about persons being detained on detention orders for more than the stipulated period of 18 months. In all, nine places of detention were identified by family members - Batticaloa, Trincomalee, Kandy, Polonnaruwa, Galle, Tangalle, Colombo, Badulla and Monaragala. To date, the arrests continue.

Families stated their detained family members had told them they were informed by the TID that they would be released if they made certain statements, which the said persons refused to do. Some alleged they had been tortured during interrogation. It should be noted that historically torture has been used to extract confessions from those detained under the PTA since a confession made to an Assistant Superintendent of Prison (ASP) and higher is admissible as evidence. The other pattern observed is detained persons instructing their families not to take any action, such as filing fundamental rights petitions, as the TID had promised to release them soon. Due to this, families were reluctant to take any action which they fear would antagonise the authorities and jeopardize the release of the detained person.

3.2.2. Access to legal representation

In line with the historical pattern of arrests under the PTA, families of detained persons have no legal awareness, nor means of retaining legal representation and hence are vulnerable to empty promises and extortion. Many families that spoke to the team did not understand the implications of the PTA, except that they understood their family members were arrested in connection with the Easter Sunday Attacks. Access to legal representation is further hampered by the reluctance of lawyers to represent persons detained for the Easter attacks due to fears of being subject to surveillance and harassment themselves. These fears are the result of a few lawyers experiencing such state action.

Some lawyers have appeared on a pro-bono basis when families have required assistance to deal with particularly egregious problems faced by persons in remand. For instance, when a person with a kidney ailment was not produced in court the family was concerned and enlisted a lawyer to appear pro-bono, which is when the Superintendent of the Prison informed court the person had undergone a kidney transplant.

There have been cases of lawyers not informing families of the nature of detention under the PTA and obtaining payment every fortnight when the person was produced in court. Some believed that persons detained under the PTA can be granted bail and had been deceived by certain lawyers who had promised them they would be able to obtain bail soon. Under the

PTA, bail can be granted to pre-trial detainees only with the consent of the Attorney-General. In the case of convicted persons on appeal, bail can be granted in exceptional circumstances by the Court of Appeal. One family paid the lawyer Rs 3000 for 6 months. While Rs 3000 might not appear to be a large sum of money, for a family living in poverty and struggling to meet basic needs it is a considerable amount, which they were willing to spend as they were made to believe the lawyer would be able to secure the person's release during one of the court hearings.

3.2.3. Monitoring mechanism to prevent rights violations

In many instances, the Human Rights Commission (HRCSL) had not undertaken regular visits to check on the well-being of the detained persons although the Commission is mandated to visit any place of detention without prior notice. Further, according to Section 28(1) of the HRCSL Act any arrest under the PTA has to be informed to the Commission within 48 hours and failing to inform the Commission accrues a penalty. Hence, the Commission has the duty to proactively visit every person who has been arrested under the PTA, obtain their statement and ensure they are not subject to ill-treatment.

Since a person can be tortured at any point during administration detention which can continue for up to 18 months, regular visits are required to monitor torture and in the event of ill-treatment to immediately refer the person to be examined by the Judicial Medical Officer (JMO) to record the torture. It appears the HRCSL has not discharged its mandate effectively in this regard.

3.2.4. Social dimensions

The families of those detained in connection with the Easter Sunday bombings have been shunned by other members of the Muslim community, which has exacerbated their struggle for survival. In some instances, mothers, wives and other family members were treated as being complicit in some way with the acts and beliefs of those detained. This was confirmed by community leaders who said the families have been "rejected by their neighbours and cannot openly ask for support. They do not know where to go".

Jaziya's story

Jaziya's husband was detained under the PTA as he had attended Zahran's 'training camp' in Nuwara Eliya, He too went to Nuwara Eliya thinking it was a trip. They have two sons aged 16 and 10. The 16-year-old was enrolled in a madrassa in Kurunegala, which had a local curriculum, and was shut down because it was investigated in relation to the Easter Sunday attacks. Because of this, he was unable to sit for his Ordinary Level exams and has been out of school for over a year.

Jaziya, who earns around Rs. 300- Rs. 350 a day by weaving fishing nets, shared that her 16-year-old son was depressed and angry about being unable to attend school and she was finding it difficult to take care of him. Jaziya cannot weave more than one net a day as she suffers from a severe back problem. Her income is insufficient for the family, which was another reason she was unable to enrol her son in a different school in the area. A friend had recently offered to pay for her older son's education, so Jaziya is planning to enrol her son in the next school year.

In the case of 19-year-old Jenulabdeen Mohammed Jaseel, who died in prison in Colombo in December 2019 due to what was later diagnosed as meningitis, the family had no money to even hire a vehicle to transport his body home to Kattankudy for burial. They had to obtain assistance from a charity to bring his body to Kattankudy for burial amidst severe challenges, including strict instructions from the authorities not to open the coffin as the post-mortem report stated he had died of meningitis.

Most families do not have the economic means to travel to prisons outside their district to visit family members, compounding the emotional stress of both the detained person and the family. They visit only when they are able to obtain the allowance provided by the International Committee of the Red Cross (ICRC). In this context, most families cannot take their children to visit the father, and one said that due to the oppressive and stressful atmosphere in prison, when she had taken the young children, they had fallen ill with fever the following day, due to which they no longer accompany her on visits. Another woman said her husband regularly writes requesting her to visit but she has not visited due to the cost. Others said they have sold property and jewellery to survive. In one instance, a woman informed the team that her son was first arrested and subsequently her pregnant daughter-in-law was arrested, once she had given birth. The parents are in different detention centres and the mother is the only person that visits them. She is also the sole income earner of the family and is further burdened by care responsibilities for her ailing husband and young grandchildren.

Visits by the security agencies to the families of detained persons, and being summoned to the police station for inquiries further isolates the families, especially women, from the community, which already views them with suspicion. At the same time, persons who assist families of detained persons are being subject to surveillance and even being interrogated by the security agencies, which prevents others from offering assistance to these families. The community fear is illustrated by the example of a woman being arrested from a house to which a civil society organisation provided food rations. Following the arrest, the counsellor of that organisation refused to visit the area. The families of the employees of civil society organisations also do not wish them to work with families of detained persons as they are concerned it can place them in harm's way and make them vulnerable to interrogation or worse by the security/law enforcement agencies.

A donor to a civil society organisation demanded their money be returned when they learnt their donation was going to be used to provide a sewing machine to the wife of a person detained under the PTA. A week prior to the team's visit a person who had provided a packet

of vegetables to a family of a detained person was interrogated by the TID. Sometimes multiple teams from law enforcement agencies visit the families, and a community leader half-jokingly narrated an incident of one law enforcement team that was visiting a household inquiring about the identity of the other team, which had departed as they were arriving. The visiting officers obtain information from family members and write statements in Sinhala, a language the families cannot understand. All this aggravates the severe psychological stress experienced by families struggling to cope with the multiple impacts of the imprisonment of a family member, often the only livelihood earner. Community leaders acknowledged the suffering experienced by the families of the detained and reiterated the need for both economic support and counselling to enable them to cope with the impact of arrest and detention.

Fathima's story

Fathima's younger brother, Nauf, was arrested at the age of 22 because he had attended the event in Nuwara Eliya conducted by Zahran. Nauf had told Fathima that he had gone to Nuwara Eliya thinking it was a trip as he was not aware it was a training camp. He had not mentioned it to his family because he was threatened that his family would be killed if he told anyone of the training camp.

Nauf was the sole breadwinner of the family. He had discontinued his studies after Ordinary Levels to take care of his mother and sister as their father had abandoned the family. After his arrest, the sister and mother have begun sewing and weaving mats respectively, to be able to meet their basic needs.

The brother's arrest has not only affected the family's income, but the family was also ostracised by society. Fathima, was engaged at the time of her brother's arrest and her engagement was ended by the fiancé's family who did not want to be connected to them. Many prospective grooms rejected her due to the fact her brother was detained under the PTA in connection to the Easter Sunday attacks.

Even though Fathima is married now, she does not involve her husband in anything connected with her brother. She does not take him to visit her brother in prison, nor to meet a lawyer and does not even use his money to pay for her brother's basic needs in the prison. "What if they (the TID/CID) take him and detain him too? Then what shall we do? I am scared that my life will be destroyed if I involve my husband in these matters, so I keep him out of it," she shared.

Historically, women whose husbands have been detained under the PTA have been vulnerable to many forms of exploitation. The women the team spoke with, given their marginalised socio-economic status, lack of legal and community support and desperation to secure the release of their family members, are also vulnerable to such exploitation, as indicated by their narratives. They stated they did not feel safe at home without their husbands as they felt there might be social censure, inappropriate advances by men or rumours casting aspersions on them. Since these women have to travel alone and seek assistance from different entities to secure their family members' release, in a conservative

society, their fears that social misconceptions and misrepresentations of them will adversely impact their social standing and familial relationships are valid.

The team was also concerned that the state's counter terror measures, both formal/legal and informal, such as surveillance, extend into the domestic and private sphere of these families and impact the human rights of family members, particularly women and children. These transform the domestic and private lives of individuals, families and communities bringing about harms that are often unseen because they are experienced in the private realm and also because they are experienced by women and children. When individuals and families are securitized and become treated as security threats, they are denied care and services and entitlements and thereby deprived of support and care. They therefore experience discrimination and are robbed of the right to privacy and a stable family life.

3.3. Human Rights Dimensions of Deradicalization Initiatives

On 12 March 2021 Regulations on 'Deradicalisation from Holding Violent Extremist Religious Ideology' were issued under the Prevention of Terrorism Act (PTA) in Sri Lanka. The Deradicalisation Regulations aim to send persons who surrender/surrendered or are/were detained under the PTA, the PTA regulations or Emergency Regulations issued after the Easter attacks, to rehabilitation. The Regulations violate many rights including due process rights and the right to a fair trial. Further, they perpetuate ethno-religious stereotypes and enables racial profiling. Following several fundamental rights petitions filed in the Supreme Court of Sri Lanka, the Court issued an interim stay order until it completes hearing to decide whether to grant leave to proceed. Despite the interim stay order, reports indicate the government is proceeding with preparation for various initiatives to deradicalise persons.

At the community level there is confusion and a lack of awareness about the deradicalisation/rehabilitation process. Some families fear persons could be remanded for protracted periods of even several years, and hence regardless of the grave violations that will be perpetrated by the Regulations, believe that the Regulations are the only way to ensure the person will be released in at least two years. Detained persons were said to have been subject to various forms of pressure to force them to sign statements agreeing to be sent to rehabilitation. It should be noted that persons against whom the government had no evidence to indict for a crime but was of the opinion had links with the LTTE were sent to similar rehabilitation programmes following the end of the armed conflict in 2009. These persons were subject to surveillance by intelligence agencies and the military for years after release, which had a severe adverse impact on their ability to socially re-integrate and earn a livelihood. Muslim community leaders the team met were aware of the plight of the Tamils who had been sent to rehabilitation post 2009, and hence view the proposed rehabilitation process as something that will lead to the labelling and stigmatizing of Muslims.

3.3.1. The Harmony Centre

An initiative that claims its aim is to prevent radicalisation of young persons is the Harmony Centre established in Kattankudy two years after the Easter bombings. The Centre, its potential to achieve its stated aim and the impact its activities could have on the Muslim community and inter-community relations needs to be examined within the context of the dynamics of the position of the Muslim community in Sri Lanka, particularly after the Easter bombings, national political developments and socio-political dynamics in Batticaloa and Kattankudy in particular.

Community leaders who played a role in the establishment of the Centre reiterated their loyalty to the country and as evidence of their loyalty mentioned they had assisted law enforcement authorities to identify and arrest those involved in the Easter Sunday bombings. “We Muslims, are loyal to the country. We never thought this incident would ever happen. We were very supportive to the government and law enforcement authorities to identify and arrest the culprits,” stated a community leader. They pointed out they had expressed their concerns regarding Zahran to the state authorities prior to the attacks, which they believe could have been prevented by the government. For instance, if the government had conducted proper inquiries into the killing of the policemen in Vavunaitheevu instead of using the usual scapegoat of the LTTE, they think the attack could have been prevented.

The community leaders mentioned they had no knowledge of the PTA or the fact it could be abused and used to arrest and detain persons who had no connection to the attacks. They said they are deeply concerned about the impact of the PTA on their community and bemoaned the lack of “strong legal support” within the community. The community leaders shared with the team examples of Zahran’s corrosive and restrictive diktats to society to illustrate the way in which young persons were drawn to an insular and hard-line version of Islam. They cited examples of Zahran preaching to young persons not to attend music programmes and girls not to participate in sports. They said Muslims who participated in the Hindu event Saraswathi Pooja were criticised and parents who took their children to see Vesak lanterns were photographed and shamed on Facebook.

As part of their efforts to address the aforementioned practices and trends within the community and prevent young persons from being drawn to violence, certain civil society groups and community leaders established the Harmony Centre in Batticaloa. One of the aims of the Centre is to counter the prevalent perception after the Easter attacks that Muslims in Batticaloa, especially Kattankudy, are terrorists or “extremists”.

The community leaders also shared with the team that Major General Dharshana Hettiarachchi, the Commissioner General of Rehabilitation had suggested they reorganize social structures within the Muslim community to maintain peace and harmony in Sri Lanka. They are said to be in close contact with him regarding this. The team noted there was no mention by the community leaders of the exact plans or strategies they have in mind to achieve their aims. It should be noted that concepts such as radicalisation, deradicalisation and violent extremism are as yet legally undefined and hence abused by governments

globally. In Sri Lanka too these terms have been used and abused to curtail civic rights. In this regard, the government, and that too a military official, initiating intra-community changes is cause for concern, as it not only militarizes the process but can also perpetuate and entrench existing prejudices and fuel discrimination, marginalisation and even criminalisation of dissenting groups within the community.

The Harmony Centre currently conducts workshops and raises awareness on radicalisation. It has planned to hold meetings with all community leaders in the coming months. However, the Centre has not engaged the families of those detained under the PTA nor have those who lead the Centre communicated the plight of these families to the government entities with whom they currently engage regarding the activities of the Harmony Centre.

The Muslim community is presently under siege. As demonstrated by the narratives of the community leaders, the community feels guilt and responsibility for the actions of Zahran even though many within the Muslim community challenged him, were targeted by him and warned the authorities about him. In this context, the community is struggling to find ways to deal with what they fear are fissures within the community and are focused on preventing youth turning to violence, while at the same time supporting efforts to hold those responsible for the attacks accountable. Their efforts are made difficult by a government that appears driven by a Sinhala Buddhist nationalist agenda and impinges upon the rights of other ethno-religious groups. In these circumstances, left with no option, the Muslim community might be forced to agree to arbitrary detention for a definite period of maximum two years, i.e., rehabilitation according to the Deradicalisation Regulations, rather than indefinite and prolonged detention regardless of the rights violations the detained persons and their families will experience. As a community leader stated “we are not in a position to refuse anyone”.

The deradicalisation initiatives and the Harmony Centre also need to be viewed within the social dynamics in Batticaloa and in Kattankudy in particular. Like in other communities, the Muslim community in Kattankudy has its share of intra-community conflict. In particular, a group named Al Haj Abdul Jawad Alim Valoyullah Trust headed by Rauf Maulavi, which is estranged from the larger Muslim community since 1974 when the All Ceylon Jamaithilu Ulayma (ACJU) issued a fatwa against the group, is a key actor in this. Observers of community relations in Kattankudy informed the team that Rauf Maulavi’s group is economically prosperous and politically influential due to the approximately 2000 congregants who are part of his mosque. When he holds events, police and even the military are said to attend in numbers. Zahran targeted this group for their supposed unIslamic practices and the conflict was long running for several years. When the One Country One Law Task Force visited Kattankudy on 5 December 2021 it met with only the Al Haj Trust. Other Muslim community organisations or leaders were not invited to meet the Task Force. The meeting with Al Haj Trust was also given wide publicity, creating concern that the Task Force is deepening intra-community fissures, thereby heightening the possibility of conflict and social disharmony. It is pertinent to note the Al Haj Trust is an intervenient petitioner supporting the Deradicalisation Regulations in the fundamental rights petitions filed against the Deradicalisation Regulations.

Though the community leaders identified Zahran as hard line and radical they were also aware of how and why he was able to draw youth to his group. For instance, he was against the concept of dowry. He also harnessed the dissatisfaction amongst the youth about the way in which Muslims were being treated in Sri Lanka, which points to factors that drive people to violence. It is these factors, i.e., discrimination and marginalisation, that need to be addressed. Zahran also preached to young persons to challenge authority and not respect their teachers etc. In a country which prizes obedience and obeisance and punishes dissent and challenge to authority, it is not surprising young men were drawn to him, once again pointing to drivers of violence that have to be addressed to prevent youth engaging in violence.

Although the concept and stated aim of the Harmony Centre is positive, there are concerns about who is driving the process, the kind of influence the government has on the Centre and its work, which government entities engage with the Centre and whether the Centre will be weaponized to entrench and perpetuate existing prejudices and racial profiling, which will result in further discrimination and marginalisation of the Muslim community. The anguished comment of the family member of a person detained under the PTA illustrates this danger well. She said, 'why can't they (the government) fence the entire Kattankudy boundary, label the whole population as extremists (or what?), charge them under one case, put one Detention Order and thereafter a make it one big rehabilitation town which at least could let the families be together?'

The regulation of communities through the prism of deradicalization is cause for deep concern as it is likely to lead to further rights violations. Any initiative that seeks to prevent persons from being drawn to violence and violent ideologies needs to address the drivers of violence and be based on human rights principles.

3.4. COVID-19 Burials at Oddamavadi

The team met with individuals from Oddamavadi who have donated their lands for the burials of persons, mainly Muslims, who die of COVID-19. Prior to March 2021, forced cremations of those who had succumbed to COVID-19 took place in Sri Lanka. An outcry against the government's forced cremations policy resulted in the government allowing the burial of those who died of COVID-19. However, these burials are only allowed in a designated area in the Eastern Province, i.e. in Oddamavadi (Majma Nagar) in eastern Batticaloa.

The residents of Oddamavadi (Majma Nagar) stated that 14 persons lost their lands as 21.5 acres of land was taken from the people by the government for this purpose. 10 acres were allocated for COVID-19 burials and 11.5 acres were allocated as the buffer zone. Until December 2021, around 8 acres of land have been utilized for COVID-19 burial purposes. The total number of persons buried as at 26th Dec 2021 is 3246 and according to a local authority official only 300 more bodies can be accommodated. If more persons are buried

the buffer zone will be extended and this means more persons will lose their lands and livelihoods. One person who spoke with the team said he has no place to live as he has lost his house and land.

While the residents of Oddamavadi willingly donated their lands so that their fellow Sri Lankans could be buried according to their religious customs, the donated lands had been used for agriculture, animal husbandry and other livelihood purposes. Some are residential lands.

The residents of Majma Nagar stated they need an alternative for the lands taken as at present they are unable to engage in livelihood activities. They revealed that they had requested alternative lands from the Divisional Secretariat but were informed there is no state land in the area that can be given to these residents. The residents stated they had pointed out another public land which could be assigned for burials, but the government had instead wanted private lands to be assigned. As the residents did not want to cause any communal disharmony, they had sacrificed their lands.

They pointed out that even though residents in some other districts, like Kinniya, had offered to donate their lands for COVID-19 burials, the state had not accepted it and currently all COVID-19 burials, regardless of faith, take place at the designated area in Majma Nagar in the Oddamavadi Pradeshiya Sabha. They were of the opinion that certain politicians have used the situation to their advantage to increase their political vote bank as they wanted to appear they had facilitated the COVID-19 burial process as Oddamavadi is their electorate.

Since it is difficult and traumatic for people to travel from all over Sri Lanka to Oddamavadi, they questioned why the government is not allocating burial grounds in every district, particularly since the communities residing close to burial grounds have not faced any health-related issues due to the burials.

4. Conclusion and Recommendations

As a community leader succinctly stated, “wherever there is a majority, the minorities in that place are being oppressed”. Although there are efforts at the community level to deal with inter and intra community cleavages, government action and inaction hamper rather than support these community efforts. The actions of the One Country One Law Task Force for example appear to be aimed at worsening existing tensions and conflict.

Government action to prevent youth engaging in violence only further discriminate and marginalise communities that are already vulnerable and function as drivers of violence and create new centres of conflict. Addressing these issues requires viewing national security as security for all. It requires the state to envisage a form of security that does not depend on demonizing and targeting certain communities, which leads to discrimination and marginalization of already vulnerable populations, thereby undermining social cohesion and community harmony.

Recommendations to the government:

- Conduct an impartial investigation to ensure justice for the victims of the Easter attacks.
- Repeal the PTA, and in the interim implement an immediate moratorium on the use of the law. Any law that purports to deal with terrorism must adhere to international human rights standards after community consultation and expert input.
- Expedite the review and resolution of cases of persons detained under the PTA and grant bail to persons.
- Ensure that any initiative to prevent persons from engaging in violence and socially re-integrate those that may have been drawn to ideologies that propagate violence are in line with international human rights standards.
- Immediately stop the harassment and surveillance of families of persons detained under the PTA and civil society organisations working on the rights and well-being of these persons as well as lawyers representing them.
- Revoke the 2008 Circular requiring prior permission and registration for the construction of new places of worship and ensure the freedom of religion or belief for all religious communities in the country.
- Restrain from arbitrarily using legal and non-legal measures to demand the compulsory registration of places of worship.
- Rescind Extra Ordinary Gazette dated 11 April 2020 making cremation the only option, follow the WHO guidelines for safe and deep burial and allocate Covid 19 burial sites in every province.
- Rescind the PTA Regulations on Deradicalisation from Holding Violent Extremist Religious Ideology’.
- Provide economic support, such as Samurdhi, to families of persons detained under the PTA that are facing severe economic hardship.

Recommendations to civil society organisations and community leaders

- The legal community should provide legal assistance to detained persons.
- Civil society organisations should initiate programmes to engage youth and provide safe spaces to discuss complex issues.
- Livelihood support should be provided to families of detained persons that are in economic distress.