

briefing

Sri Lanka

Visit to Sri Lanka

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1. Executive Summary

Hopes that proposed anti-conversion legislation in Sri Lanka had been shelved and that anti-Christian violence had dissipated have unfortunately proven false. A revised anti-conversion bill has passed its second reading and is currently being considered by a Standing Committee in Parliament, before a final reading and vote. In the first half of 2006, a total of 30 incidents of violence against Christians have been reported by the National Christian Evangelical Alliance of Sri Lanka (NCEASL). In recent months, pastors in southern Sri Lanka, in the area around Galle, have received death threats. There are also allegations claiming the existence of a hit list containing the names of several pastors as targets, although the evidence for this is anecdotal and verbal, and no copy of such a list has been made available. Christian Solidarity Worldwide (CSW) visited Sri Lanka from 26 May-2 June, 2006 to assess the current situation in light of the election of a new President, Mahinda Rajapakse, in November 2005. This visit followed several earlier delegations, including CSW's previous fact-finding visit in September 2004, a visit made by CSW's Patron Baroness Cox and Advocacy Officer Benedict Rogers on behalf of the Foreign & Commonwealth Office Freedom of Religion Panel in February 2005, a visit by the United Nations Special Rapporteur for Freedom of Religion and Belief, Asma Jahanghir in May 2005 and a visit by the United States Commission on International Religious Freedom in February 2006. A climate of religious intolerance, persecution and violence persists, despite initiatives taken to establish inter-religious dialogue.

CSW urges the Sri Lankan Parliament to reject the proposed anti-conversion bill, and appeals to the Sri Lankan Government to take action against perpetrators of violence against Christians. CSW recommends that the international community continue to monitor the situation and to make appropriate representations to the Sri Lankan authorities concerning anti-Christian violence and the proposed anti-conversion legislation.

2. Background

Of Sri Lanka's 20 million population, at least 70 per cent are Buddhist, from the Sinhalese ethnic group. Christians account for 8 per cent of the population, with Roman Catholics amounting to at least 6.5 per cent. Less than one per cent are Protestants, including mainline Anglican, Methodist, Lutheran, Dutch Reformed, Salvation Army and Presbyterian churches, and Non-Mainline churches such as the Assemblies of God and the Foursquare Gospel Church. Hindus, who are from the Tamil ethnic group, represent 12 per cent of the population, while 8 per cent are Muslim. All Buddhists are Sinhalese and all Hindus are Tamil – Christians are the only religious group that is drawn from both ethnic groups.

CSW first visited Sri Lanka in September 2004 and met a wide range of organisations representing different religious and secular groups. CSW met Christians of various denominations, including representatives of the Catholic Bishops Conference, the National Christian Council, the Methodist Conference, representatives of the Church of Ceylon (Anglican), and the National Christian Evangelical Alliance of Sri Lanka. CSW also met Buddhist organisations, including the Jathika Hela Urumaya (JHU), the Dharma Vijaya Foundation, SUCCESS, the Buddhist-Hindu Committee, as well as representatives of the Hindu Council of Sri Lanka and the Centre for Policy Alternatives. For a copy of CSW's report of this visit please visit www.csw.org.uk. In February 2005, CSW's Patron Baroness Cox and Advocacy Officer Benedict Rogers returned to Sri Lanka, on behalf of the UK Foreign & Commonwealth Office Freedom of Religion Panel, to investigate proposed anti-conversion legislation. This visit, from 26 May-2 June, 2006 builds on the findings of these previous two visits.

According to one senior church leader, the persecution of Christians in Sri Lanka began seriously in 1991 when a Presidential Commission, established to enquire into the activities of Non-Governmental Organisations, raised objections to the activities of Christian churches. In his view, extremist Buddhist nationalists “hijacked the process and turned it into an inquisition of the Church”. The media was then used to “inflare” the Buddhist population against Christians. Within two weeks of the Presidential Commission report’s release, several churches were torched and Christian NGOs such as World Vision were harassed. These developments were followed by the establishment of a Buddhist organisation called SUCCESS which, according to one church leader, has “a secret agenda to make evangelism impossible.” The strategy, the church leader claimed, was to start with threats and propaganda, which would then develop into physical violence against Christians.

By 1994, media rumours about Christian conspiracies were widespread, especially in the Sinhala newspapers. Wild and completely unsubstantiated accusations were made against the Church of making cakes and biscuits in the shape of Buddha, and cutting them up to eat, as a deliberate insult to Buddhism. “Inflammatory” headlines were published accusing the Church of working together with the LTTE. “The press published untraceable, unproveable stories. They never published articles by Christians, and they never accepted responses from Christians to the accusations,” the pastor claimed.

In 2001, the violence began in earnest, although there had been sporadic incidents in preceding years, including the murder in 1988 of a former Buddhist monk who converted to Christianity (see Section 6). But, according to one church leader, “this is not a popular uprising – this is an orchestrated, planned movement by a few elements.” Incidents of violence reached their highest in 2003-4, with over 170 attacks on churches. Pastors and church workers have been physically assaulted, attackers have thrown human excrement at church buildings, and some churches have been burned down. In 2005, the level of violence fell, but there are concerns that this year the violence is increasing again.

In addition to violent attacks on Christians, militant Buddhists have been attempting since 2004 to introduce anti-conversion legislation. The Government and the JHU party of Buddhist monks both drafted legislation in 2004. The proposed legislation has been through numerous drafts, and in August 2004 the Supreme Court ruled that some sections of the JHU’s draft bill were unconstitutional and needed either to be amended, in order to be passed by a simple majority in Parliament, or the bill would require a two-thirds majority in Parliament and approval in a referendum. The JHU have revised the bill in accordance with the requirements of the Supreme Court ruling, and the latest draft is included as an appendix to this report. The legislation will be discussed in more detail in the section on Anti-Conversion Legislation.

In February 2006, the United States Commission on International Religious Freedom visited Sri Lanka, and in June 2005 the United Nations Special Rapporteur for Freedom of Religion and Belief, Asma Jahangir, also made a visit. The UN Special Rapporteur concluded that the proposed draft anti-conversion legislation “is not an appropriate response to the religious tensions and is not compatible with international human rights law.” The adoption of such legislation would, she concludes, “lead to violations of the essential and fundamental part of the right to freedom of religion or belief” and “the Government would be taking a very serious risk with respect to its obligations under the relevant international conventions”. The “very principle” of the bill as well as its wording “could engender widespread persecution of certain religious minorities”. She concluded also that there were not “sufficient elements of proof” to convince her that forced or unethical conversions were taking place. Furthermore, she recommended that the Government take action in cases of violence against Christians or other religious minorities, to ensure that “justice is done promptly and properly.” This includes “the full investigation of all acts of violence or other acts of religious intolerance committed against religious minorities, including the identification and prosecution of the alleged perpetrators, allowing victims the possibility of

filing claims for the damage they have suffered and the awarding of appropriate compensation”.¹

3. Purposes of Visit

- a) To obtain up-to-date information about religious freedom issues in Sri Lanka;
- b) To assess the development of proposed anti-conversion legislation;
- c) To obtain further evidence of persecution, violence and harassment of Christians;
- d) To obtain information concerning wider human rights issues, particularly the ethnic and political conflict;
- e) To show solidarity with the persecuted Church in Sri Lanka.

4. Itinerary

During this week-long fact-finding visit, CSW had meetings with the former Sri Lankan Foreign Minister and current Advisor to the President of Sri Lanka, Tyronne Fernando; the British High Commission; the Head of the Delegation of the European Commission to Sri Lanka and the Maldives, Ambassador Julian Wilson; the National Christian Evangelical Alliance of Sri Lanka; the acting Chairman of the Assemblies of God in Sri Lanka; and an Anglican Vicar, in Colombo. CSW also travelled to Negombo, Hikkaduwa, Galle and Tissamahara. CSW interviewed four pastors who have experienced recent violence or the threat of violence, including in some cases death threats, and the widow of a pastor who was murdered in 1988. Attempts were made to meet representatives of the Catholic Bishops Conference, the National Christian Council and the Muslim community, but they were unavailable. It should be noted that CSW has met with the Catholic Bishops Conference, the National Christian Council and representatives of the Hindu community on previous visits.

5. Anti-Conversion Legislation

Legislation to prohibit “forced” or “unethical” conversions was first proposed by the Minister of Hindu Cultural Affairs after a visit he made to Tamil Nadu, India, in November 2002. Tamil Nadu is one of five states in India which had anti-conversion laws, although after the November 2004 elections in India Tamil Nadu repealed the law.

Following the Hindu Cultural Affairs Minister’s proposal, the then Minister of Buddha Sasana, now Prime Minister Mr Ratnasiri Wickramanayake drafted a Freedom of Religion Bill. This bill was approved by the Cabinet on 16 June, 2004 and appeared to go further than any other proposed bill by banning conversions altogether. However, since 2004 the Government has not attempted to introduce the bill to Parliament and the bill appears to have been shelved.

In 2003, a new political party consisting primarily of Buddhist monks was established, called the Jathika Hela Urumaya (JHU). After the death of a senior monk, the Venerable Gangodawila Soma Thero, in December 2003 the JHU launched a major campaign for the introduction of anti-conversion legislation. In elections in April 2004, the JHU won nine seats in Parliament, having contested the election on a platform that contained anti-conversion legislation as a centre-piece. In June 2004 the JHU gazetted and then tabled a Private

¹ UN Economic and Social Council, Commission on Human Rights, 62nd session - Civil and Political Rights, Including the Question of Religious Intolerance – Report submitted by the Special Rapporteur on freedom of religion and belief, Asma Jahangir – Mission to Sri Lanka, 12 December 2005

Member's Bill, called the Bill on Prohibition of Forcible Conversions of Religion, which made conversion "by use of force or allurement or by any fraudulent means" illegal.

Opponents of the bill argued that the definitions of "force", "allurement" and "fraudulent means" were too vague. They were given seven days from the time the bill was gazetted to challenge the legislation in the Supreme Court as violating Article 10 of the Constitution, which protects freedom of thought, conscience and religion, "including the freedom to have or adopt a religion or belief of his or her choice". Over 20 organisations petitioned the Supreme Court, including the Catholic Bishop of Chilaw, heads of Protestant denominations and the National Christian Evangelical Alliance of Sri Lanka, against the bill. On 10 August, 2004 the Supreme Court ruled that Sections 3 and 4 (b) of the draft bill violated the Constitution. These require conversions to be reported to the Divisional Secretary of an area, and set out the required penalties for failure to report. The penalties set out in the draft included imprisonment for up to five years and a fine of up to 150,000 Rupees (US\$1,450).

The JHU were given two options by the Supreme Court. Either they could redraft the bill, incorporating amendments in accordance with the Supreme Court ruling, and seek a simple majority in Parliament for the amended bill, or they could present the bill in its original form, which would require a two-thirds majority in Parliament and a referendum. The JHU has chosen to amend the legislation, and a new draft bill has passed its Second Reading in Parliament and is currently being examined by a Standing Committee in Parliament.

The new bill has the title "An Act To Provide Measures To Prevent The Conversion Of Persons Belonging To One Religion To Another Religion By The Use Of Force, Allurement Or By Fraudulent Means; And To Provide For Matters Connected Therewith Or Incidental Thereto". It is otherwise called the Prohibition of Forcible Conversions Act. The Standing Committee in Parliament was established in May, following the Second Reading of the bill, and its 19 members have been appointed by the Speaker of Parliament. There are questions raised about the Standing Committee's impartiality, as the Chairman of the Standing Committee, Wijedasa Rajapakse MP, is a lawyer and President's Counsel who represented the JHU in the Supreme Court hearing. The Committee consists of Members of Parliament including two representatives of the JHU, one representative of the JVP, as well as other Buddhists, Hindus and Roman Catholics.

The NCEASL requested an opportunity to make representations to the Standing Committee, and this was accepted. Three other groups also made representations at a Standing Committee hearing: Solidarity for Religious Freedom, Kithunu Hela Urumaya ("Christian National Heritage Foundation" - a Roman Catholic group) and representatives of the Bishop of Chilaw, Bishop Frank Markus. Oral submissions were made at the hearing, and the Standing Committee has agreed to accept written submissions as well. A petition of 62,000 signatures was also presented to the Standing Committee. The Standing Committee cannot reject the bill completely, but it can make amendments. No date has yet been announced for the final reading of the bill, but Parliament rises for recess in August. The bill, in its amended form, requires a simple majority to be passed. Although international observers claim the President, Mahinda Rajapakse has not indicated his support for the Bill, it is not clear whether or not the President's party, the Sri Lanka Freedom Party, will vote against it. It is worth noting that the President, who previously served as Prime Minister, was elected in November 2005 with 50 per cent of the vote on a platform supported by the JHU. The Opposition United National Party (UNP), led by former Prime Minister Ranil Wickramasinghe, has declared a vote of conscience (a free vote) on the legislation, while the Janatha Vimukthi Peramuna (JVP) and the JHU will support it.

The new draft bill currently before Parliament (see Appendix for full text) contains the following key clauses:

Section 2 (1) – “No person shall, either directly or otherwise, convert or attempt to convert any person professing one religion to another religion by the use of force, allurement or by any fraudulent means.”

Section 2 (2) – “No person shall aid or abet the commission of any act prohibited by subsection (1).”

Section 3 – “Whoever contravenes the provisions of section 2 shall be guilty of an offence and on conviction after summary trial before a Magistrate be liable to be punished with imprisonment for a term not exceeding five years and also be liable to a fine not exceeding rupees one hundred and fifty thousand.” This section continues by stating that if the acts specified in Section 2 relate to “a minor, a woman” or “a person referred to in the Schedule hereto” (this includes prison inmates, physically or mentally disabled persons, “employees of an organisation”, members of the armed forces or police force, students, inmates of hospitals or places of healing, inmates of refugee camps), the perpetrator, if convicted, shall be punished “with imprisonment for a term not exceeding seven years and also be liable to a fine not exceeding rupees five hundred thousand”.

“Allurement” is defined as “any gift or gratification whether in cash or kind”, “a grant of any material benefit, whether monetary or otherwise”, or “the grant of employment or grant of promotion in any employment presently engaged in”.

“Force” includes “threat of religious displeasure or condemnation of any religion or religious faith”.

Little appears to have changed in the new amended draft bill compared with previous versions. The penalties proposed are still grossly disproportionate, and the definitions of allurement and force are still too vague and open to abuse. Christian organisations involved in aid and relief work would be very vulnerable under these definitions. There is a real concern that even if no one is convicted under the new law, it will serve to threaten, intimidate and curtail religious freedom and worsen religious tension and persecution.

6. Violence, Threats and Intimidation: Interviews with Victims

In 2005, the number of incidents of violence against Christians fell significantly. However, this year there has been a rise in violence, with a total of 30 reported incidents in the first five months, and an increasing number of threats made. In a meeting with approximately 50-60 pastors of different denominations, including Anglican, Methodist, Dutch Reformed, Assemblies of God, Foursquare Gospel Church and other evangelical groups, including pastors from LTTE-controlled areas, 20-25 pastors said that they or their church members had suffered physical persecution, including arson, assault and destruction of homes and church buildings.

6.1. Pastor A (unnamed for security reasons), in North - Central Province, Sri Lanka

Pastor A started his church in 1993, in an overwhelmingly Buddhist area. The area is an ancient Buddhist “citadel” in Sri Lanka. In addition to running the church, the pastor and his wife were providing a home for six children, some of whom were orphans and some were from poor families who were unable to care for them. The arrangement was informal, but they were involved in discussions about formalising the scheme. However, on 10 April 2005 two children were, according to the pastor, coerced into complaining to the police of ill-

treatment. They accused the pastor and his wife of beating them. The police took the pastor and his wife into custody. The pastor was remanded in jail for one week, although his wife was released on bail. The pastor had letters from the parents of the children and the local government official, the 'Grama Sevaka', confirming their approval for the pastor and his wife to look after the children, but the local Buddhist monk insisted that the pastor's ministry be closed. For five weeks, mobs stopped his congregation from attending church and threatened them with physical violence. Six weeks after he was first arrested, six Buddhist monks walked into the church. The pastor called the police, and invited the monks to discuss the situation with him. The monks made 14 accusations against the pastor, including allegations such as destroying Buddhist statues, killing children and selling their kidneys. They asked him to close down the church, but he said he did not have the authority to take that decision. He was warned of violence if he continued his activities. The children were taken away by the police and returned to their parents/guardians. The police made enquiries into the allegations, and found no evidence at all to substantiate them. The police found that the pastor and his wife were educating the children. However, although he says the police knew he was innocent, a case was filed against him, and it is ongoing. Five complaints have been made to the police by the pastor about the harassment he has faced, but there has been no meaningful police investigation or action.

6.2. Pastor Lalani, Southern Province in Sri Lanka

Sister Lalani is the pastor of a growing church. She was married to Pastor Lionel Jayasinghe, who was murdered in 1988. Pastor Lionel had been a Buddhist monk since childhood, and converted to Christianity in 1980 at the age of 22. The couple married in 1986, and in 1987 their son was born. Pastor Lalani came from a Roman Catholic family, but became an Evangelical at the age of 20. The couple started a church together, and faced almost immediate hostility from the local community. As the church grew, mobs threatened them and tried to prevent church members from attending services. Then on the night of 25 March, 1988, two men came to the house. Pastor Lionel went to meet them, leaving Sister Lalani and their son in the bedroom. A few minutes later she heard a gunshot. Pastor Lionel came into the bedroom, having been shot in the face. The attackers followed, and stabbed him with a knife and shot him again in front of her, before leaving the property. They were contract killers, and they did not attempt to attack her or her son because they had been hired to kill Pastor Lionel. Once they had gone, Lalani carried her husband to a vehicle and took him to hospital, but by the time they arrived he was dead.

Following the murder of her husband, Sister Lalani and her co-workers moved to another piece of land and continued the church, which came under continuous attack. Mobs stoned her house and she received threatening letters. She purchased some land and built a small structure with a coconut palm roof, which neighbours burned down. She subsequently replaced the coconut palm with tin roofing sheets and people gradually came to realise that she did not get discouraged – they would destroy and she would rebuild continuously. Eventually, she decided to build a permanent church building. In 1998, a decade after the murder of her husband, her church suffered its biggest attack. She had gone to preach at the local Methodist Church, and when she returned, she found a mob of 200 people accompanied by 10-15 monks. They attacked church members and burned Bibles. She received threats to her son, and her church members felt he was not safe, so she sent him to Colombo for schooling and safety.

On 2 April, 1999 people placed three bombs onto the structure of the church. One exploded, but two did not. The damage was minimal. She had to call the bomb disposal experts to neutralise the two remaining bomb devices. They told her that if they had exploded the entire building would have collapsed.

In recent years, however, despite the rise in violence against Christians in the rest of the country, Sister Lalani has won the respect of her neighbours and her situation has

improved. When asked why, in her view, there is such hostility to Christians, she explained that there are several reasons. Firstly, there is a strong belief that Sri Lanka should be a Buddhist nation and that evangelists converting people are damaging to Sri Lankan Buddhist nationalism. Secondly, there is a negative legacy from colonialism. Sri Lankans associate Christianity with the Portuguese, Dutch and British colonial rulers, who brought Catholicism and Protestantism to Sri Lanka. The Portuguese, Dutch and British did not show much respect to Sri Lankan Buddhism – “they came with the bayonet and the Bible,” she said. Several Buddhist temples were destroyed by the colonialists, and these stories have been perpetuated. Lastly, there is an unfounded belief among some people that the Church gives money to people to convert.

6.3. Pastor B (unnamed for security reasons), Southern Province, Sri Lanka

On 28 April, 2002 Pastor B was holding a Sunday service in a small rented house, when a mob led by a Buddhist monk, Gnanaratne, came and shouted abuse outside the church, using a loudspeaker. They gave the pastor and his congregation a week to leave the area. “They got very worked up ... The monk told the mob to tie the people to a tree, burn the house down and rape the women,” the pastor claims. The pastor was assaulted. Two women were also assaulted, but other women were able to escape to a neighbour’s house. Both the pulpit and a cupboard were destroyed and a set of Bible verses in a frame was damaged. However, eventually a neighbour dispersed the mob and the house owner called the police. When the police arrived, five or six monks were present, although the monk who had instigated the attack had left. According to the pastor, “the police were very fair. They said that I had the right to practise my religion. They urged us to settle out of court and forgive and forget. I agreed.” The monks helped to make some repairs to the house, although they did not repair the damaged guitars and other equipment. The landowner asked for the house to be returned, and so the church moved to another residence.

A false rumour was then spread that the church had sought forgiveness from the monks for its activities. When the church continued its activities, it continued to receive threats for about a year. Then on Saturday, 2 August, 2003 at 9.30am about 30 Buddhist monks in robes came in a van and two trishaws. Six monks entered the house and assaulted one of the female church workers, one of the male church workers, and took a file of church documents. Ten minutes later, the pastor arrived, and went to the police. He filed a complaint, but the police did not call the monks to the police station for questioning. A Buddhist trishaw driver told one monk that he was also a Buddhist but he did not agree with the violent assault of a Christian pastor and his congregation. The monk hit him.

Following this attack, the pastor said he would not leave the area, “even if we are wiped out”, and he decided to press charges against the monks. The police required the names of the monks involved, and so the pastor obtained the names of four of the monks, and their associated temples. He provided this information to the police, but no action followed.

The Officer-in-Charge (OIC) of the local police referred the case to the Senior Superintendent of Police, because he himself was facing pressure from local Buddhists and an influential local politician.

The Senior Superintendent of Police (SSP) convened a meeting between the pastor and the monks. The monks accused the church of “buying” converts, but when asked to give specific examples they were unable to. The SSP emphasised that under the Constitution, the pastor had a right to hold Christian worship services. He handled the situation fairly, and threatened to arrest the monks on charges of using a megaphone without police permission, unlawful assembly, destruction of property and attacking a place of worship. However, after one week no action was taken, so the pastor consulted a lawyer and pressed charges. The monks threatened to bring 3,000 monks to the court house if the monks were charged. Four monks were charged, but one is missing and an arrest warrant has been issued for him. However, there appears to be a delay in bringing the case to trial. Court hearings have been

postponed three or four times. There have been two court appearances, however, and in one the magistrate asked the monks why they had not appeared in court earlier. The monks claimed that their temples had been affected by the tsunami, but it was then pointed out that the date of the hearing had been in November, before the tsunami.

The next hearing in the case is scheduled for 4 July. According to the pastor, the monks are “trying to drag the case out in order to tire them out financially”. The lawyers representing the monks are acting on a pro-bono basis so they have no legal fees to pay.

After the first incident, the pastor was willing to forgive immediately and settle out of court. However, now he refuses to settle out of court and is pursuing the case. He says that if the monks plead guilty, he will forgive them, and the case can finish.

6.4. Pastor C (unnamed for security reasons), in Southern Province, Sri Lanka

In August 2005, while Pastor C was away from his church, a mob led by four Buddhist monks came and threatened his church. On 3 September, he lodged a complaint with the police. Then on 21 January 2006, again while the pastor was away from home, several young men arrived at his house, threatened his wife and children and destroyed furniture. He reported this to the police. On 12 February, a mob accompanied by a monk arrived, smashed chairs in the church and made further threats. Again, the pastor reported the incident to the police. The pastor was then asked by the Police Headquarters Inspector (HQI) to come to the police station in the evening. When he arrived, a mob of about 80 people, including monks, was waiting outside the police station. The mob tried to grab hold of the pastor, but the HQI stepped in to prevent violence. He then referred the case to the Senior Superintendent of Police (SSP), who summoned the pastor to the police station the following Monday.

When the pastor arrived at the police station, eight monks were present at the meeting, accompanied by lawyers. The monks were also accompanied by a mob of about 95 people, who were permitted by the SSP to attend the meeting. The pastor was accused of “unethically” converting people, but the monks said that they would spare his life if he stopped his ministry. One woman struck the pastor with an umbrella.

The SSP handed responsibility for the case to the Superintendent of Police (SP). The accusations and insults from the monks to the pastor continued, in the presence of the SP, who made no attempt to intervene. The monks accused the pastor of holding midnight services, but the pastor denied this and invited the SP to come and inspect the church. The SP referred the case to the police in Colombo, and said he would receive a response within three days.

The SP also suggested that the pastor should talk to the senior monk, but the monk, speaking in the presence of the police, threatened to kill the pastor. The pastor told the SP that such a threat, made in the presence of a police officer, was “an insult to your uniform”.

When leaving the police station, the mob tried to surround the pastor, and so he was asked to remain behind for his own safety, until the mob dispersed. On his way home, he saw a large crowd heading towards his house. He took a short-cut, collected his wife and children, and sought refuge in a neighbour’s house and called the police. When the police arrived, they told the crowd that this was the pastor’s house, that he had a right to live there, and that the crowd had no right to be there. The police dispersed the crowd.

The following morning, two police officers came to the pastor’s house, one from the village and one from the Special Criminal Investigations Division. They asked him questions about his family, education, occupation, home details, driving licence, the contact details of his church denominational leaders and further personal details, and then asked him to come in the afternoon to make a statement to the SP. In his statement to the SP he had to repeat all the details. The SP said the information would be sent to the police in Colombo, and a decision would be made the next day. It was not disclosed who would be making the decision. The SSP advised the pastor to stop church services temporarily due to the

problems, but the pastor said he could not make such a decision on his own, he would have to consult his church.

No further police action followed. A team from the NCEASL came to visit the pastor during the course of these difficulties, and when they arrived, their van was surrounded by a crowd. They were able to get away without any damage, but they were unable to visit the pastor.

The following week, the neighbours who had assisted the pastor were threatened and attacked. Excreta and black oil were thrown at the house. The water tank and water connection into the pastor's house were damaged. Their 20-year-old son was threatened with death and has had to leave the village. Another pastor was also attacked. An irritant seed was thrown into the well, which caused his children to become sick from contaminated drinking water. On 21 February 2006 posters were displayed around the village, threatening the pastor with death. They were displayed on rocks, abandoned buildings, a notice board near a shop and on an old election-poster board. One gave him three days to leave the village or face death. Another read: "Get your coffins ready because we're going to kill you." These posters named the pastor, as well as another pastor and the 20-year-old son of the neighbours who had helped them. The father of the 20-year-old has lodged a police complaint.

Another meeting was held with the police. The pastor's wife was giving birth in hospital, so he was unable to attend and sent his assistant in his place. The police advised the assistant pastor to close down the church. He said he did not have the authority to make that decision, and would have to ask the pastor to decide. He asked the police to put their request in writing, but they refused. The pastor decided to stop holding services, because his church members were being harassed and he did not want there to be violence. Instead, he held individual meetings with church members in his house.

On 14 March, two female church members came to the pastor's house for prayer. Ten young men gathered outside the house shouting insults, false accusations and throwing stones. The pastor called the police, who arrived and dispersed the crowd.

The same day, an elderly lady also came to the pastor's house for prayer. A mob of 20 people gathered, shouting verbal abuse. The police came again, but the crowd had dispersed before they arrived. The pastor asked the police to talk to the Buddhist monks, and ask them to allow the community to live in peace. At the moment he is unable to hold services. He used to have a congregation of about 40, but now he can only visit people in their homes.

6.5. Pastor D (unnamed for security reasons), Dutch Reformed Church, Galle District (one of the oldest Churches in Sri Lanka, established by Dutch Colonial rulers over 300 years ago).

He became pastor of this church in January 2005. Since he took over the church, it has grown from a congregation of five to about 200, with 60 worshipping regularly every Sunday.

In January this year, Pastor D received a telephone call from Christians in another church, telling him they had received an anonymous telephone call informing them of a plot to kill pastors in the Galle District. According to the informant, the pastor's name was first on the list. The list included three other pastors, including Evangelical clergy and a clergyman from the Anglican Church. A copy of the hit list has not been made available, however – the pastors have only been informed of its existence verbally.

This threat coincided with the commencement of services in a neighbouring town started by the pastor. On 3 February 2006 one church member received a letter criticising Christianity. The letter said that Christianity is a lie, that a virgin cannot give birth, and so the story of Jesus Christ is a "myth". The letter also stated that Sri Lanka is a Buddhist nation and that anyone holding Christian meetings would be punished. The letter was signed by "Commanding Officer Keerthi" of the Veediya Bandara Brigade (named after a Sri Lankan

General and national hero who fought the Portuguese colonial rulers). On 4 February the pastor informed the police about the receipt of this letter. Others had also received similar letters. On 6 February 2006 the pastor was away, and his wife and the caretaker were in the church. A man came and asked for the pastor. When he was told the pastor was away, he warned the caretaker that if the pastor continues his activities in the neighbouring town he would be killed. The pastor reported this to the police.

The pastors suspect the threats have been made by one particular man, who is known to them. The police have asked this suspect to come for questioning but so far he has not appeared. The police have assured the pastor that they will not allow this situation to continue, but they claim the suspect cannot be found. However, the same suspect has threatened other pastors regularly and is well known in the area. Three complaints have been made to police by another pastor.

In a separate incident, a recent convert and his family in the town have received threats. According to Pastor D, a man who was previously a gambler and an alcoholic converted to Christianity in November 2005. His 12-year-old son who was paralysed has reportedly recovered, and started riding a bicycle a month after his father's conversion. The child's healing generated considerable interest in Christianity in the local area, and several families started attending church. That resulted in increased persecution. The pastor started a prayer meeting in the neighbouring town because it was difficult for these families to travel to Galle. The family received two anonymous letters warning them that if they did not stop the prayer meetings, the father would be killed and his wife raped.

In addition to the threatening letters, various anti-Christian leaflets, ridiculing Christianity, have been distributed in the area. The leaflets include a cartoon suggesting that if someone should knock on the door and want to talk about Christianity, people should ask the person to drink poison and see if they do. The leaflets have a contact email address: vra4s@yahoo.co.uk - "vra4s" stands for "We Are A Force".

7. Conclusions & Recommendations

CSW expresses its continuing concern regarding the persecution of Christians and the climate of religious intolerance and inter-religious tension in Sri Lanka.

CSW urges the Sri Lankan Government to take the following steps:

- To take action to bring the perpetrators of violence, harassment, threatening behaviour and intimidation to justice;
- To promote inter-religious dialogue and harmony;
- To oppose the proposed anti-conversion legislation currently being considered by Parliament.

CSW urges the international community, including the United Kingdom, the European Union and the United States, to continue to make representations to the Sri Lankan authorities, and to urge the Sri Lankan Government to undertake the steps recommended above.

CSW will continue to monitor the situation closely.

8. Appendix: Draft Anti-Conversion Bill

L.D.O/INC/7/2004

AN ACT TO PROVIDE MEASURES TO PREVENT THE CONVERSION OF PERSONS BELONGING TO ONE RELIGION OR ANOTHER RELIGION BY THE USE OF FORCE, ALLUREMENT OR BY FRAUDULENT MEANS;

AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Preamble.

WHEREAS Buddhism is the religion professed and practised by the majority of people in Sri Lanka. Buddhism was introduced to Sri Lanka by the great Tathagatha, the Sambuddha during his visit to Mahiyangana, Sri Lanka, in the Eighth Month after he had attained Buddhahood and it came to the realization after the arrival of Arahat Mahinda Thero in the 3rd Century BC:

AND WHEREAS the State has a duty to protect and foster the Buddha Sasana whilst assuring to all other religions the rights guaranteed by Article 10 and 14(1) (e) of the Constitution of the Republic of the Democratic Socialist Republic of Sri Lanka:

AND WHEREAS both Buddhists and other religious are now faced with a serious threat from forcible conversions and proselytizing by force, allurements or by fraudulent means:

AND WHEREAS the Maha Sangha and other religious leaders have realized the need to protect, promote and foster the religious harmony historically enjoyed by the people of all religions in Sri Lanka:

NOW THEREFORE, BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

Short title.

1. This Act may be cited as the Prohibition of Forcible Religious Conversions Act, No..... of 2004

Forcible conversion to be illegal

2. (1) No person shall, either directly or otherwise, convert or attempt to convert any person professing one religion to another religion by the use of force, by allurements or by any fraudulent means.

(2) No person shall aid or abet the commission of any act prohibited by subsection (1).

Offences

3. Whoever contravenes the provisions of section 2 shall be guilty of an offence and on conviction after summary trial before a Magistrate be liable to be punished with imprisonment for a term not exceeding five years and also be liable to a fine not exceeding rupees one hundred and fifty thousand:

Provided that whoever commits any of the acts specified in section 2 in relation to a minor, a woman or a person referred to in the Schedule hereto, shall on conviction after summary trial before a Magistrate be punished with imprisonment for a term not exceeding seven years and also be liable for a fine not exceeding rupees five hundred thousand.

Manner in which proceedings be instituted

4. Proceedings for the prosecution of an offence under this Act shall be instituted in terms of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979, upon a complaint made to

the police. The prior written sanction of the Attorney General should be obtained for the institution of proceedings under the Act.

Sinhala text to prevail in case of inconsistency.

5. In the event of an inconsistency between the Sinhala and Tamil texts of the Act, the Sinhala text shall prevail.

Interpretation

6. In this Act, unless the context otherwise requires –

“allurement” means the offer of any temptation for the purpose of converting a person professing one religion to another religion, in the form of –

- (i) any gift or gratification whether in cash or kind;
- (ii) a grant of any material benefit, whether monetary or otherwise;
- (iii) the grant of employment or grant of promotion in any employment presently engaged in;

“convert” means to make one person renounce one religion and profess another religion;

“force” means a show of force and includes a threat of harm or injury of any kind, or threat of religious displeasure or condemnation of any religion or religious faith for the purpose of converting a person from one religion to another religion;

“fraudulent” means any willful misinterpretation or any other fraudulent contrivance used for the purpose of converting a person from one religion to another religion;

“minor” means a person under eighteen years of age

SCHEDULE

(Section 3)

1. Persons classified as Samurdi beneficiaries.
2. Prison inmates.
3. Inmates of rehabilitation centres.
4. Inmates of detention centres.
5. Physically or mentally disabled persons.
6. Employees of an organization.
7. Members of the armed forces or police force.
8. Students.
9. Inmates of hospitals and or places of healing.
10. Inmates of refugee camps.