



UNITED NATIONS HUMAN RIGHTS COUNCIL

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**CENTRE FOR SOCIETY AND RELIGION'S SUBMISSION TO THE UNIVERSAL PERIODIC
REVIEW OF SRI LANKA**

Submitted on 13 July 2022

Centre for Society and Religion (CSR) was established nearly in 1971, to promote social justice. Founded by the late Rev. Fr. Tissa Balasooriya, CSR is now managed by the Catholic congregation of Oblates of Mary Immaculate (OMI) and it is situated in Colombo, Sri Lanka. Currently, among other work, CSR is engaged in protecting and promoting the interests of survivors and victims' families in pursuing justice for Easter Sunday Attacks that took place in Sri Lanka.

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1. This UPR submission will focus on the issue of the delaying of justice to the Easter Attacks victims, which such delay is directly linked to the impunity available to the perpetrators of the said violent attacks against religious minorities.
2. Sri Lanka was reviewed in the third cycle of the UPR in 2017. During the said third cycle, the issue of violence against religious minorities were raised by the Holy See, United States, Namibia, Netherland, Poland and Australia, while Sweden, France, Italy, Egypt and some other countries raised the issue of impunityⁱ. Sri Lanka emphasized that it maintained zero tolerance for hate speech and religious violenceⁱⁱ.
3. After two years from the review in 2017, on 21st of April 2019, which was the Easter Sunday, three churches and three major hotels in Sri Lanka were attacked by an Islamic terrorist group and around 269 people were killed while more than 500 were injured. However, even 3 years after the Easter Sunday bomb attack in Sri Lanka, justice is being delayed for the victims and impunity prevails.
4. There were two Presidential commissions and one Parliamentary Select Committee appointed to investigate into the Easter Sunday Attacks. One of the Presidential commissions reports was never published while the other report was partly published. None of the major recommendations from the published reports have been implemented to deliver justice for the victims.
 - i. On 22nd April 2019, a day after the Easter attacks, former President Maithripala Sirisena appointed a Presidential Committee which was headed by Hon. Judge Vijith Malalgoda to investigate into the bombingsⁱⁱⁱ. The Malalgoda Committee submitted its' report on 10th June 2019 to the then President Maithripala Sirisena. However, the report was never made public.
 - ii. On 22nd May 2019, a Parliamentary Select Committee was appointed to inquire and report to the Parliament on Easter attacks^{iv}. There were 9 members in the committee and the then Deputy Speaker Ananda Kumarasiri was the Chairman^v. Around 60 people have given evidence before this Committee and the then President Maithripala Sirisena, the then Prime Minister Ranil Wickremesinghe, were among them^{vi}. On 23rd October 2019, the final report of the Committee containing 272 pages was presented to the Parliament in all three languages and it is available for the public^{vii}. Nothing much has been done to implement the recommendations of this report.
 - iii. On 22nd of September 2019, then President Maithripala Sirisena appointed a Presidential Commission of Inquiry into the Easter attacks^{viii}. Over a period of 214 days the Commission has recorded evidence from 457 witnesses including members of the political authorities, security services and aggrieved parties^{ix}. The final report was handed over to the President Gotabaya Rajapaksa on 1st of February 2021^x and it was partly made available to the public. Though in the final report the Commission identified a number of people including the then President Maithripala Sirisena and the then Prime Minister Ranil Wickramasinghe as the people responsible for the failure to prevent the Easter Attacks, just the then Inspector General of Police and the then Defence Secretary were indicted from all of them, and both were acquitted later.

5. There are several criminal cases filed by the State with regard to the main incidents related to Easter Attacks, but none of the cases have ended up with a conviction up to now which means no one has been made accountable for Easter Attacks as of now.
 - i. The criminal case bearing number HC (TAB) 2972 in Colombo High Court against 25 accused including the person who is alleged to be the master mind behind all the Easter bombings, is considered to be the main criminal case relating to Easter Attacks. The case is scheduled to be heard before a Trial at Bar and indictments containing 23270 charges were served to the accused on 4th of October 2021. CSR also appointed a lawyer to appear for the aggrieved parties and therefore received firsthand information regarding the case. The case has been called several times throughout this period but mainly due to the huge number of charges and various practical difficulties as lack of Tamil speaking lawyers, non-availability of Tamil translations of the indictments, etc. still the trial has not commenced.
 - ii. Several other vital criminal cases were filed in Nuwareliya, Mawanalla, Puttalam, Kalmunei, Kegalle, Kuliyaipitiya and in few other Courts, and CSR has been monitoring them, but these cases have seen very little progress.
 - iii. Indictments were served on the then Inspector General of Police (IGP) and then Defense Secretary over the criminal negligence with respect to 2019 Easter attacks in two separate Trial at Bars at the Colombo High Court under the cases bearing numbers HC (TAB) 2900/21 and HC (TAB) 2899/2021 respectively on 1st of October^{xi}. A lawyer from CSR also appeared for the aggrieved parties and therefore received firsthand information regarding the cases. Both accused were acquitted by Courts on 18th February 2022 even without calling for evidence from the defence. In both cases Judges highlighted the criminal negligence of the Prosecution's witness i.e. the former director of State Intelligence Services, Nilantha Jayawardana with regard to the Easter Attacks and condemned the prosecution for filing the two cases without sufficient evidence against the accused.
 - iv. On 20th April 2022, the Director of CSR, Fr. Rohan Silva with several other religious filed a formal police complaint with the present Inspector General of Police (IGP) with evidence that were revealed in the cases referred to in (iii) above, demanding the arrest of Nilantha Jayawardana, the former director of State Intelligence Services, regarding the Easter Attack. On 21st May 2022, with the instructions of Fr. Rohan Silva, director of CSR, a lawyer has sent a letter of demand to the IGP demanding to take actions for the said complaint. Police has not commenced any investigation regarding the complaint as of now and IGP has not even responded to the letter of demand.
6. Reprisals against those seeking truth and justice for easter attacks has become common during the last 3 years. During the black flags protests held about easter attacks on the night of 20th August 2021 there were intimidations and black flags were removed in two churches. After the UN High Commissioner for Human Rights referred to easter attacks in Sri Lanka in September 2021, hostility towards those involved in campaigning has increased, and one of the specific targets has been the Director of CSR. A media report accused the Director of CSR and two other prominent advocates

for justice for easter attacks, Rev. Fr. Julian Patrick and Rev. Fr Cyril Gamini are conspiring against the Catholic Archbishop of Colombo (Malcolm Cardinal Ranjith). Later Rev. Fr. Cyril Gamini was summoned for questioning in October and November 2021 by the CID regarding a presentation he had made at a webinar on 24th October 2021 outlining the links between the Easter Sunday bombers and state intelligence operations. Shehan Malaka Gamage, an outspoken youth activist who did shocking exposes about easter attacks at a press conference was later questioned by the Criminal Investigation Division (CID) and arrested on 14th February 2022 in a street and granted bail day after the arrest.

7. 220 dependents of the persons deceased due to easter attacks have received 1 million Sri Lankan rupees for each person from the Sri Lankan government, but expenses for the funerals have been deducted from the 1 million and 508 persons injured from easter attacks have received compensation from the government, which means most of the people have received some sort of a compensation from the government. Churches and some other organizations also have provided financial assistance, medical care, psychological care and education^{xii} to some of the families^{xiii}. Also, there are monuments built for victims of easter attacks in Katuwapitiya and Kochchikade, and the commemoration events held with the support of the government^{xiv}.

On 28th October 2021, the government has provided houses for 19 victims of the easter attack on St. Anthony's Church in Kochchikade from the housing complexes owned by the Urban Development Authority^{xv}. The government has promised to hand over 4 million worth houses to 33 selected beneficiary families on a rental and low-income basis^{xvi}. Some other church-based organizations also have provided houses for the low-income victims based in Colombo. However, the victims based in tea estates in central province have not received houses either from the government or from the other organizations though they are one of the lowest income groups and do not have their own houses.

8. Sri Lanka has a history of impunity for attacks on churches. While easter attacks took place in 2019 which is ten years after the civil war in Sri Lanka, during the civil war at least four churches including churches in Navaly, Gurunagar and Allapipiddy in Jaffna district were bombarded or attacked but received very little attention from the governments^{xvii}. One of such churches bombarded was St. Peter and Paul Catholic church in Navaly^{xviii}. In July 1995 when this church was bombarded it was filled with displaced Tamils and around 150 people have been killed including children^{xix}. There have been no investigations in to this Navaly massacre and no one has been prosecuted even after 25 years^{xx}.

Recommendations

9. Considering the above, the CSR calls upon the UPR Working group to recommend the following to the Sri Lankan Government:
 - To timely and duly investigate all the police complaints related to easter attacks.
 - To prosecute all those who planned easter attacks and who were directly involved as well as assisted them.
 - To prosecute all the political leaders, State Officials, Police and intelligence Service Officials who did not prevent easter attacks.

- To implement the voluntary commitments made in 2017 (see from 119 to 130 commitments)
10. The CSR calls upon the other UNHRC members to make above recommendations to Sri Lankan government.
11. The CSR calls upon other UN member states to
- Prosecute the perpetrators of easter attacks in their own jurisdictions
 - Observe significant trials in Sri Lanka related to easter attacks
 - Intervene to protect activists, witnesses etc. related to easter attacks
12. The CSR calls upon the UN High Commissioner for Human Rights to
- Update about the above to UNHRC in her reports and updates.
 - Include the above in OHCHR's evidence gathering project

ⁱ 6 July 2022, A/HRC/37/17, Report of the Working Group Paras 116.67, 116.70, 116.153

ⁱⁱ 6 July 2022, A/HRC/37/17, Report of the Working Group PARA 39

ⁱⁱⁱ 6 July 2022, Probe on Easter Attacks: All probes and no action, <https://www.themorning.lk/probe-on-easter-sunday-attacks-all-probes-and-no-action/>

^{iv} 6 July 2022, Easter Sunday Attacks Parliamentary Select Committee Report, https://www.colombotelegraph.com/index.php/easter-sunday-attacks-parliamentary-select-committee-report-full-text/#google_vignette

^v 6 July 2022, Select Committee report on Easter Sunday attacks in Sri Lanka tabled in Parliament and made public, http://www.colombopage.com/archive_19B/Oct23_1571846099CH.php

^{vi} 6 July 2022, Select Committee report on Easter Sunday attacks in Sri Lanka tabled in Parliament and made public, http://www.colombopage.com/archive_19B/Oct23_1571846099CH.php

^{vii} 6 July 2022, Select Committee report on Easter Sunday attacks in Sri Lanka tabled in Parliament and made public, http://www.colombopage.com/archive_19B/Oct23_1571846099CH.php

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- ^{viii} 6 July 2022, Final report of PCol on Easter Sunday attack handed over to President, <https://www.presidentsoffice.gov.lk/index.php/2021/02/01/final-report-of-pcoi-on-easter-sunday-attacks-handed-over-to-president/>
- ^{ix} 6 July 2022, Final report of PCol on Easter Sunday attack handed over to President, <https://www.presidentsoffice.gov.lk/index.php/2021/02/01/final-report-of-pcoi-on-easter-sunday-attacks-handed-over-to-president/>
- ^x 6 July 2022, Final report of PCol on Easter Sunday attack handed over to President, <https://www.presidentsoffice.gov.lk/index.php/2021/02/01/final-report-of-pcoi-on-easter-sunday-attacks-handed-over-to-president/>
- ^{xi} 6 July 2022, Easter Attacks: Court serves charges on Pujith and Hemasiri, <http://www.adaderana.lk/news/77358/easter-attacks-court-serves-charges-on-pujith-and-hemasiri>
- ^{xii} 12 July 2022, Navaly Church Bombing – 25 Years On, <https://groundviews.org/2020/07/07/navaly-church-bombing-25-years-on/>
- ^{xiii} 12 July 2022, Houses from the Prime Minister to the victims of the Easter attack <https://www.aithiya.lk/english/houses-from-the-prime-minister-to-the-victims-of-the-easter-attack/>
- ^{xiv} 12 July 2022, Navaly Church Bombing – 25 Years On, <https://groundviews.org/2020/07/07/navaly-church-bombing-25-years-on/>
- ^{xv} 12 July 2022, Easter Sunday attacks: New housing for victims, <https://www.themorning.lk/easter-sunday-attacks-new-housing-for-victims/>
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- ^{xx} 12 July 2022, Navaly Church Bombing – 25 Years On, <https://groundviews.org/2020/07/07/navaly-church-bombing-25-years-on/>