



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

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**From The European Association of Jehovah's Christian Witnesses**

**Contribution to the Report of the U.N. High Commissioner for Human Rights  
prepared pursuant to the new review mechanism of the Human Rights Council,  
established by GA Resolution 60/251  
and by the Human Rights Council in Resolution 5/1 of 18 June 2007  
for the 28<sup>th</sup> session(Oct-Nov 2017) of the UPR.**

# Sri Lanka

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## EXECUTIVE SUMMARY

Despite positive developments with regard to religious freedom, Jehovah's Witnesses remain concerned over the inadequate response by police and prosecutors in cases of religiously motivated assaults and vandalism.

In its previous Universal Periodic Review during the 2<sup>nd</sup> cycle—14<sup>th</sup> Session, the government of Sri Lanka accepted the Committee's recommendations to "increase efforts aiming to guarantee the right to freedom of religion and belief" (A/HRC/22/16/—Para. 128 & A/HRC/22/16/Add.1—Para.3.2), and to "step up efforts to protect freedom" (A/HRC/22/16—Para. 127).

Jehovah's Witnesses in Sri Lanka and as a worldwide organization respectfully request the government of Sri Lanka to:

- (1) Prosecute individuals who disrupt their religious services and attack and harm their members during their religious activity.
- (2) Prosecute acts motivated by religious hatred.
- (3) Stop the illegal obstruction to the building and use of places of worship.
- (4) Abide by its commitment to guarantee freedom of religion for all its citizens, including Jehovah's Witnesses.

## I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses (EAJCW) is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world. This submission is based on the most recent reports submitted by victims to the national office of Jehovah's Witnesses in Sri Lanka.
2. Jehovah's Witnesses have been present in Sri Lanka at least since 1910. There are almost 6,000 of Jehovah's Witnesses living in Sri Lanka. They have generally enjoyed freedom to worship, but the police often refuse to provide protection when Buddhist monks attack them or disrupt their religious gatherings. Often, the police side with the assailants. As a result, the perpetrators of such criminal acts have remained unpunished and have been emboldened to carry out further acts of violence. Some authorities state that it is illegal for Jehovah's Witnesses to meet together for worship, even in small groups. As a result, Jehovah's Witnesses are arrested, detained by police, and victimized.
3. Buddhist monks apply pressure to stop Jehovah's Witnesses from holding religious meetings in private homes. Along with this, religiously prejudiced individuals challenge the right of Jehovah's Witnesses to construct Kingdom Halls (houses of worship). Construction of new Kingdom Halls has now been suspended until approval is given by a government ministry. However, no government ministry is taking responsibility for approving the construction of Christian places of worship. Meanwhile, Jehovah's Witnesses in these areas continue to meet in private homes to worship.

## II. HATE CRIMES, ASSAULTS AND INACTION BY AUTHORITIES

4. Since 2013, several of Jehovah's Witnesses have been the victims of religiously motivated hate crimes. Yet, in most cases, the perpetrators were never prosecuted by the authorities.
  - (1) **Nawalapitiya.** On 6 February 2013, then 52-year-old Mr. Sinnappa Christieraj, one of Jehovah's Witnesses, was severely beaten by a Buddhist monk, Bowala Vimaladhamma. Since then, after two years of court hearings, no judgement has been made against the perpetrator. The case is ongoing.
  - (2) **Kottawa.** On 2 October 2013, a mob led by Buddhist monk K. Chandananda tied up three female Witnesses, slapped them, then forced them to march to the police station while holding placards that read: "I will no longer insult Buddha." The Witnesses were charged with "insulting religion." Finally, after three years, the case against the Witnesses was dropped. The police are now preparing to arrest the monk and begin court proceedings, but have not yet taken any action in this regard despite many reminders and visits from the Witnesses' lawyer.
  - (3) **Matara.** On 22 November 2013, Mr. L.S.H. Nanda Premakumara (president of a local Youth Buddhist Society), slapped Mr. Sandun Dhanushka and sexually groped Mrs. P.H.K. Chathushandika. After that, the two Witnesses, along with another Witness, were taken to the police station and wrongfully charged with insulting Buddhism. After three years, the Witnesses are still awaiting acquittal. The case is ongoing.
  - (4) **Weliweriya.** On 27 November 2013, Ven. Webada Piyarathna, of the Weboda Purana Gallen Rajamaha Viharaya temple, severely beat three of Jehovah's Witnesses. To date, no action has been taken against the assailant.
  - (5) **Seeduwa.** On 15 March 2014, perpetrators physically assaulted Mr. Susith Fernando and smashed the window of another Witness's vehicle. They have yet to be convicted. The case is ongoing.
  - (6) **Madampe.** On 8 November 2014, Mr. Nuwan Mendis severely beat Mr. W. A. Thisera, who was hospitalized for two days. On 19 January 2017, a judge insisted that the parties reach a settlement, however this matter is still pending.
  - (7) **Kochchikade.** On 19 March 2016, Nimal Jayantha, a priest of the Palansena Vikshopa Church, along with a mob of around 100, harassed six of Jehovah's Witnesses, who were in their religious ministry. The mob shouted obscenities and tried to assault the Witnesses. This same priest had physically assaulted two of Jehovah's Witnesses in October 2015. That matter was referred to a mediation board and the parties settled the matter. This recent incident was reported to the Kochchikade Police on the same day and referred to a Mediation Board where it was finally decided on 14 May 2016 that a court case would be filed. To date the authorities have done nothing further about this. The Witnesses have inquired several times, but each time the police say that cases like this take a long time to go to trial.
  - (8) **Madampella.** On 7 June 2016, a former Grama Arakshaka (civil defense officer) punched Udara Fernando in the face. The perpetrator then verbally attacked Mr. Fernando and another Witness who was with him, using obscenities and chasing them out of the area. The Witnesses reported the matter to the Kotadheniyawa Police (complaint number: C.I.B 11 24/82) and provided the registration number of the assailant's motorbike. Even while at the police station, the assailant, Upul threatened the Witnesses. Still, the investigating officer, O.I.C Wickramasingha, did not warn or arrest the perpetrator. An Assistant Superintendent

of Police said that Jehovah's Witnesses should be tied to trees and beaten. Instead of investigating the matter, O.I.C Wickramasingha spoke negatively about the Witnesses and said that they should not be performing their religious ministry. He took the complaint and made the Witnesses sign it without giving them time to read it properly. The complaint indicated that the matter was amicably settled. The oppressive environment at the station and fear of reprisal made the Witnesses sign it.

- (9) **Court of Appeal.** On 23 September 2016, the Court of Appeal dismissed an application for a writ of Mandamus to compel the police to conduct meaningful investigations of the crimes against Jehovah's Witnesses. (CA/Writ/265/2014) The court supported their dismissal by saying that 'propagation' is not a fundamental right, while 'to manifest ... and practice ... religion or teaching' is guaranteed. This judgement and play on words has not brought any relief to Jehovah's Witnesses who only wish their rights to manifest their religion are protected.

### **III. REFUSAL TO PERMIT CONSTRUCTION OF KINGDOM HALLS AND INTERRUPTION OF RELIGIOUS SERVICES**

5. A non-statutory 2008 government circular issued by the then Ministry of Buddha Sasana and Religious Affairs has been used by those religiously prejudiced and by local government officials to deny the approval of nearly all applications made to construct Kingdom Halls in Sri Lanka. These include applications made by Jehovah's Witnesses in Madampe, Naththandiya, and Pugoda. After the construction of the Kingdom Hall in Hendala was stopped in May 2015, a petition to the Court of Appeal was accepted. After three adjournments, the Witnesses are still waiting to hear objections to the petition.
6. **Digana.** On 22 May 2016, a Buddhist monk and ten villagers disrupted and stopped a religious service of 40 of Jehovah's Witnesses. The Witnesses had to leave and continue their meeting in a different town. A complaint was made at the Pallekele police station. The police said it was illegal to hold meetings without approval of the local authority, and they should move away from the area. After the Witnesses pressed their case through a lawyer, the police referred the matter to a mediation board who said on 16 July 2016 that the matter cannot be settled and so directed the police to file action. The Buddhist monk was allowed a personal bail bond of LKR 100,000 (approximately USD 660). The case is set for 31 July 2017.
7. **Buttala.** On 29 May 2016, a Buddhist monk disrupted a religious service of Jehovah's Witnesses and demanded to see a permit for holding religious meetings. The monk took photographs of the Witnesses and then left. Soon afterward, police officers Premathilaka and Sarath arrived and questioned the house owner, Mrs. Asoka. The police ordered her to stop having religious services because it is private property. The Witnesses went to the police station to make a complaint, and after much debate, officer J. P. S. Basil Kumar took their statements. The police referred the matter to a mediation board, but the monk failed to attend and another date was set. Because the monk failed to attend the next mediation hearing as well, the board referred the matter to the police for them to take the matter to the courts. Despite the Witnesses' lawyer making repeated visits to the police, they have still failed to do so.

### **IV. ARSON AND VANDALISM OF HOUSE OF WORSHIP**

8. **Madampella.** The Kingdom Hall was vandalized on five occasions. On 14 February 2016, an assailant threw stones and damaged several windows costing LKR 10,000. The police arrived

the next day and took photographs of the damage and the stones used in the attack. On 22 February 2016, an assailant threw stones and broke a window, costing LKR 1,000. The police updated the previous complaint the next day. No further action was taken by the police. On 9 March 2016, a group of people on motorbikes pelted the Witnesses with stones while they were in front of the Kingdom Hall, but no one was injured. On 13 March 2016, an assailant damaged the Kingdom Hall security cameras, costing about LKR 30,000. The police came the next day to investigate, but so far no one has been held accountable. On 30 October 2016, a group of individuals vandalized the Kingdom Hall, smashed a TV screen, and stole a CCTV camera recorder, causing an estimated damage of LKR 300,000. The police accepted a complaint and arrested three suspects and the matter is pending in the court.

## V. INTERFERENCE WITH MANIFESTATION OF BELIEF

9. **Matara.** On 1 March 2013, four of Jehovah's Witnesses were unlawfully arrested and detained overnight for engaging in their public ministry. While the Witnesses were at the police station, several monks arrived and met with the officer in charge and demanded that criminal action be taken against the Witnesses. Court proceedings have dragged on because police have been slow to follow legal procedures, so the Witnesses are still awaiting acquittal.
10. **Talawa.** On 1 March 2014, two female Witnesses were wrongfully arrested, verbally abused for three hours and detained overnight by police. They were released without charge. The Witnesses filed a fundamental rights abuse petition at the Supreme Court. They are still awaiting the outcome of the case.
11. **Walasmulla.** On 29 October 2014, a Buddhist monk led a mob of about 25 people and attacked four female Witnesses. The mob took the Witnesses to the police, who wrongly arrested them and held them overnight in Tangalle prison. The Witnesses filed a fundamental rights petition at the Supreme Court and are awaiting the outcome of the case.
12. **Rubberwatta, Kotugoda.** On 21 March 2016, two Witnesses were forcibly taken to the village head, T. A Niroshan Ranjan Jayakody, on the charge that they were forcing people to join their religion. The village head shouted at them, telling them to leave the area and to get written permission from the Divisional Secretariat Office in order to continue their work. He then chased them away.
13. **Nattandiya.** On 17 September 2016, four Witnesses were engaging in their public ministry when they were stopped by Ven. Dhammarama, a Buddhist monk of the Shri Vijayarama Temple. He tore up a magazine carried by one of the Witnesses and shouted at them using obscenities, telling them not to come to his territory and spread mythical religious beliefs. He threatened them saying that if they valued their lives, they wouldn't come to that area again. The Witnesses complained to the police and were sent to a mediation board hearing at which the monk denied any wrongdoing and so the matter was not settled but referred back to the police. Generally, this is followed by the police filing action in court. However, despite many visits and reminders from the Witnesses, the police, using delay tactics, have still failed to file legal action against the perpetrators.
14. **Weediyawatta, Minuwangoda.** On 11 November 2016, three Witnesses were engaged in their public ministry when Mallika Appuhamilage Nalaka Anjana Suresh (residing at 27/1, Weediyawatta, Udugampola, Seeduwa Road, Kotugoda), holding a gun threatened that he would shoot them if they did not leave the "Buddhist area." A complaint was made at the

Gampaha Police Station where WPC Priyanka, WPC 5186 took down the complaint (IB number B 94/103). The police have now filed a case in court. However, the complaint was not investigated properly by the police according to procedure, the documents submitted to court were not in order and despite making a death threat, the accused was not arrested and immediately produced in court, but was released on police bail. The matter was taken to court on 29 March 2017 where the judge warned the perpetrator that he should not interfere with the Witnesses carrying out their ministry in the future. A warning was also given to the Police for their negligence in carrying out their duties according to procedure. The next court date has been set for 21 June 2017.

15. **Kandawela, Miriswatte.** On 14 December 2016, four Witnesses were engaged in their public ministry when Weerapurage Rony Jayaweera Fernando, shouted at and verbally abused 2 of them, an older lady and young man, even raising his arm to hit them. When they attempted to go to the house of one of their fellow Witnesses for safety, he followed them shouting abuse and said that if the people in that house were involved in or connected with this kind of work they wouldn't be allowed to live in that village; they would be chased out. The lady who owns the house was also directly threatened with trouble if she continued to support this work. After a complaint was made to the Katana Police, a counter complaint was made against the Witnesses the following day accusing them of trespass. The matter was taken to a mediation board, but referred back to the police because it could not be settled. The police has yet to file action in court.
16. **Beruwela.** On 15 December 2016, five Witnesses were engaging in their ministry when a Buddhist monk arrived and started verbally abusing and threatening them. Someone who said he was a village official forcibly searched each Witnesses' bag saying he was looking for their National Identity Cards and pulled out their literature. When they were taken to the police station, the police officer present joined the monk in verbally abusing them. The monk made false accusations against the Witnesses claiming that their Identity Cards were false and that they must be involved in drugs and other illegal activities. A complaint was made to the police and the matter was heard at two mediation board hearings in February 2017. At the last hearing the board decided that the matter could not be settled and referred it back to the police. One of the Witnesses received a further summons to yet another mediation board meeting on 5 March 2017. The Witnesses have appealed to the Ministry of Justice regarding this unusual third invitation to the Mediation Board and the matter is now under investigation.

## VI. CONCLUSION

17. Jehovah's Witnesses in Sri Lanka, and as a worldwide organization, express concern for human rights violations as outlined above. They respectfully request the government of Sri Lanka to take the necessary steps to:
  1. Prosecute individuals who disrupt their religious services and attack and harm our members during their religious activity.
  2. Prosecute acts motivated by religious hatred.
  3. Stop the illegal obstruction to the building and use of places of worship.
  4. Abide by its commitment to guarantee freedom of religion for all its citizens, including Jehovah's Witnesses.