

To:

H.E. Baudelaire Ndong Ella, President of the UN Human Rights Council
H.E. Ravinatha Pandukabhaya Aryasinha, Permanent Representative of Sri Lanka

CC:

Madam Navinethem Pillay, UN High Commissioner for Human Rights
H.E. Katerina Sequensova, Vice President/Rapporteur of the UN Human Rights Council
H.E. Alberto D'Alotto, Vice President of the UN Human Rights Council
H.E. Maurizio Enrico Serra, Vice President of the UN Human Rights Council
H.E. Dilip Sinha, Vice President of the UN Human Rights Council
Member and observer States of the UN Human Rights Council

25 August 2014

Dear Excellencies

The undersigned organisations are deeply concerned by ongoing attacks against human rights defenders and other individuals from Sri Lanka who seek to engage with the United Nations human rights system. In particular, we are alarmed to learn of intimidation, threats and reprisals against all those perceived as likely to engage with and provide information to the investigation mandated by the UN Human Rights Council into alleged violations of international humanitarian law, as well as gross and systematic human rights abuses committed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). We fear that such cases will only intensify in the lead up to the 27th and 28th sessions of the UN Human Rights Council, where the High Commissioner is due to present an oral update of the investigation and a comprehensive report, respectively.

In accordance with your obligations under international human rights law, we call on you to take the meaningful steps necessary to protect human rights defenders and other individuals from intimidation and reprisals in connection with their cooperation with the UN. We also call on you to publicly and unequivocally condemn all such acts of threats and reprisals.

Human rights defenders in Sri Lanka face widespread intimidation. The Government spokesman and Media Minister, Keheliya Rambukwella, has reportedly threatened all those who intend to provide information to the UN investigation and promised to 'take appropriate action based on the evidence the detractors give'.¹ We are further disturbed to learn that, on 4 August, a mob disrupted a meeting at the Centre for Society and Religion for the families of the disappeared from the North of Sri Lanka.² The mob threatened organisers and accused them of collecting evidence for the UN investigation even though this meeting was not organised in this connection at all. Police inaction during attacks and their failure to hold accountable those responsible are of immense concern. This attack and the State response to it has cast a chilling effect on victims and their families, warning them and others against any form of engagement with UN human rights mechanisms, including the investigation process set up by the UN Human Rights Council. In conjunction with the existing climate of fear in the country, this is an indication of the intensification of threats and reprisals against victims voicing their concerns before human rights mechanisms, including in particular UN mechanisms.

¹ [Ceylon Today, 15 June 2014, "Keheliya warns of action against those who give evidence against Govt"](#)

² [Lanka eNews, 5 August 2014, "Lawyers Condemn Criminal Violence Against Peaceful Meetings: Urges Credible Probe into the Actions of the Mob Attack on 4 August"](#)

Most recently, the message of an article in the Sri Lankan media borders on constituting a threat and incitement to violence, hostility or discrimination against human rights defenders in relation to their engagement with the UN's human rights mechanisms, which is likely to intimidate them and deter their cooperation with the Council, including the OHCHR investigation. The article, published in the Sinhala newspaper Divaina, accused Sri Lankan civil society actors of 'conducting an operation to betray the country' and labelled them as 'traitors' for engaging with UN human rights mechanisms. It states, 'Clearly what should be done is to shoot them and throw them to the forest for the foxes to eat. But we won't say that should be done, because we do not have the tribal mentality of those who betray the country. Although that is not possible, there is one thing we can do. That is to expose their pedigree from birth so that the country will know about these two legged foxes'.³ This concern is heightened by the fact that the article specifically names certain defenders: Ruki Fernando, Nimalka Fernando, Brito Fernando, JC Weliamuna and Father Sathayavil.

We stress that threats, harassment, intimidation and reprisals against persons who engage with the UN are prohibited by international human rights law. While we affirm the importance of exercising the right to free expression by journalists and others, we stress that the exercise of speech that serves to significantly risk inciting violence, hostility or discrimination against persons is unacceptable. As a State party to the International Covenant on Civil and Political Rights, Sri Lanka is legally obliged to protect human rights defenders from harassment, reprisals and other attacks.⁴ This obligation is not limited to protecting defenders from attacks by government officials; rather, it also extends to attacks by non-State actors.⁵ This is reaffirmed in the UN Declaration on Human Rights Defenders.

This pattern of systematic reprisals against human rights defenders and other individuals from Sri Lanka engaging with the UN human rights mechanisms has continually been brought to the attention of the UN Human Rights Council. The Secretary-General's annual reports on Cooperation with the UN, its Representatives and Mechanisms in the Field of Human Rights have repeatedly pointed to the fact that a climate of fear exists amongst human rights defenders in Sri Lanka who seek to engage with the UN.⁶ The High Commissioner, Madam Navi Pillay, noted in her oral update to the UN Human Rights Council in September 2013 that people she met in the villages and settlements in parts of Sri Lanka were subsequently visited by police and military officers.⁷ She publicly stressed her concern over reprisals, intimidation and attacks against the human rights defenders, journalists and communities she met during her visit.

The **Government of Sri Lanka** has the primary responsibility for protecting people from such threats, including by condemning all forms of intimidation and reprisal, investigating and prosecuting perpetrators, and providing protection measures and remedies to victims. We call on the Government of Sri Lanka to condemn all such forms of reprisals and threats, not least the article in question, immediately and unequivocally, and to take all necessary lawful steps to affirm and uphold the right of all persons to free communication with the UN, safe from hindrance or insecurity.

The **UN Human Rights Council** also has a responsibility to protect those who engage with it from intimidation and reprisals. In this regard, we call on the Council, through its President, to condemn the systematic reprisals faced by Sri Lankan human rights defenders and other individuals as well as

³ [Lanka News Web, 14 August 2014, "Shoot NGO Traitors and Throw Them for Foxes to Eat says a Sinhala newspaper"](#)

⁴ See Human Rights Committee's Concluding observations on the reports of Guatemala, UN Doc. CCPR/C/GTM/CO/3 (2012), para. 22; Turkey, UN Doc. CCPR/C/TUR/CO.1 (2012), para. 24; Indonesia, UN Doc. CCPR/C/IDN/CO/1 (2013), para. 16; Ukraine, UN Doc. CCPR/C/UKR/CO.7 (2013), para. 20.

⁵ See Human Rights Committee, General Comment No. 31 on Article 2, para. 8.

⁶ See UN Docs. A/HRC/18/19; A/HRC/21/18; A/HRC/24/29

⁷ Introduction to country reports of the Secretary-General and of the High Commissioner for Human Rights under items 2 and 10, 25 September 2013

to remind Sri Lanka of its obligation to ensure that all persons can exercise their right to free and unhindered access to UN human rights mechanisms.

Finally, we call on the **member and observer States of the Council** to be resolute in addressing what seems to be a systematic policy of continued harassment and intimidation of human rights defenders from Sri Lanka who engage with the UN human rights system, including by mobilising their diplomatic representatives in Sri Lanka to take all such steps as are necessary to protect human rights defenders from all forms of intimidation, threat or attack.

Yours sincerely,

Amnesty International

Asian Forum for Human Rights and Development (FORUM-ASIA)

CIVICUS World Alliance for Citizen Participation

International Commission of Jurists (ICJ)

International Movement Against Discrimination and All Form of Racism (IMADR)

International Service for Human Rights (ISHR)