



Sri Lanka Advocacy



12 April 2017

**TO:** H.E. Mr. Maithripala Sirisena, President of Sri Lanka

H.E. Mr. Ranil Wickremesinghe, Prime Minister of Sri Lanka

**CC:** H.E. Mr. Mangala Samaraweera, Minister for Foreign Affairs of Sri Lanka

H.E. Mr. Ravinatha Aryasinha, Permanent Representative of Sri Lanka to the UN, Geneva

H.E. Mr. Joaquín Alexander Maza Martelli, President of the Human Rights Council

Mr. Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights

Mr. Andrew Gilmour, Assistant Secretary General for Human Rights

Mr. Michel Forst, UN Special Rapporteur on the situation of human rights defenders

Dear Excellencies,

**Subject: Joint civil society letter on reprisals against Sri Lankan human rights defenders**

Firstly, we wish to express our appreciation related to the engagement by the Government of Sri Lanka with the United Nations Human Rights Council (UNHRC) to address long drawn issues of human rights, reconciliation and accountability. The participation of the new Government in this process indeed has given victims and human rights defenders working closely with them hopes of strong political leadership which is dedicated to creating an environment of freedom without fear and intimidation.

We regret to note the emergence of a culture of intimidation and reprisals in the recent past against NGOs thereby exposing human rights defenders and NGO leaders to danger of threats and intimidation including in the North. The increase in attacks against NGOs in general and human rights defenders in particular is worrying. In this respect, we are addressing this communiqué to you to express our deep concerns regarding the recent reprisals against two human rights defenders from Sri Lanka, Ms. Nimalka Fernando and Mr. Sunanda Deshapriya. Both of them participated in the UNHRC 34th session in March 2017 where the resolution entitled "Promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/34/1)" was adopted by consensus with the co-sponsorship of the Government of Sri Lanka. It decided to request the Office of the High Commissioner for Human Rights (OHCHR) to continue its assessment on progress on the implementation of the Office's

recommendations and other relevant processes related to truth, justice, accountability, reconciliation and human rights in Sri Lanka for next two years.

Since the adoption of the resolution on 23rd March, the two human rights defenders have been subject to smear campaigns. After the UNHRC session, a public campaign was launched on Facebook which brands Ms. Fernando and Mr. Deshapriya as traitors. Their pictures were placed next to the image of the Liberation Tigers of Tamil Eelam's flag with texts calling them "white tigers". Such stigmatization would pose them to a risk for attack, intimidation and harassment.

On 27th March, a protest was organised by the Women for Justice (WFJ) Organization on the street of Ms. Fernando's residence<sup>1</sup>. The demonstrators condemned her that she is lying to the United Nations and working for foreign money. Those personal attacks by alleged non-State actors raise serious concerns on the safety of the human rights defenders who rightfully engaged with the UNHRC. Since 30th March, a number of Sri Lankan human rights defenders including Ms. Fernando and Mr. Deshapriya have been named by certain individuals in Sri Lankan media. They are labelled as "foreign-funded NGOs working against the country"<sup>2</sup>.

The reprisals against the two human rights defenders were reactions to the new UNHRC resolution on Sri Lanka. The perpetrators claimed that the two are responsible for the Council's decision to extend the OHCHR's monitoring on the country. Yet in fact, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein clearly recommended the UNHRC "to continue its close engagement with the Government of Sri Lanka and to monitor developments in the country"<sup>3</sup>, based on his office's independent and comprehensive assessment of the country's progress on the transitional justice process. At the same time, he drew attention to the continuing incidents of harassment of human rights defenders, the use of hate speech and aggressive hate campaigns against groups and individuals in Sri Lanka.<sup>4</sup>

The recent two attacks are clear examples of reprisals against human rights defenders who cooperate with the UN human rights system. In 2015, the Government of Sri Lanka demonstrated its commitment by co-sponsoring the UNHRC resolution 30/1 to address all attacks against human rights defenders, hold perpetrators accountable and prevent future attacks<sup>5</sup>. However, we regret that the Government failed to investigate the previous incidents

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<sup>1</sup> Daily Mirror (27 March 2017), *Say no to anti-SL proposals: WFJ*, available at: <http://www.dailymirror.lk/article/Say-no-to-anti-SL-proposals-WFJ-126227.html>

<sup>2</sup> Sri Lanka Guardian (4 April 2017), *Sri Lanka: Diplomacy of Accumulated Projects*, available at: <https://www.slguardian.org/2017/04/sri-lanka-diplomacy-of-accumulated-projects/>

<sup>3</sup> Human Rights Council (10 February 2017), *Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka* (A/HRC/34/20), paragraph 71 (a)

<sup>4</sup> *Ibid*, paragraphs 53 and 58

<sup>5</sup> Human Rights Council (29 September 2015), *Promoting reconciliation, accountability and human rights in*

against human rights defenders including Ms. Fernando's case in 2013<sup>6</sup>. It left the culture of impunity unaddressed which facilitated the recent attacks against Ms. Fernando and Mr. Deshapriya.

Against this backdrop, we, the undersigned human rights organizations call on your government to: ensure the safety of Ms. Nimalka Fernando and Mr. Sunanda Deshapriya and their families; investigate all alleged attacks against human rights defenders and hold perpetrators accountable; and send a clear message to the public that any attack, intimidation and harassment of human rights defenders are not tolerated.

Sincerely,

**CIVICUS: World Alliance for Citizen Participation**

**Franciscans International**

**Human Rights Watch**

**Indonesian NGOs Coalition for International Human Rights Advocacy (HRWG)**

**International Commission of Jurists (ICJ)**

**International Movement Against All Forms of Discrimination and Racism (IMADR)**

**Minority Rights Group International (MRGI)**

**Sri Lanka Advocacy**

**Think Centre**

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*Sri Lanka*, paragraph 11

<sup>6</sup> United Nations, LKA 5/2013, available at:

[https://spdb.ohchr.org/hrdb/24th/public - UA Sri Lanka 26.11.13 \(5.2013\).pdf](https://spdb.ohchr.org/hrdb/24th/public - UA Sri Lanka 26.11.13 (5.2013).pdf)