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HR/50

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights (Office of the Special Rapporteur on the the Situation of Human Rights Defenders, the Office of the Special Rapporteur on the Independence of Judges and Lawyers) and has the honour to refer to the Joint Urgent Appeal dated 08 August 2014 addressed to H.E. Mr. Ravinatha Aryasinha, Ambassador / Permanent Representative of Sri Lanka to the United Nations in Geneva, by Mr. Michel Forst, Special Rapporteur on the the Situation of Human Rights Defenders and Ms. Gabriela Knaul, Special Rapportur on the Independence of Judges and Lawyers, concerning the alleged surveillance and intimidation of Mr. Upul Jayasuriya and the lack of protection provided to him by the authorities.

The Permanent Mission of Sri Lanka has the honour to transmit to the Office of the High Commissioner for Human Rights the response received from the Government of Sri Lanka on the Joint Urgent Appeal under reference. (Please see Annex)

The Permanent Mission of Sri Lanka would also appreciate an acknowledgement of receipt of this communication.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to Office of the High Commissioner for Human Rights (Office of the Special Rapporteur on the the Situation of Human Rights Defenders, the Office of the Special Rapporteur on the Independence of Judges and Lawyers) the assurances of its highest consideration. 4

Geneva, 06 February 2015

Office of the High Commissioner for Human Rights (OHCHR),
Palais Des Nations,
1211- Geneva.

[Attn.: Mr. Michel Forst, Special Rapporteur on the the Situation of Human Rights Defenders,

Ms. Gabriela Knaul, Special Rapportur on the Independence of Judges and Lawyers]

Response by the Government of Sri Lanka for the Joint Urgent Appeal dated 8 August 2014 concerning the alleged surveillance and intimidation of Mr. Upul Jayasuriya

1. Complaint dated 15.07.2014 made by Mr. Jayasuriya to the Cinnamon Gardens Police relates to an incident of being followed by two unidentified men on a motorcycle and complaint dated 18.07.2014 alleges that the two motorcyclists had been seen near his residence in Pelawatte, Battaramulla and requests that the matter be investigated and that he be given police protection.
2. In view of the status of the complainant and the expressed fear for his life, an order was issued on the same day by Senior Deputy Inspector General of Police of the Western Province to commit the matter to the Colombo Crimes Division (CCD) for special investigation in terms of section 125 of the Code of Criminal Procedure (CCP) Act No. 15 of 1979.
3. Subject to commencement of the investigations, reports bearing Nos. B 11644/1/14 and B/7806/14, were filed in terms of section 115, 120 and 124 of the CCP before the respective Magistrates' Courts on 17.07.2014 and 18.07.2014 and the investigations that are being conducted on the said complaints are subject to periodic review by the Chief Magistrate's Court.
4. A Mobile Patrol with 24-hour periodic patrolling was introduced to the residence of Mr. Upul Jayasuriya with effect from 25.07.2014. Four plain-clothes officers of the Police Intelligence Division were also assigned to provide 24-hour police protection at the residence of Mr. Jayasuriya with effect from 08.08.2014 and Police Intelligence Division was alerted to monitor the area.
5. CCTV images captured in cameras installed along the route when the incidents occurred were examined and handed over to the Faculty of Computer Science of the University of Moratuwa to attempt increasing their resolution for purposes of identification of suspects.
6. The Commissioner General of Motor Traffic has confirmed that the vehicles involved are unregistered and that the number plates are false. Statements were recorded from several witnesses including the Personal Security Officer of Mr. Upul Jayasuriya which are part of the investigations.

FURTHER COMMENTS AND OBSERVATIONS

7. The Government of Sri Lanka, wishes to state that the article complained of by Mr. Jayasuriya which was featured in the Ministry of Defence website in July 2009 has since been removed.

8. The Government of Sri Lanka wishes to state that the incidents complained of do not constitute consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and would not attract the special procedure of the UNHRC as it is only occurrence of an incident even though Mr. Jayasuriya appears to allege that a threat to his life has existed since 2009.
9. The Government of Sri Lanka, wishes to state that Mr. Jayasuriya's complaints have been treated with utmost seriousness and that the Government of Sri Lanka, (Police and Judicial arms) have responded with alacrity and with responsibility ensuring the provision of protective measures as well as initiation of comprehensive investigations in accordance with the law.
10. State Intelligent Services has confirmed that there is no specific threat against Mr. Upul Jayasuriya and Government of Sri Lanka wishes to state that Mr. Jayasuriya has benefited from the speedy and effective application of the due process of law and has been afforded special protection in furtherance to his requests.
11. The Government of Sri Lanka wishes to state the situation with regard to security of persons and the protection of human rights defenders continues to improve. It is the stated policy of the new government which assumed power pursuant to Presidential Elections on 08th January 2015, to vigorously protect the rights of human rights defenders while ensuring freedom of expression including media freedom. Towards this end the Government has already initiated the processes required for the enactment of Victim and Witness Protection legislation amongst other measures such as ensuring the independence of the judiciary and strengthening institutions such as the Human Rights Commission and the Bar Association of Sri Lanka.
12. The Government of Sri Lanka wishes to state further that any person who seeks to vindicate their rights has the option of filing a Fundamental Rights application in the Supreme Court, or a Writ Application in the Court of Appeal, or making a complaint before the Human Rights Commission of Sri Lanka on their own behalf or in the public interest. The full gamut of constitutional guarantees, including effective remedies, is available to individuals or groups who wish to canvass for their rights.
13. Further, Mr. Upul Jayasuriya, has been appointed as the Chairman of the Board of Investment (BOI) of Sri Lanka by the new Government that was formed following the Presidential Election held in Sri Lanka on 8th January 2015. The Board of Investment is the State's main arm for promoting investments and it is structured to function as a central facilitation point for investors in the entire country.