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*The Ambassador*



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10<sup>th</sup> July 2014

Ms. Jane Connors,  
Chief of Special Procedures Branch  
Office of the High Commissioner for Human Rights (OHCHR)

**Joint Urgent Appeal (JUA) of 27<sup>th</sup> March 2014 from three Special Procedures Mandate Holders on the alleged intimidation of a human rights defender**

I have the honour to write to you with reference to the Joint Urgent Appeal of 27 March 2014 addressed to me by three special procedures mandate holders, i.e., the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights defenders, which refers to alleged acts of intimidation committed against Mr. Visuvalingam Kirupaharan, a human rights defender who attended a Side Event of the 25<sup>th</sup> session of the Human Rights Council at *Palais des Nations*, Geneva, on 21 March 2014.

I hereby wish to seek clarification from you as to why this Joint Urgent Appeal has been referred to the Government of Sri Lanka through me, considering that the reference to the sequence of events in the letter have no connection whatsoever with the Government of Sri Lanka.

I observe that the Side Event referred to in the letter has been organised by the International Buddhist Foundation (IBF), an NGO, and not by the Government of Sri Lanka. I also observe that the journalist from the *Divaina* newspaper based in Colombo who approached Mr. Kirupaharan and allegedly intimidated him, as referred to in your letter, is from an independent private newspaper over which the Government of Sri Lanka has no control.

It is further observed that the factual description of the alleged violation included in the Joint Urgent Appeal is markedly vague, even to the extent that it fails to indicate the identity of the alleged violator, who is merely referred to as 'a journalist for *Divaina* newspaper, based in Colombo'.

In perusing the sequence of events referred to in the Joint Urgent Appeal, it is my considered view that the incident has no connection to the Government of Sri Lanka. The reference in the letter to 'further concerns being expressed at the use of the media in Sri Lanka in defaming individuals who legitimately interact with the UN and its human rights mechanisms', has no basis and is uncalled for. The request

contained in the letter to verify the authenticity of the facts alleged or to provide details therefore does not arise.

In this context, I refer to Articles 6 and 9 of the Human Rights Council Resolution 5/2 delineating the Code of Conduct for Special Procedures Mandate Holders which explicitly require that Mandate Holders seek to establish facts based on 'objective, reliable information ... that they have duly cross-checked to the best extent possible', and more importantly, that 'the communication should not be manifestly unfounded or politically motivated'. It is respectfully submitted that a reliable account of the alleged incident, subject to cross-verification of facts would reasonably have revealed fundamental facts establishing that this communication has no relevance to the Government of Sri Lanka.

It is therefore the considered view of the Government of Sri Lanka that this Joint Urgent Appeal is in contravention of the Human Rights Council Resolution 5/2, particularly Articles 6, 9 and 10; as well as the Manuel of Operations of the Special Procedures of the Human Rights Council adopted in August 2008, especially Chapter II (B) (3), Paragraph 43. The incident referred to in the Joint Urgent Appeal does not therefore warrant the issuance of a General Allegation or a Joint Urgent Appeal addressed to the Government of Sri Lanka.

In this context, I kindly request you to withdraw this Joint Urgent Appeal. I look forward to your response in this regard.

I thank you for your kind cooperation, and please accept the assurances of my highest consideration.



Ravinatha Aryasinha  
Ambassador / Permanent Representative

- Copies:
1. Mr. Frank La Rue,  
Special Rapporteur on the Promotion and Protection of the  
Right to Freedom of Opinion and Expression
  2. Mr. Maina Kiai  
Special Rapporteur on the Right to Freedom of Peaceful  
Assembly and of Association
  3. Ms. Margaret Sekaggya  
Special Rapporteur on the Situation of Human Rights Defenders
  4. Mr. Hanny Megally  
Chief of Asia Pacific, Middle East and North Africa Branch  
OHCHR