



**PERMANENT MISSION OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA TO THE UNITED NATIONS OFFICE, GENEVA**

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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 Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR), and has the honour to transmit herewith a letter addressed to Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders, by His Excellency C.A. Chandraprema, the Permanent Representative of Sri Lanka.

As requested, the Permanent Mission would appreciate if the Special Procedures Branch could facilitate the publishing of the Note attached to the letter to the Special Rapporteur, alongside the Special Procedures communications and other documents with regard to Mr. Hejaaz Omer Hizbullah.

An acknowledgement of receipt of this communication would also be much appreciated.

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 the Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR), the assurances of its highest consideration.

Geneva, 24 November 2021

Special Procedures Branch
Office of the High Commissioner for Human Rights





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24 November 2021

Ms. Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Dear Ms. Lawlor,

I write with reference to our virtual meeting on 01 October 2021, whereat you made certain inquiries regarding Mr. Hejaaz Omer Hizbullah.

Following up on the above interaction, I have the honour to share with you the enclosed note providing information on the arrest and legal proceedings regarding Mr. Hizbullah, which I hope would adequately address the questions raised by you.

As this matter has been raised by certain Special Procedures, including you, on two previous occasions as well, in the form of joint communications (AL LKA 04/2020 and AL LKA 02/2021), we would appreciate if the attached note could be published alongside the Special Procedures communications and other documents with regard to Mr. Hizbullah.

Sri Lanka remains open to continuing our dialogue with you in this regard.

Please accept the assurances of my highest consideration.

C.A. Chandraprema

Ambassador/Permanent Representative of Sri Lanka
to the United Nations and other International Organisations in Geneva

The arrest and legal proceedings regarding Mr. Hejaaz Omer Hizbullah

1. Investigations carried out in the immediate aftermath of the 21 April 2019 Easter Sunday bombings¹, revealed that some of the suicide bombers were connected to an organization by the name of Save the Pearls Society. The President of this organization was lawyer Hejaaz Omer Hizbullah.
2. The Criminal Investigation Department had recorded a statement from Mr. Hizbullah on 16 May 2019. In this statement, Mr. Hizbullah had revealed that on 29 January 2015, he had participated at a meeting of several persons where it had been decided to form an organization by the name of Save the Pearls Society with the objective of providing education to underprivileged children.
3. Mr. Hizbullah had prepared the Constitution for the said organization and one [REDACTED] had been elected as the President and a person who was to become one of the Easter Sunday suicide bombers [REDACTED] had been appointed as Treasurer. The address of [REDACTED] in Colombo was named as the registered office of Save the Pearls Society.
4. Twenty six boys between the ages of 5 and 15 from underprivileged backgrounds had been identified as the first group of students of this institution. In order to expand the activities of Save the Pearls Society, a charitable trust under the name Save the Pearls Trust had been formed with Mr. Hizbullah and [REDACTED] (the father of the suicide bomber [REDACTED] as trustees. [REDACTED] was its Settlor.
5. On 5 November 2018, Mr. Hejaaz Hizbullah was appointed the President of Save the Pearls Society.

¹ On 21 April 2019, Easter Sunday, suicide bombings that took place in three churches and three hotels in Sri Lanka killed 277 people (including the 8 suicide bombers) More than 400 people were injured. In terms of the number of fatalities, the Easter Sunday bombings was one of the most destructive terrorist attacks ever to take place on a civilian target. It caused more deaths than the Tokyo subway gas attack of 20 March 1995, the Oklahoma bombing of 19 April 1995, the London Bombings of 7 July 2005, the Mumbai attacks of 26 November 2008, the Manchester Arena suicide bombings of 22 May 2017 and the Kabul airport suicide bombings of 26 August 2021. The information available suggests that the Easter Sunday bombings in Sri Lanka is second only to the 9/11 suicide attacks of 2001 in the USA in terms of the number of fatalities. The Easter Sunday suicide bombings were carried out by a Sri Lankan terrorist group owing allegiance to ISIS. All eight of the suicide bombers - seven men and one female - were Sri Lankan citizens. **Following the Easter Sunday bombings, the then global leader of ISIS, [REDACTED] personally issued a video message accepting responsibility for the attacks.** That was the first time that [REDACTED] had been seen in public since 2014.

6. [REDACTED] another one of the suicide bombers and the brother of [REDACTED] [REDACTED] the Treasurer of Save the Pearls Society had provided funds to this organization to purchase a land of 108 perches in Madurankuliya in the Puttlam district, to construct a building.

7. Until the CID summoned Mr. Hizbullah to record a statement on 16 May 2019, the latter had failed to bring to the notice of the law enforcement authorities his knowledge of the activities and the financial dealings of the Easter Sunday suicide bombers in his capacity as a founder member and later the President of Save The Pearls Society and as a trustee of Save The Pearls Trust.

8. It was the founding Treasurer of Save the Pearls Society [REDACTED] who had carried out the suicide attack on the Shangri La hotel in Colombo together with the mastermind of the attacks [REDACTED]

9. Hejaaz Omer Hizbullah was arrested on 14 April 2020 in connection with the investigation into the Easter Sunday Bombings. The investigations carried out by the CID had revealed the following:

- a) Children who had been taken for their purported education by Mr. Hizbullah and Save the Pearls Society had thereafter been exposed to teachings of violent religious extremism and given training in arms, explosives and combat skills.
- b) Some of the suicide bombers of the Easter Sunday attack including its leader [REDACTED] had engaged in such teaching and training at the school on the property purchased for Save the Pearls Society by suicide bomber [REDACTED]
- c) Mr. Hizbullah himself had engaged in such teaching and training at this school stating to the students at one point that "The Christians in Israel have taken over our Mosques and it's only if Christians in Sri Lanka are attacked that they will be intimidated".
- d) The said school run by Save the Pearls Society had been disbanded immediately after the Easter Sunday attack.
- e) During the relevant period, Mr. Hizbullah had used several mobile phones, sometimes simultaneously, and some of which he failed to disclose to the investigators, but were later discovered through technical analyses.
- f) Several valuable i-phones among the many mobile phones used by Mr. Hizbullah had been disposed of by him under suspicious circumstances.
- g) Although large sums of money have been deposited into the bank accounts of Save the Pearls Society, no accounts have been maintained as to how such monies were spent nor have any independent audits been conducted since the formation of the organization.

10. The matters under investigation were complex and time consuming since they involved the activities of a sophisticated terror network with possible international links, the analysis of phone records over a long period, the tracing and retrieving of material from several missing mobile phones, the analysis of financial records etc. Mr. Hizbullah was kept in detention by the CID from the time of his arrest in April 2020 under Section 9 of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 while the investigation was being carried out. In February 2021, a writ application filed before the Court of Appeal for Mr. Hizbullah to be produced before a Magistrate was withdrawn by his lawyers upon him being produced before a Magistrate.

11. During the period of his detention at the Criminal Investigation Department. Mr. Hizbullah has been provided with adequate facilities including a) a separate room; b) access to lawyers of his choice; c) opportunities to meet and communicate with his wife, d) inspection visits from representatives of the Human Rights Commission of Sri Lanka and the International Committee of the Red Cross; e) time and space to engage in exercise and religious practices; and f) meals, including special meals during the Ramadan fasting period.

12. While it is alleged that Mr. Hizbullah was allowed to see his lawyer only four times during the first ten months of his detention, this was only due to the Covid 19 pandemic and the prolonged lockdowns and restrictions on movement that were imposed from time during 2020 and 2021 and not due to any attempt to deprive Mr. Hizbullah of legal representation. A writ application for Mr. Hizbullah to be given access to lawyers filed in the Court of Appeal, was duly terminated in December 2020 after the Attorney General facilitated such access.

13. During his period in detention, A Fundamental Rights petition had been filed on behalf of Mr. Hizbullah in the Supreme Court (Ref. SCFR 93/2020), but his lawyers had refrained from moving courts to obtain leave to proceed. The CID had notified the Supreme Court of the following, with regard to this FR petition:

- a) That there are contradictions and inconsistencies between the contents of the present FR petition No. 93/2020 and the Habeas Corpus Applications Nos. 1/2020 and 2/2020 that had been filed soon after his arrest on 17 April 2020 in the Court of Appeal in respect of Mr. Hizbullah. These Habeas Corpus applications had been dismissed by the Court of Appeal on 27 May 2020.
- b) That witnesses in the criminal investigation involving Mr Hizbullah had been approached and coerced into submitting false statements to the effect that the CID had intimidated them into giving false testimony with regard to the conduct of Mr. Hizbullah and the goings on at the Save the Pearls run school in Madurankuliya for the collateral purpose of buttressing the above mentioned FR application.

- c) That while the CID had recorded the statements of the witnesses on different dates - 21, 22 and 26 April 2020, the complaints to the Sri Lanka Human Rights Commission (SLHRC) alleging that these witnesses had been coerced by the CID into giving false testimony with regard to Mr. Hizbullah had been filed before the SLHRC on the same day (2 May 2020) by the same lawyer thus pointing to an organized effort under the influence of a third party.
- d) That the Criminal Investigation Department had written to the National Authority for the Protection of Victims of Crime and Witnesses on 12 May 2020 requesting them to conduct an inquiry as to whether the witnesses in this case had been unduly influenced by any interested parties.

14. Mr. Hizbullah was served indictments on 15 July 2021 before the High Court of Puttalam (Case No. 78/2021). He is being charged under Section 2(1)(h) of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 and Section 3(1) of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 for causing or intending to cause the commission of acts of violence or religious, racial or communal disharmony and advocating national, racial or religious hatred and for abetting, conspiring, attempting, exhorting or inciting the commission of such offences. Hearings have been held and the proceedings are ongoing.²

² The above mentioned details have been extracted from documents filed by the Criminal Investigation Department before the Supreme Court of Sri Lanka in respect of SCFR 93/2020 and the indictment served on Mr. Hejaaz Omer Hizbullah before the High Court of Puttalam (Case No. 78/2021)