

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA  
LKA 10/2014:

14 August 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council decision 25/116, and resolutions 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged dispersal of, and acts of intimidation against, a group of individuals gathered to discuss cases of disappearances in Sri Lanka, and the possible collusion between the assailants and the police.**

According to the information received:

On 4 August 2014, family members (including children) of disappeared persons, religious clergy, members of civil society, including human rights defenders and lawyers, as well as members of the international community, gathered at the Center for Society & Religion (CSR), located on the campus of a Catholic church in Colombo 10, to listen to experiences of families of disappeared persons from Northern Sri Lanka. At 3.15 pm, the closed-door meeting was reportedly disrupted by a mob of approximately 40 individuals, led by several Buddhist monks. They allegedly behaved hostilely towards the families, shouting derogatory remarks at the participants, accused them of being traitors, colluding against the State, and attempting to sell the country. They also took photographs

and filmed the participants in an attempt to intimidate them. The incident lasted for 90 minutes, and the participants eventually dispersed.

The police reportedly arrived immediately after the mob had stormed the CSR premises, but failed to stop the assailants. On the contrary, they informed the organizers that they had received a complaint about the meeting, stating that its purpose was to discredit the country, and as such it should terminate. If not, the police could not ensure the safety of the participants. The said complaint was reportedly submitted by the same people who had stormed the CSR premises, but it appears it was filed after the incident to justify the police action.

It is reported that families of the disappeared had received phone calls prior to the meeting, some reportedly from officers from the police's criminal investigation division (CID), requesting information about the meeting. One CID officer reportedly visited the house of a family member and enquired about her whereabouts. In addition, a man who identified himself as a police officer visited the location where some of the families were staying and interrogated an employee about the scheduled meeting, and asked him to provide information about the identity of the organizers.

After the incident, the police spokesperson and the Ministry of External Affairs issued statements denying police activity in relation to this incident. None of the statements reportedly condemned the action of the assailants.

Serious concerns are expressed that the dispersal of the aforementioned meeting by a group of assailants may be linked to the exercise of the rights of participants to freedom of expression and peaceful assembly. Further concerns are expressed about the alleged controversial role played by the police in this case, which seems to demonstrate collusion between the police and the assailants. Grave concerns are expressed about the physical and psychological integrity of families of disappeared, and more generally of human rights defenders working on the issue of disappearances in Sri Lanka.

Without expressing at this stage an opinion on the facts of the case, we would like to refer to articles 19 and 21 of the International Covenant on Civil and Political Rights, which guarantee the rights to freedom of opinion and expression and freedom of peaceful assembly and Human Rights Council resolution 24/5, which highlights the obligation of States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely.

In addition, we would like to recall that article 13 of the Declaration on the Protection of all Persons from Enforced Disappearance ensures that all persons involved in the investigation are protected against ill-treatment, intimidation or reprisal and that any form of interference on the occasion of lodging of a complaint or during the investigation

procedure is appropriately punished. Further, Human Rights Council resolution 21/4 urges States to take steps to provide adequate protection to persons acting against enforced disappearances against any intimidation, persecution, reprisals or ill-treatment.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Has a complaint been lodged by the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate any remedial action taken vis-à-vis the victims.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Ariel Dulitzky  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

David Kaye  
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