

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**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: AL G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
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5 April 2013

Excellency,

We have the honour to address you in our capacities 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 resolution 16/16, 16/4, 15/21, and 16/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **situation of about 600 human rights defenders, including relatives of disappeared persons, from Jaffna, Kilinochchi, Mullaithivu, Mannar and Vavuniya districts who were prevented from travelling from Vavuniya to Colombo to attend a peaceful demonstration.**

According to the information received:

On 5 March 2013, about 600 human rights defenders, including relatives of disappeared persons from Jaffna, Kilinochchi, Mullaithivu, Mannar and Vavuniya districts, were reportedly heading to Colombo in a convoy of 13 buses in order to attend a peaceful demonstration organized by the Association of the Families Searching for the Disappeared Relatives, an association set up to seek justice for victims of enforced disappearances, and thereafter march to the United Nations office in Colombo with a view to submitting a petition. This peaceful protest was meant to be part of a larger advocacy campaign organized by relatives of disappeared persons.

When defenders started gathering at the Vavuniya Urban Council (VUC) ground in Vavuniya, men in plainclothes, believed to be intelligence officers, started enquiring about the identity of the organizer, and the purpose and funding of their trip. The men advised them to return home.

Around 5.30 p.m., police officials registered the details of the buses and drivers, and then agreed to allow the buses to proceed to Colombo, although it is reported that no such registration, nor permission, is needed for buses and private vehicles to travel from Vavuniya to the capital or any other destination.

At 8.30 p.m., when the buses, loaded with people, started to move out from the VUC ground, the police reportedly stopped them on alleged security grounds since, according to the police, a bus had been stoned between Vavuniya and Anuradhapura. The police claimed that they would not be able to ensure the security of the convoy should it proceed. The police eventually resorted to block the path in front of the buses with their trucks. The military was reportedly ready to intervene. Defenders inside the buses became disconcerted, and the police gave them assurances that they would be allowed to travel the following day at 4.30 a.m..

On 6 March 2013, at 1:00 a.m., 11 bus drivers were reportedly called by men dressed in plainclothes, believed to be police officers, to remove the buses from inside the VUC ground. The men warned the bus drivers that they would be prevented from working in Vavuniya, and that they could lose their route passes enabling them to operate commercial buses in the north of the country, should they not follow their instructions. As a consequence, nine of the 11 bus drivers moved the vehicles outside the VUC ground, and drove their buses home. It is further alleged that two more bus drivers received similar threats on the phone, and they reportedly removed the buses from Pampaimadu, about 10 kilometers west of Vavuniya, where their buses had been parked.

At 5:00 a.m. the organizers went to the police headquarters, and were told that they could leave after 5.30 a.m. However, it is reported that at the same time the police instructed all bus drivers in Vavuniya, including the Private Bus Owners Association, not to drive the peaceful demonstrators to Colombo, warning them that they would be in trouble should they do so.

The organizers eventually had no other choice than cancelling their travel to Colombo. They decided to peacefully march to the office of the Government Agent with a view to handing over a memorandum to him, in which they called, inter alia, for the release or disclosure of names of individuals abducted and detained. After some exchanges between representatives of the group of peaceful demonstrators and the Government Agent, the latter went out of his office to receive the memorandum.

At 2:00 p.m., a delegation of human rights defenders and members of political parties met with the Inspector-General of Police in Colombo to report and enquire about the action of law enforcement authorities who prevented their colleagues from reaching Colombo to attend a peaceful demonstration.

Concern is expressed that the aforementioned measures taken by law enforcement officials against human rights defenders, including relatives of disappeared persons, may be related to the exercise of their rights to freedom of peaceful assembly, expression and movement, in their struggle for justice for victims of enforced disappearances. Further concern is reiterated that these latest incidents may form part of an on-going pattern of intimidation and harassment against human rights defenders and relatives of disappeared persons in the country.

Similar concerns were raised on 29 December 2011 by the Chair-Rapporteur 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, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on violence against women, its causes and consequences, regarding allegations of detention of and acts of intimidation against a group of human rights and political activists who were planning to attend a peaceful protest in Jaffna on the occasion of Human Rights Day. We strongly regret that no response has been received from Your Excellency's Government to this day.

Without expressing at this stage an opinion on the facts of the case, we would like to recall that in the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by General Assembly resolution 47/133 of 18 December 1992, it is stated that States must take steps to ensure that persons involved in investigations [of cases of disappearance], including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. It also stated that States must take steps to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

Further, we would like to recall that in its resolution 21/4, adopted without a vote, the Human Rights Council urged States to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families.

We would like to remind your Excellency's Government of article 19 of the International Covenant on Civil and Political Rights, which provides that "[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Similarly, we would like to refer to article 21 of the International Covenant on Civil and Political Rights, which provides that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others."

We would like to further refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

In addition, we would like to remind your Excellency's Government of article 12 of the International Covenant on Civil and Political Rights, which states that "[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

Furthermore, we would like to refer Your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government article 5 point a) which establishes that for the purpose of promoting and

protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.

Moreover, since 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 cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to the aforementioned alleged acts of intimidation and pressure aimed at preventing peaceful protestors from reaching Colombo. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In this connection, please indicate whether a public announcement was made by law enforcement authorities informing the public that no vehicles could travel from between Vavuniya and Anuradhapura for security reasons.
4. Please provide the full details of any prosecutions which will be undertaken in relation to the present case. Will penal, disciplinary or administrative sanctions be imposed on the alleged perpetrators?
5. Please explain what measures have been taken to ensure that activists and human rights defenders, including those that wish to exercise their rights to freedom of peaceful assembly and freedom of expression, operate in a free and enabling environment for the defense of human rights and fundamental freedoms.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of human rights defenders and relatives of disappeared persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Olivier de Frouville  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
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Margaret Sekaggya  
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