

Mandates of the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA
LKA 1/2015:

14 January 2015

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 27/1 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning intimidation and harassment of Mr. **Brito Fernando** and Mr. **Prasanga Fernando**, allegedly as a reprisal for their work on enforced disappearances, truth and justice with a Sri Lankan organization, The Families of the Disappeared.

Messrs. Brito Fernando and Prasanga Fernando are human rights defenders working with The Families of the Disappeared. Mr. Brito Fernando is a vocal critic of the human rights situation in the country, especially with regard to enforced disappearance.

According to the information received:

In October 2014, posters defaming Mr. Brito Fernando and other human rights defenders came out on the day of the annual memorial celebration for the disappeared. The windows of his house were also stoned at.

On 4 January 2015 between 7:00 and 11:00 p.m., Messrs. Brito Fernando and Prasanga Fernando both found plastic bags containing the head of a dog on their gates when they arrived to their respective homes.

On 7 January 2015, Messrs. Brito Fernando and Prasanga Fernando received death threats over the phone from unidentified callers who were believed to be connected with security authorities.

Serious concern is expressed about the threats to the life, personal security, psychological and physical integrity of Messrs. **Brito Fernando** and **Prasanga Fernando** in light of these allegations. While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

With regard to the allegation of threat, intimidation or harassment of Messrs. Brito Fernando and Prasanga Fernando as a consequence of their human rights work, we would like to bring to your Excellency's Government's attention the rights and obligations set out in articles 13 (1), 13 (3) and 13 (5) of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance.

We would also like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above, in particular articles 1, 2, 5, 6 and 12 of 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. .

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or www.wgeid.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 person in compliance with international instruments.

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. Please provide information on measures taken to protect the life, security and physical and psychological integrity of Messrs. Brito Fernando and Prasanga Fernando, and to ensure that they are not exposed to any further threats, intimidation or harassment.

3. Please provide details, and where available the results, of any investigation and inquiry carried out in relation to these allegations, including steps taken to ensure that perpetrators of these acts are brought to justice.

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 found responsible for them.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders