

**NATIONS UNIES
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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 Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27)
LKA 4/2011

23 August 2011

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 extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/16, 17/5, 16/4, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the threats against those campaigning for justice and, in particular, those working on Mr. **Pattani Razeek's** case. Mr. Razeek was a human rights defender and a founding member and managing trustee of the Community Trust Fund (CTF) in Puttalam, where he conducted several projects to assist and support displaced Tamils and Muslims. He was also a member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA) and had served as a village government official in the Puttalam district.

According to the information received, it is alleged that:

On 11 February 2010, Mr. Pattani Razeek was travelling with CTF field staff when their vehicle was intercepted by a white van in Polonnaruwa. Mr. Razeek allegedly approached the individuals in the van and then informed his colleagues that he would continue the journey with the men in the van, since they were going in the direction of Valaichchenai. Reportedly, Mr. Razeek was not seen again. CTF and the family of Mr. Razeek lodged complaints with the police in Mundalama, Polonnaruwa and Puttalam as well as with the Human Rights Commission in Sri Lanka on the days following his disappearance. Police investigations showed evidence of a former CTF employee having made calls to Mr. Razeek's family from Mr. Razeek's mobile on the days after he went missing. The suspect later confirmed that he was in the van when he met Mr. Razeek in Polonnaruwa.

In June 2010, the suspect stated in front of the Puttalam Magistrates' Court that his arrest would cause irreparable consequences to a Minister's political career.

The main suspect relating to Mr. Razeek's disappearance was arrested in Kilinochchi only on 8 July 2011. On 13 July 2011, another suspect was also arrested. For over a year, the police had made no attempt to apprehend and question the main suspect relating to Mr. Razeek's disappearance despite having evidence to do so. The failure to take action against him was reportedly connected with his close association with an influential Government minister from the area. The arrest of the main suspect occurred on the last day of a signatory campaign organised by Mr. Razeek's family, the Mosque Committee and local civil society groups.

Following information received from a suspect indicating that Mr. Razeek had been killed and buried in the area of Oddamavadi, on 25 July 2011, police began searching the area of Oddamavadi and, on 28 July 2011, the body of Mr. Razeek was reportedly exhumed and identified by his family.

Following Mr. Razeek's disappearance, individuals campaigning for justice in the case, including his family members, have been subjected to harassment and threatened on numerous occasions.

Mr. Razeek's family together with the Mosque Committee conducted a signature campaign and distributed flyers from 24 June 2011, to mark 500 days since Mr. Razeek's disappearance. On 25 June 2011, an event which an official authority was due to attend was cancelled due to a protest by the Mosque Committee. On 27 June 2011, a member of the Mosque Committee was summoned by the aforementioned official authority.

The Mosque Committee has been actively involved in the campaign for justice in Mr. Razeek's case, holding discussions with lawyers and governmental officials and submitting appeals to the Attorney General regarding the lack of progress in investigating the case.

The Mosque Committee also received letters from authorities as well as from the organisers of the event, which had been cancelled on 25 July 2011, accusing the Mosque Committee of defamation and using mosque resources inappropriately to fund the campaign for justice for Mr. Razeek. On 3 July 2011, a member of the Mosque Committee received threats on his mobile phone should he continue to intervene in Mr. Razeek's case. Reportedly, in October 2010, another member of the Mosque Committee had been threatened by the lawyer of the principal suspect, who stated that he would be reported to the Ministry and would be killed if he continued to campaign in Mr. Razeek's case.

In May 2010, members of Mr. Razeek's family received death threats on the phone and, in the same month, a CTF Trustee was threatened with being shot dead if he persisted in campaigning for justice in the case.

In February 2010, a civil society member and former CTF employee was threatened calling upon her to provide information relating to CTF assets and Mr. Razeek. In July 2010, the person received further threats stating that a family member would be harmed if she did not comply with the demands.

Concern is expressed that the reported disappearance and killing of Mr. Pattani Razeek was directly related to his peaceful and legitimate work in defence of human rights. Further concern is expressed for the physical and psychological security and integrity of those campaigning in relation to Mr. Razeek's case.

We would like to bring to the attention of your Excellency's Government that the allegations concerning the enforced disappearance of Mr. Razeek have been considered by the Working Group on Enforced or Involuntary Disappearances at its 94th session, held from 4 to 8 July 2011, according to its methods of work. Your Excellency's Government will be informed by separate correspondence in this regard.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's Government's attention to the right to physical and mental integrity of those campaigning in relation to Mr. Razeek's case.

In this connection, we would like to recall that, in its resolution 7/12, the Human Rights Council urged Governments 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 or ill-treatment to which they might be subjected.

Further, in the United Nations 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.

In connection to the killing of Mr. Razeek, we urge your Excellency's Government in accordance with principle 9 of the Basic Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65,) which provides that "[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions." Such investigations should clarify the circumstances of each death and shed light on the extent to which lethal force was used, and the extent the principles of proportionality and necessity were or were not complied with.

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone 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.”

We would also 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 the following provisions of the Declaration:

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of those campaigning in relation to the case of Mr. Razeek’s disappearance and killing 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.

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 those campaigning in relation to the case of Mr. Razeek's disappearance and killing in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

Jeremy Sarkin
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders