

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

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

**Mandates of the 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**

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

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

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Excellency,

We have the honour to address you in our capacity as 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 16/4 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention to information we have received concerning an alleged media smear campaign against, and the stigmatisation of, the work of **Mr. Sunanda Deshapriya** following his participation in a side event in the context of the 18th session of the United Nations Human Rights Council, which took place in Geneva, Switzerland, from 12 to 30 September 2011.

Mr. Sunanda Deshapriya is a journalist, former member of the Free Media Movement and a human rights defender, who has been living in exile in Switzerland since May 2009 due to threats received and a denigration campaign in the media following his participation in the 10th session of the Human Rights Council in March 2009 and in the 11th Special Session of the Council on the human rights situation in Sri Lanka in May 2009. He has also worked closely with other United Nations human rights mechanisms as well as international human rights and press freedom organizations.

Mr. Deshapriya writes a weekly column for Ravaya, a weekend Sinhalese newspaper based in Sri Lanka, in which he often addresses human rights issues. He edits Sri Lanka Brief, a regular on-line publication about human rights in Sri Lanka. He also manages an on-line blog which focuses on gathering information on human rights violations, with a particular focus on freedom of expression.

On 23 May 2005, Mr. Deshapriya was the subject of a previous communication sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. We regret that to date no response has been transmitted concerning this communication by your Excellency's Government. Mr. Deshapriya was the subject of a further communication sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on 7 June 2006. We

acknowledge receipt of the response transmitted to this communication by your Excellency's Government on 27 June 2006.

On 17 March 2010, Mr. Deshapriya was also the subject of a joint communication sent by 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. We regret that to date no response has been transmitted to this communication by your Excellency's Government.

According to the information received:

Mr. Sunanda Deshapriya has been the subject of a media smear campaign and stigmatisation following his participation in the 18th session of the UN Human Rights Council and related side events. A number of radio, television, newspapers and website reports have allegedly misrepresented Mr. Deshapriya's involvement in the 18th session of the UN Human Rights Council and related side event and have referred to comments allegedly made by the President of the Maldives about such participation. It is reported that these media are owned and/or controlled by the State or by supporters of the Government.

In particular, these media reports allegedly mention the response to a question raised by "a former leader of the Free Media Movement" by the Maldivian President. The reports claim that the President had replied that he (the former leader) had come to act against the country and not for it. These media reports also allegedly quoted the President of the Maldives as saying that the people of the country should appear for the motherland and not as enemies of it.

According to information received, these media reports started to appear in the media in Sri Lanka following a side-event in the context of the 18th session of the Human Rights Council, organised by the Sri Lankan Government on 12 September 2011, in Geneva. The event was attended by the President of the Maldives, representatives of diplomatic missions in Geneva, representatives of international human rights groups, Sri Lankan human rights defenders and Sri Lankan Ministers and senior Government officials.

It is reported that the only "former leader of the Free Media Movement" present at the side event was Mr. Deshapriya. According to the information received, Mr. Deshapriya never asked the President of the Maldives a question during the side-event nor did the President make the comments attributed to him in the media reports.

On 13 September 2011, the Sinhalese daily paper Dinamina and the Ceylon Daily News, a English daily paper published articles reportedly stating that a former leader of the Free Media Movement had participated in the United Nations Human Rights Council with the aim of organising pro-Liberation Tigers of Tamil Eelam (LTTE) groups and mobilising Tiger support against the Government. On the same day, an article appeared in the Sri Lanka Mirror along with a photo of

Mr. Deshapriya, stating that the person referred to in the Dinamina article was Mr. Deshapriya.

On 15 September 2011, it is reported that two articles appeared in the Sinhalese daily newspaper Divaina making allegations against and stigmatising the work of Mr. Deshapriya. These articles reportedly claimed that the President of the Maldives criticised the presence of the former head of the Free Media Movement accusing him of acting against the country instead of defending it in response to a question raised by him. These allegations and remarks were reportedly reiterated the same day in an article on the Lanka C news website, in a radio broadcast by the Sri Lankan Broadcasting Corporation, and a television broadcast by the Independent Television Network.

On 18 September 2011, an article reportedly appeared in Sunday Divaina referring to the remarks made by the President of the Maldives accompanied by a photograph of Mr. Deshapriya at the aforementioned side event. According to information received, the only video photographer at the event was the official photographer.

On the same day, articles appeared in Silumnia, a Sinhalese Sunday paper, and another Sunday paper Rivira, referring to the events in Geneva and branding Mr. Deshapriya as a betrayer of his country.

Furthermore, information received indicates that since this campaign against started Mr. Deshapriya has received death threats through phone calls to his mobile and through comments made in on-line media.

Concern is expressed that the alleged media campaign against Mr. Sunanda Deshapriya may be related to his legitimate activities in defence of human rights, in particular his international advocacy and outreach efforts. Concern is also expressed that the comments made in the aforementioned media reports may be related to his engagement with various UN human rights mechanisms, in particular the UN Human Rights Council. Further concern is expressed for the safety of Mr. Deshapriya and his family following the aforementioned threats, particularly death threats, which he has received.

Given the extent of the allegations, there is an overarching concern that the media campaigns may form part of a broader attempt to stigmatize and delegitimize the activities of human rights defenders who are critical of actions and policies of the Government and may result in other human rights defenders becoming fearful of engaging with United Nations human rights mechanisms, in particular with the United Nations Human Rights Council.

In this connection, we would like to bring to your attention the observations regarding Sri Lanka made by the Special Rapporteur on the situation of human rights defenders in her last report on summaries of cases transmitted to Governments and replies received, where she “expressed her concern about the reported climate of fear, including criminalization of, threats and intimidation against human rights defenders,

particularly journalists and lawyers working on human rights issues". Furthermore, the Special Rapporteur highlighted her particular concern at threats related to the cooperation of these defenders with the UN Human Rights Council and Special Procedure mandate holders which, in her opinion, could explain the lower number of complaints received by her mandate during 2010 (A/HRC/16/44/Add.1, para. 2126).

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of Mr. Deshapriya. This right is set forth in, *inter alia*, in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

We would also 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."

Furthermore, we wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that article 19, paragraph 3 of the International Covenant on Civil and Political Rights provides that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions which are not consistent with paragraph 3 of that article, including on (i) discussion of Government policies and political debate; reporting on human rights, Government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

In this connection, regarding the allegations received linking the situation of Mr. Deshapriya to his activities as human rights defender, 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 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 12, paragraphs 2 and 3, 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.

Moreover, with regard to allegations indicating that Mr. Deshapriya has been the subject of a media campaign due to his engagement with various UN human rights mechanisms, in particular the UN Human Rights Council, we wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Deshapriya 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 Mr. Deshapriya 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. Please provide the details, and where available the results, of any investigation, 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.
3. Please kindly provide information on any measures taken to ensure that human rights defenders can carry out their legitimate work, including through engagement and cooperation with the UN in the field of human rights, without fearing acts of intimidation or reprisals of any sort.

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 note that a copy of this communication will be transmitted to the Government of the Maldives.

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

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