

**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; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; 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 Human Rights Council resolutions 27/1, 25/2, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged acts of intimidation and reprisals against Mr. [REDACTED], and against members of the non-governmental organization "Pupil Salvation Forum".**

Mr. [REDACTED] is a Sri Lankan human rights defender [REDACTED] of "Pupil Salvation Forum", an NGO working with victims of human rights violations in the North and East of Sri Lanka, including victims of enforced disappearances.

According to information received:

Mr. [REDACTED] was in Geneva at the time of issuing this letter, participating in the [REDACTED] session of the United Nations Human Right Council.

On [REDACTED] 2017, he addressed the United Nations Human Rights Council and referred to the current human rights situation in Sri Lanka. During his visit, Mr. [REDACTED] has also met with a number of relevant human rights partners and stakeholders.

It is reported that on 11 March 2017, officers from the Criminal Investigation Department (CID) attached to the Kalmunai Police station, in Sri Lanka, arrived to Mr. [REDACTED]'s house in Kalmunai, and threatened his relatives. Later that day, the same CID officers allegedly contacted by phone two staff members of the "Pupil Salvation Forum". The officers threatened the men, claiming they were under investigation by the police and warning them that the CID would come back to investigate them further. It is reported that one of the threatened

men, is the person working on matters related to enforced disappearances at the "Pupil Salvation Forum".

We express serious concern at these alleged acts of threats and intimidation, which appear to be in retaliation for Mr. [REDACTED]'s legitimate activities as a human rights defender, particularly, his recent participation in the [REDACTED] session of the Human Right Council.

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to article 13 (3) of the Declaration on the Protection of all Persons from Enforced Disappearance, which states that "[s]teps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal".

We also wish to recall the findings of the Working Group on Enforced or Involuntary Disappearances, following its country visit to Sri Lanka (A/HRC/33/51/Add.2). The Working Group expressed its concern at accounts of harassment and intimidation of relatives of disappeared persons and organizations owing to their involvement in the investigation of cases of enforced disappearance. The Working Group was informed that relatives of the disappeared had received several visits from intelligence officers, police officers or army personnel and had been questioned about their activities and the meetings they attend. Most of the allegations pointed directly to officers of the CID. Civil society organizations supporting the relatives of the disappeared in their search for truth and justice had also been subjected to open threats and intimidation or pressure to discontinue their quest. The Working Group also heard allegations that some of the people with whom it had met had been questioned about the visit. In a democratic society, such harassment and control are absolutely impermissible and constitute an additional human rights violation. Such behaviour may even be considered as an attempt to cover up the disappearances and should be severely sanctioned. The Working Group urged the Government to call for these types of activities to cease immediately and for the highest authorities make a clear statement affirming the legitimacy of the activities of relatives and their associations to search for truth and on the State's obligation to protect and ensure the right of relatives of the disappeared to seek truth, justice, reparation and guarantees of non-repetition, in accordance with article 13 (3) and (5) of the Declaration.

We would also 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. The protection of families



of disappeared persons should be carried out regardless of the existence of criminal investigation.

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 (ICCPR), ratified by Sri Lanka on 11 June 1980. In this connection, we reiterate the principle enunciated in Human Rights Council resolution 12/16 calling on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights; and expression of opinion and dissent. The same resolution also calls upon States to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence, including in situations of armed conflict, and to bring to justice those responsible to combat impunity.

Additionally, we wish to bring to the attention of your Excellency's Government 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, also known as the UN Declaration on Human Rights Defenders, in particular its articles 1, 2, 5, 6 and 12.

Furthermore, we wish to reiterate that Human Rights Council in its resolutions 12/2 and 24/24 urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them. Resolution 24/24 urges States to take all appropriate measures to prevent the occurrence of reprisals, including by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.

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 person(s) 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/or comment(s) you may have on the above-mentioned allegations.
2. Please confirm if Mr. [REDACTED], or his colleagues at the "Pupil Salvation Forum", are indeed under investigation by the police, and if so, what the charges against them are.
3. Please provide information regarding any available measures to protect the life and the physical integrity of Mr. [REDACTED], upon his return to Sri Lanka, as well as to protect his family and his colleagues.
4. Please indicate what measures have been taken by your Excellency's Government to ensure that human rights defenders in Sri Lanka operate in a safe and enabling environment as well as cooperate freely with international human right bodies and mechanisms, without fear of threats or acts of harassment of any sort.

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.

Houria Es-Slami  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders