

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 situation of human rights defenders; the Special Rapporteur on the right to privacy; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

REFERENCE:
UA LKA 2/2018

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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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the right to privacy; and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 36/6, 34/18, 34/5, 37/2 and 36/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of harassment of **Ms. Sandya Ekneligoda** in reprisal for her efforts to seek the truth about the fate and whereabouts of her husband, disappeared journalist Prageeth Ekneligoda, whose case was registered by the UN Working Group on Enforced or Involuntary Disappearances on 3 February 2010 (case number 10002838).

According to the information received:

Ms. Ekneligoda has been the target of online attacks by supporters of the Buddhist monk leader of the group Bodu Bala Sena (BBS), Galagodaatte Gnanasara Thera, after he was sentenced to six months imprisonment on 14 June 2018. On 25 January 2016, Ms. Ekneligoda was subjected to threats by the above-mentioned individual during the hearings in the case of the disappearance of her husband, which was held in the Homagama Magistrate Courts. On 24 May 2018, the monk was convicted under articles 346 and 486 of the Criminal Code for assault and criminal intimidation. Subsequently, on 14 June 2018, he was sentenced to six months imprisonment for each of the offenses, in addition to the payment of a fine and compensation in favour of Ms. Ekneligoda. He was released on bail on 22 June.

Following the latter decision, Ms. Ekneligoda has been the target of online attacks by persons that support Galagodaatte Gnanasara Thera and claims that he was unfairly punished. Most of the attacks are based on allegations that her

disappeared husband was a supporter of Liberation Tigers of Tamil Eelam (LTTE), although an investigation carried out by the Criminal Investigation Department (CID) of the Police in 23 August 2016 revealed to the Homagama Magistrate that Mr. Prageeth had no connections to the LTTE or to any criminal group. Under those attacks, Ms. Ekneligoda has also been labelled as a LTTE member and terrorist supporter.

Reportedly, threats against Ms. Ekneligoda were also posted on social media, associating her with the LTTE, calling on people to eliminate her from the world and giving her “the same punishment that was given to Gadafi”.

We express our serious concern at the online attacks against Ms. Ekneligoda in direct retaliation to her legitimate activities in defense of human rights in Sri Lanka, more particularly, to her claim for truth and justice regarding the case of her husband. We also express concern at those acts of harassment, which may also constitute violations of Ms. Ekneligoda’s right to her privacy, honor and reputation. Ms. Ekneligoda, who has been seeking to clarify the fate of her husband and for the perpetrators of his disappearance to be brought to account, is entitled to the effective protection by the State against such attacks and threats that may jeopardize her life and personal security.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer to Article 13 (3) and Article 13 (5) of the Declaration on the Protection of all Persons from Enforced Disappearance; to resolutions 7/12, 13/13 and 33/2 of the Human Rights Council; to articles 6.1, 9, 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sri Lanka in 1980; and to 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 articles 1, 2, 5, 6, 9 and 12.

The full texts of the human rights instruments and standards recalled above are available on 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 any comment you may have on the above-mentioned allegations.

2. Please provide information about whether any investigation and judicial or other inquiry has been undertaken in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please explain what measures have been taken to ensure Ms. Ekneligoda's safety.
4. Please indicate what measures have been taken to ensure that human rights defenders in Sri Lanka are able to carry out their legitimate work, particularly when attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, in a safe and enabling environment without fear of threats, acts of intimidation or reprisals of any kind.

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.

Bernard Duhaime
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

Joseph Cannataci
Special Rapporteur on the right to privacy

Fabian Salvioli

Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence