

**Mandates of the Special Rapporteur on the situation of human rights defenders; 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 violence against women and girls, its causes and consequences**

Ref.: AL LKA 4/2024  
(Please use this reference in your reply)

25 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/4, 54/14, 52/9 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **reported threats and intimidation of woman human rights defender Mrs. Nelum Kumuduni Jayasekara, acting on the alleged disappearance of her son,** [REDACTED]

Mrs. **Nelum Kumuduni Jayasekara** is a woman human rights defender who works on enforced disappearances and advocates for the rights to truth and justice for victims of the human rights violation and their families. She began working on the issue following the alleged enforced disappearance of her son [REDACTED] in March 2024. Since then, she has been involved in demonstrations and press conferences and submitted complaints to the Human Rights Commission and the Office of Missing Persons.

On 16 April 2024, the Committee on Enforced Disappearances transmitted an Urgent Action request to your Excellency's Government in compliance with article 30 of the International Convention for the Protection of all Persons against Enforced Disappearance, regarding the alleged enforced disappearance of [REDACTED], reference number UA No. 1804/2024.

According to information received

On 27 March 2024, [REDACTED] left his home at around 6.30 p.m.

At approximately 8.30 p.m., a group of six men and two women arrived at the house of Mrs. M. Nelum Kumuduni Jayasekara in a white van (plate number NC PC 2725). The group confiscated the mobile phones of the family members present in the house and interrogated them individually as to [REDACTED] movements, reportedly mentioning that he was in their custody and was a suspect in a murder case in Galaboda. [REDACTED] nephew was reportedly blindfolded by the group and severely beaten. Mrs. Jayasekara was subjected to threats and harassment by the individuals, and coerced to sign a statement, without being allowed to read it before

signing.

On 28 March 2024, Mrs. Jayasekara reported the enforced disappearance of her son to the Horowpathana police (complaint No. CIB/1/395/43), as well as submitted a complaint to the Human Rights Commission and the Office on Missing Persons.

On 31 March 2024 at approximately 9 a.m., six members of the group returned to Mrs. Jayasekara's house to inquire as to whether [REDACTED] had returned home, allegedly clarifying that he was not in their custody. The group searched the house, reportedly without providing a reason. The father of [REDACTED] and husband of Mrs. Jayasekara signed a piece of paper presented to them by the group, which had on it the term 'STF', referring to the Special Task Force (STF) of the police.

On 7 April 2024, plainclothes individuals who claimed to be from the STF visited Mrs. Jayasekara's home and reportedly expressed annoyance regarding the complaints she had lodged with police in relation to the enforced disappearance of her son.

On 20 April 2024, [REDACTED] was reportedly produced at the Pitigala police station.

On 21 April 2024, Mrs. Jayasekara visited her son at the Pitigala police station. During the visit, [REDACTED] told her that his captors had reportedly instructed him to tell her to cease her media work.

On 14 May 2024, the Human Rights Commission informed the Attorney General that it had grounds to believe that an offence may have been committed under section 3 of the International Convention for the Protection of All Persons from Enforced Disappearance Act No. 5 (2018) regarding the alleged enforced disappearance of [REDACTED]. The Commission reportedly recommended that the Attorney General provide requisite advice to the police to initiate a criminal investigation into the case. The Commission also urged the Attorney General to consider the initiation of proceedings before the High Court under the terms of the Act.

On 18 May 2024, posters appeared near Mrs. Jayasekara's home, which claimed [REDACTED] was a murderer and called for Mrs. M. Nelum Kumuduni Jayasekara to be expelled from the village.

On 13 June 2024, Mrs. Jayasekara made a submission to the office of the Attorney General under the International Convention for the Protection of All Persons from Enforced Disappearance Act No. 5 (2018), regarding her son's enforced disappearance.

On 15 June 2024, at approximately 12.30 a.m., Mrs. Jayasekara received a phone call in which the caller threatened both her and her family. The caller also reportedly told her "We are not afraid of any legal action you take. Know that we will destroy your family". Later that day, Mrs. Jayasekara reported the call, including the phone number, at Ambalangoda Police Station.

On 17 June 2024, a police officer at Ambalangoda Police Station, [REDACTED], informed Mrs. Jayasekara that the person to whom the phone number was registered with was a driver in Pannala, northwestern Province, and suggested she call the individual herself to understand why he made the threat. Later that day, Mrs. Jayasekara spoke on the phone with the person who had made the threatening call, who claimed to have made the call as a joke and asked that she not take any action against him.

On 18 June 2024 at approximately 8.30 a.m., Mrs. M. Nelum Kumuduni Jayasekara received a call from [REDACTED], telling her that the individual who had made the threatening phone call had been calling frequently, asking that she drop the claim against him as it was causing him trouble. [REDACTED] then reportedly suggested to Mrs. Jayasekara that she drop the case, to which she responded that she did not want to withdraw the complaint and wished to pursue justice for the threatening call. She was reportedly informed that her initial complaint had been noted and if she received another threat, it would be re-investigated.

Later that day, Mrs. Jayasekara, her husband and representatives from the civil society organization supporting them, Committee for Protecting Rights of Prisoners (CPRP) attended a meeting with two human rights advisers at the UN. As they left the UN compound after the meeting, they were approached by a uniformed police officer who questioned Mrs. Jayasekara about her name, and then questioned the CPRP's representatives, asking for their names too. The group expressed to the police officer that they deemed the questioning unnecessary, given that their names and IDs had already been provided to the UN before entering the compound. The police officer then approached a man in plainclothes, pointed at the group and reportedly said something to the men, who then proceeded to take photos of Mrs. Jayasekara, her husband and the CPRP representatives. The police officer reportedly made several phone calls. Once the group left the UN compound, they were reportedly followed by the plainclothes man for approximately 20-30 minutes.

On or around 20 June 2024, Mrs. Jayasekara's neighbour informed her that she had been approached by two people on a motorcycle while walking on the main road. The two men reportedly asked her about the whereabouts of [REDACTED], the brother of [REDACTED] who is also accused in the same murder case. The two men also reportedly instructed the woman not to tell anyone that they had asked about his whereabouts. [REDACTED] had been granted bail on 19 June 2024, but was held in detention, reportedly in relation to other proceedings against him.

The same day at around 9.30 p.m., the woman reportedly saw the same two people on the motorcycle stop in front of Mrs. Jayasekara's house and appeared to observe it closely. At that time, Mrs. Jayasekara was standing in the yard of the house alone and was quickly instructed by the neighbour to go back inside. After she did so, the two individuals on the motorcycle left.

On 12 July 2024, Mrs. Jayasekara was attacked by group of people, reportedly led by [REDACTED], an illegal liquor dealer from the area. [REDACTED] is a relative of a police officer at the Ambalangoda Police

station. During the attack, which occurred near Athuraliya Road, Pattini Temple in Galle district, ██████████ reportedly told Mrs. Jayasekara that the Police Special Task Force (STF) had instructed him to evict her and her family from the village. One of Mrs. Jayasekara's nephews who was with her during the attack was admitted to Balapitiya Base Hospital to receive treatment for the injuries he incurred. At around 10 p.m. the same day, Mrs. Jayasekara lodged a complaint regarding the attack at the Ambalangoda Police station, under the number CIB 5 90/18.

On 13 July 2024, at around 1am, ██████████ reportedly attempted to break into Mrs. Jayasekara's house with a sword, striking a window. Although he was unsuccessful, Mrs. Jayasekara rang Ambalangoda Police station to report the incident, as well as the Police Emergency Hotline. No police from Ambalangoda Police station came in response to the call, only police from the Emergency Hotline.

On 14 July 2024, police from Ambalangoda station attempted to arrest ██████████ at his home, but he was not there at the time. The officers reportedly assured Mrs. Jayasekara that they were not involved in the incident and that they would arrest him as soon as possible.

On 19 July 2024, Mrs. Jayasekara was summoned to the Ambalangoda police station in relation to the complaint she made in response to the attack against her on 12 July 2024. This was the third time she had been summoned to the police station in relation to the complaint, only to find that the police were yet to conduct an investigation into it. On this occasion, ██████████ was also present, and the police reportedly gave him and Mrs. Jayasekara five minutes each to discuss and resolve the matter between them. In response to this, Mrs. Jayasekara insisted that a serious threat had been made against her and declined to engage in any reconciliatory measures and recalled that according to ██████████ himself, he had been instructed by the Ambalangoda Police and STF to evict her and her family from the village. That same day, the police arrested ██████████ and later released him on bail, pending a court appearance, the date of which is yet to be confirmed.

Upon returning home from the police station, the elder brother of ██████████ attempted to attack Mrs. Jayasekara near her home. She immediately returned to Ambalangoda Police station to report the incident, which the police officer noted in his notebook but did not lodge it in the formal complaint book or provide Mrs. Jayasekara with a receipt or complaint number. She was reportedly advised to call the police in case of emergency and assured that a mobile unit would patrol her residential area, which it did twice that night.

Without wishing to prejudge the accuracy of the allegations, we wish to express concern regarding the alleged death threats, acts of intimidation and physical attacks against woman human rights defender Mrs. M. Nelum Kumuduni Jayasekara in connection with her peaceful and legitimate human rights work, advocating against enforced disappearance, and specifically the alleged enforced disappearance of her son, ██████████. This concern is compounded by the information which seems to indicate that not only have the authorities responded with relative inertia to the attacks against Mrs. Jayasekara, but that in some cases they are

alleged to have been involved in committing these threats and attacks against her, specifically the Police Special Task Force (STF). That the family members of victims of enforced disappearance are in turn subjected to seemingly punitive violations themselves for their efforts to expose and advocate against the initial human rights violation, is cause for serious concern.

We are further concerned about the notable chilling effect that this case is prone to have for other human rights defenders, particularly those working on the issue of enforced disappearances, in the country.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 provide information as to the purpose of the visit of members of the Special Task Force (STF) to the home of Mrs. M. Nelum Kumuduni Jayasekara on 7 April 2024.
3. Please provide information as to the alleged enforced disappearance of [REDACTED] from 27 March – 20 April 2024.
4. Please provide information as to the visit by six men and two women to the home of Mrs. Jayasekara on 27 March 2024 and the statement she was reportedly coerced to sign.
5. Please provide information as to the progress or findings of any investigation into the attack against Mrs. Jayasekara on 12 July 2024.
6. Please provide information on whether a protection mechanism for the families of disappeared persons is in place or whether the Government is planning to adopt one.
7. Please provide information about measures put in place to ensure that human rights defenders working on the issue of enforced disappearances can exercise their work in a safe and enabling environment, including exercising their rights of freedom of expression with regards to enforced disappearances without fear of reprisals.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Mrs. Nelum Kumuduni Jayasekara, 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(s) responsible for the alleged violations.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Aua Baldé

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

Irene Khan

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

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, 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.

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which Sri Lanka ratified in 1980. In particular, article 6 paragraph 1 of the Covenant, establishes that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Also, article 9 of the ICCPR provides that "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. [...]". Article 17 provides that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation" as well as that "Everyone has the right to the protection of the law against such interference or attacks".

Further, article 19 of the ICCPR guarantees the right of everyone to freedom of opinion and expression, including the right "to seek, receive and impart information and ideas of all kinds" online as well as offline and encompassing not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. Any restriction to this right must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (ordre public), or of public health or morals; and (iii) be necessary and proportionate for those objectives. In its general comment No. 34, the Human Rights Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

We also draw your Excellency's Government's attention to the provisions of the International Convention on the Protection of All Persons from Enforced Disappearances, which Sri Lanka ratified on 25 May 2016. In particular, we make reference to article 12, which reasserts that "any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation"; the complainant, witnesses and relatives shall be protected from reprisal in the wake of the complaint; States "shall take the necessary measures to prevent and sanction acts that hinder the conduct of the investigation", and ensure it remains impartial. Article 24 reaffirms the right to know the truth regarding the circumstances of the enforced disappearance; States should take all necessary measures to protect this right, by conducting a thorough and impartial investigation

and ensuring the victim obtains reparation. Article 24 (par. 7) also refers to the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance.

We would like to also refer to United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, article 13 paragraphs 3 and 5 of the Declaration, which state that that steps 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.” and that “any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.”

We also make reference to the Working Group’s general comment on women affected by enforced disappearances (A/HRC/WGEID/98/2), its report on Standards and public policies for an effective investigation of enforced disappearances (A/HRC/45/13/Add.3, paras. 60-68), and its study on Enforced disappearance and economic, social and cultural rights (paras. 23-32). Furthermore, we would like to recall that the Human Rights Council, in its resolution 7/12, paragraph 4 alinea c), urges States to “prevent the occurrence of enforced disappearances [...]”; in alinea d) to “work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearances as crucial steps in effective prevention”; in alinea f), 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 illtreatment to which they might be subjected”. In addition, in its resolution 13/13, paragraph 6, the Human Rights Council urges States to “take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights”; in paragraph 12, it urges to “investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threats or human rights violations perpetrated against human rights defenders or their relatives and to initiate, when appropriate, proceedings against the perpetrators so as to ensure that impunity for such acts is eliminated”.

We would further like to refer to the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, as established in the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005 (principle 2). In this respect, we also refer to the General comment on the right to the truth in relation to enforced disappearance, issued by the Working Group (A/HRC/16/48, (para. 39).

In addition, article 1 of the UN Declaration on Human Rights Defenders provides that “Everyone has the right, individually and 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”. Article 2 reaffirms each state’s “responsibility and duty to protect, promote and implement human rights [...]”. Paragraph 5 reaffirms, in its paragraph c), the right “to communicate with non-governmental or intergovernmental organizations”. Article 6 states that everyone has

the right to hold and disseminate information on human rights, as well as to form opinions on their observance. Article 9 provides that everyone has a right to an effective remedy and protection in the event of human rights violation, including through the right to file a complaint, to have a public hearing before an independent, impartial and competent judicial, to get the compensation due, and to communicate with international bodies. Article 12 provides that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms and that the State should ensure the protection of this right. Article 20 provides that everyone has the right to freedom of peaceful assembly and association.

We would like to draw your attention on General Assembly resolution 68/181 whereby States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).