

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL LKA 3/2025  
(Please use this reference in your reply)

29 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the intimidation of and alleged threats made against human rights defender and trade union leader Mr. Sudesh Nandimal Silva in March 2025.**

Mr. **Sudesh Nandimal Silva** is a human rights defender and Chairman of the Committee for Protecting the Rights of Prisoners (CPRP), a non-governmental organisation which advocates for the rights of prisoners in Sri Lanka. The organisation, comprised of former prisoners, lawyers and human rights defenders, provides legal aid to prisoners and their families, conducts campaigns for improved prison conditions, and raises cases of alleged torture and deaths of detainees. In 1996, Mr. Silva was involved in the formation of a trade union in the Sri Lanka Railways company, where he is employed, and was the founding treasurer of what came to be the Railways Workers, Labourers & Employees Collective, and later the General Secretary. Both Mr. Silva and the CPRP have been engaged in public advocacy for justice in the years since the killing of 27 prisoners by members of the defence forces during a riot at Welikada Prison, Colombo on 9-10 November 2012, commonly referred to as the Welikada Prison Riot.

Special Procedures' mandate holders have previously raised their concerns with your Excellency's Government concerning the detention, threats and intimidation against human rights defenders, journalists and trade union leaders such as Mr. Sudesh Nandimal Silva and his colleagues in the communication [AL LKA 4/2021](#). We thank your Excellency's Government for its response to this letter dated 14 October 2021. We regret, however, that the reply does not address the specific allegations of arbitrary arrest, intimidation, and threats raised in relation to the human rights defenders, in particular the incident in which Mr. Silva was shot at by an unknown individual whilst residing at his sister's apartment. Further, we remain concerned about the safety of witnesses in the Welikada Prison Riot, including Mr. Silva and his colleagues at CPRP, especially since the release of all key suspects.

According to the information received:

Since 2017, Mr. Silva and his organisation, CPRP, have reportedly been subject to a series of online and digital attacks, smear campaigns, surveillance and acts

of intimidation by unknown individuals. These have reportedly intensified in recent years following public interventions by CPRP on topics such as police violence, custodial deaths, and the Welikada Prison Riot. One such digital attack occurred on 11 January 2025 when the CPRP Facebook page was hacked, affecting their online advocacy efforts. In January 2025, the organisation was also subjected to a target cyber attack which affected their online communication systems.

Between the hours of 5 p.m. and 6 p.m. on 4 March 2025, Mr. Silva received three phone calls from an unknown number during which the caller reportedly accused the human rights defender of interfering with the work of the caller's "bosses" and law enforcement by advocating against extrajudicial actions. During the calls, the caller also allegedly made direct threats to Mr. Silva, suggesting that his life was in danger and insinuating knowledge of the human rights defender's address and a vehicle owned by his colleague. The caller also allegedly boasted about having received a salary which gave him the "right to kill" and reportedly threatened that Mr. Silva's body would not be found. These alleged threats were made several days after CPRP representatives met with the Deputy Inspector General of Police on 28 February 2025 to raise concerns about a police shooting incident in Crow Island where two prisoners were shot dead during an alleged hidden weapons recovery operation.

On 5 March 2025, Mr. Silva lodged a complaint with the Dematagoda Police regarding the threats he received. There are no updates to this complaint at the time of writing other than the fact that an investigation has been initiated.

On 6 March 2025, the human rights defender lodged a further complaint with the National Authority for the Protection of Crime and Witnesses. On 30 May 2025, Mr. Silva was summoned by the Authority to provide a statement. Following the complaint, police patrol vehicles were deployed, and police officers have been present at Mr. Silva's residence daily. Despite this security presence, no formal notification of an investigation has been issued.

Without wishing to prejudge the accuracy of these allegations, we are seriously concerned by the alleged intimidation of and threats made against human rights defender and trade union leader Mr. Sudesh Nandimal Silva, which appear to be in direct response to his and his organisation's advocacy for prisoner's rights. The seeming retaliatory nature of these threats, connected to his exercise of freedom of expression and human rights defense work and the danger to Mr. Silva's physical integrity is troubling and will create a chilling effect in other human rights defenders across the country.

This concern is compounded by the reported limited action taken by your Excellency's Government to respond efficiently and effectively to these threats to mitigate the risks faced by Mr. Silva since 2017, when he began advocating against impunity and for the right to justice of the victims and families of the Welikada Prison Riot. We would like to reiterate the harmful impact that such threats have not only on Mr. Silva's physical and psychological integrity, but also on the creation of an environment in which members of civil society are encouraged to and feel safe to denounce impunity and seek justice and redress, without fear of reprisal. As stated by

the Special Rapporteur on the situation of human rights defenders in her report ‘Final warning: death threats and killings of human rights defenders’, “[n]ot all death threats to human rights defenders are followed by a murder, and not all such murders are preceded by death threats. However, many killings are preceded by a threat.”

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 actions taken in response to the reported threats and intimidation targeting Mr. Silva to ensure his physical and psychological integrity and his safety and security, and in response to the numerous complaints filed by the human rights defender in relation to these threats.
3. Please provide information on measures adopted by your Excellency’s Government to ensure a safe and enabling environment for human rights defenders in Sri Lanka to carry out their legitimate and peaceful human rights activities.
4. Please indicate what measures have been taken to ensure the rights to freedom of expression and freedom of peaceful assembly of human rights defenders, including environmental human rights defenders, and community members exercising their legitimate rights are guaranteed.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. 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 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.

We would like to inform your Excellency’s Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

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

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

## 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. In particular, we wish to refer to articles 6, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Sri Lanka acceded in 1980, which guarantee the right to life, to freedom of opinion and expression, and to freedom of peaceful assembly and association. These rights are also provided for by articles 3, 19 and 20 of the Universal Declaration on Human Rights (UDHR).

Article 19 of the ICCPR refers to the right to hold opinions without interference, and the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, through any medium they wish. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further 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 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).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions 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. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed and that restrictions must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

Similarly, the right to freedom of peaceful assembly under article 21 can be subjected to restrictions only as narrowly defined by the ICCPR, if such restrictions are

clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HCR/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”.

“States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

We would like to recall that the former Special Rapporteur on the situation of human rights defenders noted in his report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR. These provisions require the interference in question to be pursuant to ‘legitimate aims’, such as in the interests of national security or public safety; public order (ordre public); the protection of public health or morals, or the protection of rights and freedoms of others. Without such a legitimate aim, interference is rendered contrary to international human rights law, and in the context of the activities of NGOs, the Special Rapporteur has argued that “difficulties in the formation and registration of human rights associations; criminal sanctions for unregistered activities; government interference, supervision and monitoring of NGO activities; and difficulties in accessing funding may restrict the right to freedom of association and therefore must reach the very high threshold under article 22, paragraph 2, of the International Covenant on Civil and Political Rights in order to be admissible.” (A/64/226, para. 58.)

Regarding the Welikada Prison Riot case, and the intimidation, threats and attacks suffered by Mr. Silva in connection with his advocacy for justice for the victims of the riot, we would like to recall that article 2 of the ICCPR sets out the duty of States to ensure that any person whose rights were violated has an effective remedy, and that the competent authorities enforce such remedies when granted. In this regard, we would like to refer to the obligation to investigate and punish human rights violations and to combat impunity for such crimes, pursuant to article 2 of ICCPR. As established by the Human Rights Committee in its general comment No. 31, States have an obligation to investigate and punish serious human rights violations, such as torture, extrajudicial killings and enforced disappearances. Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties (paragraph 18). We would further like to recall the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which stipulates that in cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate, prosecute, and punish those responsible (principle 4). They

further call on States to take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims (principle 12.b).

Finally, in relation to the allegations that Mr. Silva was targeted due to his human rights work, we bring to your attention 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, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

We would like to draw particular attention to the following provisions of the Declaration:

- Article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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.