



*NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
And Associated with the Department of Public Information of the United Nations*

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March 25, 2014

**Re: Repression of Human Rights Defenders and Civil Society Representatives in Sri Lanka**

VIVAT International and associates, within and outside Sri Lanka have taken note of recent alarming and negative developments in Sri Lanka. Human Rights defenders and many civilians are being detained by the Terrorist Investigation Division (TID) and interrogated under the Prevention of Terrorism Act (PTA) without legal representation or the presence of neutral witnesses. Policies and acts of intimidation do not contribute to the work of reconciliation that is badly needed at this juncture in the country's history.

We are equally concerned by the growing repression of many types that our peaceful colleagues and fellow workers are experiencing in various parts of the country. We believe that what Sri Lanka needs is a process of reconciliation based on justice and accountability.

As you may know, an Oblate priest, Fr. Praveen Mahesan, OMI, along with a prominent lay worker and human rights defender, Ruki Fernando were arrested on March 16, 2014. Their arrest came shortly after that of Ms Balendran Jeyakumari, an outspoken critic of disappearances of citizens in Sri Lanka.

We welcome the news of the release of Fr. Praveen and Ruki on Tuesday, March 18, 2014, but note with grave concern the continued incarceration of Ms. Balendran Jeyakumari, in apparent retaliation for her vigorous campaigning against enforced disappearances.

We call for the immediate and unconditional release of Ms. Jeyakumari. Since torture of suspects held under the PTA is common, we are deeply concerned about Ms. Jeyakumari's health and safety. We urge the Embassy of your country in Sri Lanka and the representative of your Mission to the UN to make regular inquiries about her well-being.

According to the February 24, 2014 report of the UN High Commissioner for Human Rights, Navi Pillay, the Sri Lankan government has taken no significant steps to address serious violations of international human rights and humanitarian law.

Given this, we are also concerned that women in detention remain highly vulnerable to sexual harassment and violence, as do all women in areas where there is a military presence.

**Remaining Concerns about Fr. Praveen Maheesan OMI and Ruki Fernando:**

Fr. Praveen Maheesan OMI and Ruki Fernando were detained for three days without access to legal counsel, during which time they were subject to a smear campaign in the media. We remain concerned about the allegations that have been made in the government-controlled press about connections to ‘terrorists’, and possible future retaliation against the two men for their human rights advocacy.

We have just learned that the TID has visited Ruki Fernando’s home, and a church in Colombo with which Fr. Praveen is associated. They were issued an order not to speak to the media and their passports were taken away. The two men need to have a written assurance by the government that they have been freed unconditionally, and that their freedom of movement will not be curtailed. Their freedom of speech should also be guaranteed.

**Concerns about Ms Jeyakumari:**

Ms Jeyakumari has been arrested under the Prevention of Terrorism Act (PTA), a law which itself violates international human rights norms. She has been accused of harboring a suspected criminal who shot and wounded a policeman but there are grave concerns that this allegation is a trumped up charge to silence a committed human rights defender. As a leader of families looking for their missing and disappeared family members, Ms Jeyakumari has been asking uncomfortable questions about the government’s role in these disappearances, at the same time that the Human Rights Council in Geneva is examining concerns around the Sri Lankan government’s record on the subject.

On March 13, 2014, around 4.00 p.m., 400-700 military personnel are reported to have surrounded the house of Ms Jeyakumari. At that time, she was questioned by the army/CID and not allowed to speak to anyone, not even a lawyer. At about 10:30 pm the military reportedly took both the mother and her 13-year old daughter to the Vavuniya police station. Although her daughter was released, Ms Jeyakumari has since been moved to Boosa Prison in the south of Sri Lanka. It is known that torture is commonly used at this prison, and we are deeply concerned about her safety and well-being under the circumstances.

The alleged shooting incident also appears to have been used by the government to attempt to silence Fr. Praveen and Mr. Ruki Fernando as they worked to help Ms Jeyakumari’s daughter in the aftermath of her mother’s arrest.

The Representative of the Permanent Mission of Sri Lanka to the United Nations in Geneva made a statement on March 18, 2014, accusing Mr. Ruki Fernando, Rev. Praveen Mahesan OMI and Ms. Balendran Jeyakumari of having “terrorist connections” with the Liberation Tigers of Tamil Eelam (LTTE).

Further attacks on Rev. Praveen Mahesan, Mr. Ruki Fernando and Ms. Jeyakumari have been made in the State-run newspaper, *Daily News*, in which they were accused of “defending the human rights of terrorists” and of having established links with “a known terrorist who not only escaped from an IDP camp, but attacked a law enforcement officer by discharging a firearm in broad daylight recently”. The article went on to say: “what these NGO con-artists want, it seems, is on the one hand to exploit a normal law enforcement arrest for the purpose of making a case against Sri Lanka at the UN HRC (as a resolution on Sri Lanka is currently being discussed at the 25th session of the UN Human Rights Council), and on the other to make sure that nobody can be arrested for terrorism related issues - thereby granting impunity for potential acts of terrorist subversion.”<sup>1</sup>

**We respectfully ask that the Government of Sri Lanka:**

1. Guarantee in all circumstances the physical and psychological integrity of Ms. Balendran Jeyakumari, and the continued safety of Rev. Praveen Maheesan OMI and Ruki Fernando, as well as of all human rights defenders in Sri Lanka;
2. Release Ms. Balendran Jeyakumari immediately and unconditionally since her arbitrary detention is based on unsubstantiated allegations and only aims at sanctioning her human rights activities;
3. Repeal the above-mentioned slanderous statements made by Representative of the Permanent Mission of Sri Lanka to the United Nations in Geneva as well as those formulated in the *Daily News* by high Sri Lankan officials and publicly affirm the legitimacy of the work of human rights defenders;
4. Put an end to any kind of harassment - including at the judicial level - against Mr. Ruki Fernando, Rev. Praveen Mahesan and Ms. Balendran Jeyakumari, and more generally against all human rights defenders in Sri Lanka, and ensure that they are able to carry out their peaceful and legitimate activities without any hindrance or fear of reprisals.
5. Assure freedom of opinion and speech; stop repressing critical voices and ensure the safety of all those who peacefully express inconvenient truths about the country’s post-war human rights situation.
6. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially regarding the following Articles:
  - ▶ Article 1: 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;

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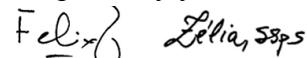
<sup>1</sup> <http://www.dailynews.lk/editorial/defending-human-rights-terrorists>

- ▶ Article 5 (a): For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels to meet or assemble peacefully;
  - ▶ Article 12.2: 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 his or her rights;
7. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Sri Lanka.
  8. “Urges the Government to repeal all legislation which is inconsistent with international human rights standards and which permits the violation of fundamental rights and the stifling of the right to dissent such as the Prevention of Terrorism Act.”

If you have any questions or need further information please do not hesitate to contact us.

With gratitude for your attention to this pressing issue and concern for the safety of human rights protectors in the difficult context of Sri Lanka,

Respectfully yours,



Felix Jones and Zelia Cordeiro

Executive Team

VIVAT international

Co-signed by:

Non Governmental Organizations in consultative status with the Economic and Social Council (ECOSOC)

1. Loretto Community
2. Medical Mission Sisters
3. The Grail
4. UNANIMA International
5. Salesian Missions
6. International presentation Association of the Sisters of the Presentation of the Blessed Virgin Mary

7. Sisters of Charity Federation
8. Congregations of Saint Joseph
9. Sisters of Notre Dame de Namur
10. Sisters of Charity Federation
11. Franciscans International
12. Partnership for Global Justice

and

Curia Generalizia Agostiniana - Augustinians International  
Presentation Justice Network, Ireland