

URGENT APPEAL – THE OBSERVATORY

New information
LKA 001 / 0210 / OBS 021.1
Enforced disappearance / Impunity
Sri Lanka
February 10, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has received new information and requests your urgent intervention in the following situation in **Sri Lanka**.

New information:

The Observatory has been informed by reliable sources that on February 10, 2011, a hearing in the case of the disappearance of Mr. **Pattani Razeek**, Managing Trustee of the Community Trust Fund (CTF) and a member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA), should have been held in Puttalam High Court in Sri Lanka.

On February 10, 2011, the Puttalam High Court was due to examine an anticipatory bail application made by Mr. Shabdeen Nowshadh¹, the main suspect in the disappearance of Mr. Razeek, but it decided to postpone the hearing to March 23, 2011. Mr. Nowshadh's first application for an anticipatory bail application was first rejected by the Court in June 2010. He appealed the decision to the High Court and finally obtained his application to be heard in December 2010. The hearing was then postponed to February 3, 2011 and then to February 10, 2011.

According to the information received, the criminal investigation led by the police on Mr. Razeek's disappearance is ongoing and Mr. Shabdeen Nowshadh, Chairman of a Subcommittee of the CTF and reportedly close acquaintance of the Minister of Industry and Commerce, has been identified as the main suspect by the police. Police investigations reportedly revealed that Mr. Nowshadh had used Mr. Razeek's mobile phone to call his residence after the abduction. Moreover, Mr. Nowshadh reportedly confirmed that he had met Mr. Razeek on February 11, 2010 at the Jumma Mosque, Kaduruwela, Pollonaruwa, as he was traveling with Minister Rishad Bathiudeen, amongst other persons.

The Observatory also highlights that, according to the information received, following the disappearance Mr. Pattani Razeek, Mr. Irashad, Coordinator of the Minister of Industry and Commerce Rishad Bathirudeen, reportedly made a public statement claiming that Mr. Razeek had acted as an intermediary to the transfer of funds from Central Intelligence Agency (CIA) to the IS to the Liberation Tigers of Tamil Eelam (LTTE) and that Mr. Razeek was detained in the custody of the Defense Secretary. However, to date, his whereabouts are unknown to his family and colleagues.

¹ According to Article 21.1 of the Bail Act, No 30 of 1997 "When any person has reason to believe that he may be arrested on account of his being suspected of having committed, or been concerned in committing, a non-bailable offence he may with notice to the officer in-charge of the police station of the area in which the offence is alleged to have been committed, apply to the Magistrate having jurisdiction over the area in which such offence is alleged to have been committed, for a direction that in the event of his arrest on the allegation that he is suspected of having committed, or been concerned in the commission of, such offence he shall be released on bail."

The Observatory is deeply concerned by the non-resolution of Mr. Pattani Razeek's disappearance case one year later, and by the apparent unwillingness of the police to arrest the main suspect in spite of the serious evidence highlighting the alleged involvement of Mr. Shabdeen Nowshadh in the case.

Background information

Mr. Pattani Razeek has been missing since February 11, 2010. According to the information received, he was last seen in Polonnaruwa, a town in the North Central Province of Sri Lanka, in the afternoon of February 11, 2010. Mr. Razeek was then travelling together with other staff members of CTF on their way home from a mission when their van was intercepted by another vehicle, a white van².

Mr. Pattani Razeek approached the men in the white van and exchanged greetings with them. After talking to them for some minutes, Mr. Razeek went back to his colleagues and told them that he would continue his journey in the white van that according to him was heading to the Eastern provincial town of Valaichchenai, telling them that he would meet them later.

On February 12, 2010, the CTF was informed by Mr. Razeek's family that he never returned home from the mission. Since then, his whereabouts remain unknown.

On February 16, 2010, Mr. Razeek's family was able to convince his mobile phone company to release some of the phone records coming from his mobile phone. The records revealed that a number of short calls were made from Mr. Razeek's mobile phone on the evening of February 11, the day he was last seen by his colleagues. On February 15, 2010, a call from Mr. Razeek's mobile phone was made to a CTF driver, but it was missed. When the call was returned, there was no answer. On the same day, a text message was sent from Mr. Razeek's mobile phone to a member of his family, in which he assured that he was in Polonnaruwa town and that he would be coming back home soon. Since then, there has been no further contacts, nor responses to calls and text messages.

Subsequently, Mr. Pattani Razeek's family lodged a complaint within the local police authorities in the city of Puttalam. They also filed a complaint with the Human Rights Commission of Sri Lanka. However, the Commission has never been in touch with Mr. Razeek's family or friends.

Actions requested:

Please write to the authorities of Sri Lanka asking them to:

- i. Take prompt action in order to disclose the whereabouts of Mr. Pattani Razeek and ensure his immediate release;
- ii. Guarantee in all circumstances the physical and psychological integrity of Mr. Pattani Razeek;
- iii. Question Mr. Nowshadh on his possible involvement in the disappearance of Mr. Razeek;
- iv. Immediately order a thorough, effective and impartial investigation into Mr. Pattani Razeek's enforced disappearance, the result of which must be made

² In Sri Lanka, 'white vans' have been known to be the preferred vehicles of groups responsible for abductions and disappearances.

public, in order to identify all those responsible, bring them before a competent and impartial tribunal and apply to them the penal sanctions provided by the law;

v. Conform with the provisions of the UN Declaration on Human Rights Defenders, especially:

- its article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
- and its article 9.5, which provides that “the state should conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is a reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction”.

Addresses:

- President Mahinda Rajapakse, Presidential Secretariat, C/- Office of the President, Temple Trees 150, Galle Road, Colombo 3, Sri Lanka, Fax: +94 11 472100 / +94 11 2446657, Email: secretary@presidentoffice.lk
- Mr. Mohan Peiris, Attorney General, Attorney General’s Department, Colombo 12, Sri Lanka, Fax: +94 11 2 436421
- Mrs. Chandra Ellawala, Secretary, Human Rights Commission of Sri Lanka, 118, Barnes Place, Colombo 07, Sri Lanka. Fax +94 2694924, Hotline +94 2689064. Email: sechrc@slnet.lk
- Mr. Mahinda Balasuriya, Inspector General Of Police (IGP), New Secretariat, Colombo 1, Sri Lanka. Fax no. +94 11 2 440440, Email: igp@police.lk
- National Police Commission, 3rd Floor, Rotunda Towers, 109 Galle Road, Colombo 03, Sri Lanka, Fax: +94 11 2 395867 / +94 11-2395866. E-mail: npcgen@sltnet.lk / polcom@sltnet.lk
- Her Excellency Mrs. Kshenuka Senewiratne, Ambassador, Permanent Mission of Sri Lanka to the United Nations in Geneva, 56 rue De Moillebeau, 5th Floor, 1211 Geneva 19, Switzerland, Fax: + 41-22 734 90 84, E-mail: mission@lankamission.org / consulate@lankamission.org
- Embassy of Sri Lanka in Brussels, 27 rue Jules Lejeune, 1050 Ixelles, Belgium. Tel: + 32 2 344 53 94/ + 32 2 344 55 85. Fax : + 32 2 344 67 37. Email: sri.lanka@euronet.be

Please also write to the diplomatic mission or embassy of Sri Lanka in your respective country.

Geneva-Paris, February 10, 2011.

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

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