

URGENT APPEAL - THE OBSERVATORY

New information

LKA 001 / 0210 / OBS 021.2

Enforced disappearance / Impunity /
Obstacles to freedom of association

Sri Lanka

July 4, 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 about the ongoing enforced 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), as well as about the lack of progress in investigations into his disappearance.

According to the information received, while June 25, 2011 marked 500 days since the disappearance of Mr. Pattani Razeek, who remains missing since February 11, 2010 (See background information), the police seem to remain unwilling to arrest the main suspect in spite of the serious evidence highlighting his alleged involvement in the case.

Indeed, following Mr. Razeek's disappearance, the family and CTF lodged several complaints with the local police. On February 16, 2010, the police filed a report to the Puttalam Magistrate Court, naming Mr. Shahabdeen Nowshaadh, a former CTF employee, as the chief suspect in Mr. Razeek's disappearance. The police have evidence linking Nowshaadh to several ransom calls made to Mr. Razeek's family, on Mr. Razeek's mobile number, after his disappearance. However, for over a year, the police have made no attempt to apprehend and question Mr. Nowshaadh regarding Mr. Razeek's disappearance. Mr. Razeek's family believes that the failure to take action against Mr. Nowshaadh is connected to his close association with an influential Government Minister from the area¹.

Yet, the Observatory welcomes the response made last week to Mr. Razeek family's complaint to the National Human Rights Commission as well as information sent to them that the investigation had been handed over to the Criminal Investigation Department (CID), and hopes that this will mean that the main suspect will finally be apprehended and Mr. Razeek's disappearance resolved.

Moreover, the Observatory is concerned that on June 16, 2011, management of the CTF was taken over by the Ministry of Defence with an Interim Board of Management, including a senior military officer, appointed to manage the organisation pending inquiry. No reason was provided for such measure.

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. Nowshaadh in the case, as well as about the interference into CTF management.

¹ In his anticipatory bail application to the Puttalam Magistrates Court in June 2010, Mr. Nowshaadh claimed to be associated with Industries and Commerce Minister Rishad Bathiudeen, submitting that his arrest would cause irreparable harm to the Minister's reputation and work.

Background information:

Mr. Pattani Razeek 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.

Police investigations reportedly revealed that Mr. Nowshaadh had used Mr. Razeek's mobile phone to call his residence after the abduction. Moreover, Mr. Nowshaadh reportedly confirmed that he had met Mr. Razeek on February 11, 2010 at the Jumma Mosque, Kaduruwela, Polonnaruwa, as he was traveling with Minister Rishad Bathiudeen, amongst other persons.

On February 10, 2011, the Puttalam High Court was due to examine an anticipatory bail application made by Mr. Shahabdeen Nowshaadh³, the main suspect in the disappearance of Mr. Razeek, but it decided to postpone the hearing to March 23, 2011. Mr. Nowshaadh'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.

Actions requested:

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

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

³ 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".

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Pattani Razeek;
- ii. Take prompt action in order to disclose the whereabouts of Mr. Pattani Razeek and ensure his immediate release;
- iii. Immediately order a thorough, effective and impartial investigation into Mr. Pattani Razeek's enforced disappearance, the result of which must be made 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;
- iv. Put an end to acts of harassment against the Community Trust Fund as well as against all human rights organisations and defenders in Sri Lanka, so that they are able to carry out their peaceful human rights activities without hindrances;
- 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".
- vi. 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.

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@presidentsoffice.lk
- Mr. Mohan Peiris, Attorney General, Attorney General's Department, Colombo 12, Sri Lanka, Fax: +94 11 2 436421
- Ms. 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 Ms. 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.



The Observatory
for the Protection
of Human Rights Defenders

Geneva-Paris, July 4, 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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