

## URGENT APPEAL - THE OBSERVATORY

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LKA 002 / 1211 / OBS 141

Enforced disappearance

Sri Lanka

December 15, 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), requests your urgent intervention in the following situation in **Sri Lanka**.

### Description of the situation:

The Observatory has been informed by reliable sources about the enforced disappearance of Messrs. **Lalith Kumar Weeraraja** and **Kugan Muruganandan**, two human rights activists in Jaffna. Both have been missing since December 9, 2011, as they were preparing a press conference to be held on Human Rights Day (December 10), where they intended to announce a protest that was planned to take place on December 13, 2011 in Colombo. The protest included parents and relatives of people missing since the end of armed conflict in Sri Lanka in 2009, and was to focus on denouncing human rights violations against Tamil civilians by the Sri Lankan military and calling for the release of detainees held without charges since the end of the war<sup>1</sup>.

According to the information received, Messrs. Lalith Kumar Weeraraja and Kugan Muruganandan were last seen on December 9, 2011 as they were leaving Mr. Muruganandan's residence in Avarangal, Jaffna, on a motorbike at 5.00 pm.

The families were subsequently informed in an unofficial manner that the two defenders would be currently detained in an unidentified detention centre in the district of Jaffna.

On December 10, 2011, Mr. Muruganandan's family lodged a complaint with the Achchiweli police station, but they were not handed any complaint number by the police station officers. On December 11, Mr. Weeraraja's father lodged a complaint with the Kosgama police station, under No CIB 94/133.

Mr. Lalith Kumar Weeraju, an Executive Committee member of the organisation "We Are Sri Lankans" and the Jaffna Coordinator of the *Jana Aragalaya* (People's Struggle) movement<sup>2</sup>, has been working for the release of persons from the north who are in detention. He has been involved in particular in the organisation of protest campaigns and press conferences for the promotion and protection of human rights, especially on the issue of enforced disappearances, as well as on issues faced by internally displaced persons in the north and the release of political prisoners. Mr. Muruganandan had assisted Mr. Weeraraja with his human rights campaigning activities, including on enforced disappearances.

In the past, Mr. Weeraraja was threatened several times by the army and police in relation to his protests against enforced disappearances and illegal detention. He was taken into military custody once in early 2011 in relation to these activities, and was threatened and interrogated. He was warned and threatened by the army and the police many times. The latter advised him not to engage in such human rights work as those were considered as political activities by them.

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<sup>1</sup> The protest was carried out as planned on that particular day in Colombo while the press conference that was to be held in the morning on December 10 was postponed to the evening of that same day.

<sup>2</sup> "We Are Sri Lankans" is an organisation that actively works on implementing and enforcing the rights of Tamil people in Sri Lanka in order to obtain peace in the country. The People's Struggle is a new movement in the country that had its inaugural protest on December 13, 2011 in Colombo. It aims at mobilising people against human rights violations of the Tamil minority, against the issues and problems faced by internally displaced persons and against State repression.

The Observatory expresses its deep concern about Messrs. Lalith Kumar Weeraraja and Kugan Muruganandan's enforced disappearance, and fears for their physical and psychological integrity. The Observatory calls upon the Sri Lankan authorities to take prompt action in order to disclose their fate and whereabouts and release them immediately as their arrest and enforced disappearance seem to merely aim at sanctioning their human rights activities.

### **Actions requested:**

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

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Lalith Kumar Weeraraja and Kugan Muruganandan, as well as of all human rights defenders in Sri Lanka;
- ii. Take prompt action in order to disclose the fate and whereabouts of Messrs. Lalith Kumar Weeraraja and Kugan Muruganandan and release them immediately and unconditionally as their arrest seems to merely aim at sanctioning their human rights activities;
- iii. Order an immediate, thorough, effective and impartial investigation into the above-mentioned facts, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- iv. Put an end to all acts harassment against Messrs. Lalith Kumar Weeraraja and Kugan Muruganandan and, more generally, against all human rights defenders in Sri Lanka;
- v. 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, in particular :
  - its Article 1, which provides 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",
  - Article 12(1) that provides "everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms",
  - as well as Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or 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 the rights referred to in the present Declaration";
- 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](mailto:secretary@presidentsoffice.lk) / [lalith@icta.lk](mailto:lalith@icta.lk)



The Observatory  
for the Protection  
of Human Rights Defenders

- 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.
- Inspector General Of Police (IGP), New Secretariat, Colombo 1, Sri Lanka. Fax no. +94 11 2 440440, Email: [igp@police.lk](mailto:igp@police.lk)
- National Police Commission, 3<sup>rd</sup> Floor, Rotunda Towers, 109 Galle Road, Colombo 03, Sri Lanka, Fax: +94 11 2 395867 / +94 11-2395866. E-mail: [npcgen@sltnet.lk](mailto:npcgen@sltnet.lk) / [polcom@sltnet.lk](mailto:polcom@sltnet.lk)
- Mr. Gotabhaya Rajapaksa, Defence Secretary, Ministry Of Defence and Urban Development, 15/5, Baladaksha Mawatha, Colombo 03, Sri Lanka. Fax: +94 11 254 1529. Email: [secdef@sltnet.lk](mailto:secdef@sltnet.lk)
- Her Excellency Ms. Kshenuka Senewiratne, Ambassador, Permanent Mission of Sri Lanka to the United Nations in Geneva, 56 rue De Moillebeau, 5<sup>th</sup> Floor, 1211 Geneva 19, Switzerland, Fax: + 41-22 734 90 84, E-mail: [mission@lankamission.org](mailto:mission@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: [secretariat@srilankaembassy.be](mailto:secretariat@srilankaembassy.be)

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

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Geneva-Paris, December 15, 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:

- Email: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
- Tel and fax OMCT: + 41 22 809 49 39 / 41 22 809 49 29
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