

URGENT APPEAL - THE OBSERVATORY

LKA 003 / 1210 / OBS 145
Arrest / Intimidation
Sri Lanka
December 9, 2010

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**.

Brief description of the situation:

The Observatory has been informed by reliable sources about the arrest and release of Messrs. **Aruna Roshantha** and **Marcus Anthony Fernando**, leaders of the Alliance to Protect the Negombo Lagoon, organisation that has actively been involved in protecting and conserving the rich marine resources of the Negombo lagoon in Gampaha District, south-west Sri Lanka. In particular, the two individuals were involved in a campaign against the sea plane project initiated by the government, as this project is seen as harmful to the biodiversity of the Negombo lagoon and will adversely affect the livelihoods of fisherfolk dependent on the lagoon.

According to the information received, on November 27, 2010, Messrs. Aruna Roshantha and Marcus Anthony Fernando, along with a group of around 60 persons, distributed pamphlets in Negombo town explaining the adverse environmental consequences of the sea plane project. Police officers were present and observed the distribution of the leaflets. The police themselves handed out several leaflets, although the leaders realised this was a ploy by the police to take away some of the leaflets in the guise of distributing them.

On the morning of November 28, 2010, the Negombo Police visited the house of Mr. Aruna Roshantha and called by phone Mr. Marcus Anthony Fernando asking them to go to the Police Headquarters in Negombo and meet the Headquarters Inspector. The two went to the police station in answer to the summons and they were told by the Inspector that they had committed an offense under Section 150 of the Penal Code, that they had conspired against the government of Sri Lanka and were trying to incite people to overthrow the government. Messrs. Aruna Roshantha and Marcus Anthony Fernando were arrested on the same day and released on bail that evening at around 6pm without any charges.

Previously, on November 21, 2009, Mr. Aruna Roshantha was arrested and physically assaulted by officers of the Negombo Police for his activities against illegal fishing in the Negombo lagoon. He was released on bail on November 26, 2009. This case is still pending before the Negombo Magistrate Court.

The Observatory condemns the arrest of Messrs. Aruna Roshantha and Marcus Anthony Fernando as well as all forms of intimidation against them, and fears for their physical and psychological integrity. The Observatory calls upon the Sri Lankan authorities to put an immediate end to the harassment against Messrs. Aruna Roshantha and Marcus Anthony Fernando which seems to merely aim at sanctioning their human rights activities. The Observatory further calls upon the Sri Lankan authorities to end any form of intimidation against the members of the Alliance to Protect the Negombo Lagoon as well as all human rights defenders in Sri Lanka.

Actions requested:

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

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Aruna Roshantha and Marcus Anthony Fernando, all members of the Alliance to Protect the Negombo Lagoon, as well as of all human rights defenders in Sri Lanka;
- ii. Put an end to all acts of harassment, including at the judicial level, against Messrs. Aruna Roshantha and Marcus Anthony Fernando, as well against all human rights defenders, national and international organisations in Sri Lanka;
- iii. Order an immediate, thorough, effective and impartial investigation into the above-mentioned acts of harassment, the result of which must be made public, in order to identify those responsible, bring them before a competent and impartial tribunal and apply to them the sanctions provided by the law;
- iv. 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 its Article 6(b) which provides that everyone has the right, individually and in association with others "to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms" as well as its Article 12.2, which provides that "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 the rights referred to in the present Declaration";
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the Democratic Socialist Republic of 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
- 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 Sri Lanka, 56 rue De Moillebeau, 5th Floor, 1211 Geneva 19, Switzerland, Fax: + 41-22 734 90 84, E-mail: 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: sri.lanka@euronet.be

Please also write to the diplomatic mission or embassy of Sri Lanka in your respective country as well as to the EU diplomatic missions or embassies in Sri Lanka.

Geneva - Paris, December 9, 2010

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

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29
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