

URGENT ACTION

WRITER FACES UP TO 10 YEARS JAIL FOR STORY

Shakthika Sathkumara, an award-winning Sri Lankan writer, was arrested on 1 April 2019, for writing a short story and sharing it on his Facebook profile. The fictional story he shared was about life in Buddhist temple, that allegedly hinted at child sexual abuse. He faces up to 10 years in prison if found guilty as he is charged under Section 3(1) of ICCPR Act and Art. 291(B) of the Penal Code of Sri Lanka, which deals with propagating hatred and incitement of racial or religious violence. Detained for peacefully exercising his right to freedom of expression, Shakthika Sathkumara is a prisoner of conscience and must be immediately and unconditionally released and all charges against him dropped.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Attorney General Mr. Dappula de Livera

Attorney General's Department

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Dear Mr de Livera,

*I am deeply concerned about the arbitrary arrest of award winning Sri Lankan writer **Shakthika Sathkumara**, on 1 April 2019 for simply writing, and sharing, a short story. Without committing any crime, he remains detained in Kegalle prison for almost 4 months now.*

Shakthika Sathkumara's literary contributions have been recognized for awards by various institutions including the Department of Cultural Affairs and Cultural Affairs Division of the Chief Ministry of North Western Province. Mr. Sathkumara's family, including his wife Yanusha Lakmali and their two children age 4 and 1 ½ years, are deeply disturbed by the turn of events, having Shakthika remanded for nearly four months. Yanusha has lodged a complaint with the Human Rights Commission and a Fundamental Rights petition has been filed with the Supreme Court of Sri Lanka on behalf of Shakthika as well.

The use of International Covenant on Civil and Political Rights (ICCPR) Act to detain and prosecute writers for peacefully exercising their right to freedom of expression is a clear violation of international law in general, and specifically the ICCPR, as well as infringement of the right to freedom of thought and expression guaranteed by the constitution of Sri Lanka. The very law that is meant to protect people's fundamental rights in Sri Lanka, including freedom of expression, is now being misused to violate them.

I, therefore, urge you to drop all charges against Shakthika Sathkumara and call for his immediate and unconditional release. Also, I appeal the Sri Lankan authorities to stop using ICCPR Act to threaten, harass and prosecute writers and activists for peacefully expressing their opinions.

Yours sincerely,

ADDITIONAL INFORMATION

Shakthika Sathkumara was arrested on 1 April 2019 when he went to the police station to give a statement in response to complaints made by Buddhist monks regarding a short story he wrote. This provincial and national award-winning author was charged under Section 3(1) of the ICCPR Act and Section 292 of Penal Code of Sri Lanka. Any offence under this section of ICCPR is non bailable in the Magistrate Court due to which Shakthika has been in jail for nearly four months. The next court hearing is scheduled at the High Court, which has the authority to grant bail to Shakthika.

Both Section 3(1) of the ICCPR Act 2007 of Sri Lanka and Section 292 of the Penal Code of Sri Lanka criminalise propagating racial and religious hatred that incites discrimination, hostility and violence.

The arrest of Mr. Sathkumara comes within a worrying trend of the use of ICCPR Act to violate the rights to freedom of expression and of thought, conscience and religion – ironically provided for in the ICCPR itself - of several peaceful activists and writers in Sri Lanka. In May 2019, a woman named M. R. Mazahima was arrested under the ICCPR Act for wearing a blouse with the prints of a ship's wheel, which the complainants to the police had wrongly claimed was a Buddhist symbol. She was kept in custody for more than three weeks before being granted bail. In June 2019, columnist Kusal Perera was threatened with arrest under the ICCPR Act for writing about growing Sinhala Buddhist extremism in Sri Lanka.

This arbitrary use of the ICCPR Act – which amounts to misuse of an Act designated to protect, not violate human rights – has created a chilling effect in the country where the politicians, authorities and police, who are extremely sensitive to perceived insults to Buddhism, are directly influenced by certain groups of Buddhist monks who demand the arrest and prosecution of anyone who they deem have insulted the religion.

Under the ICCPR, which Sri Lanka is legally bound to implement, the rights to freedom of expression and of thought, conscience and religion may only be restricted in narrow, clearly defined circumstances. Restrictions are only permissible if they are provided by law; placed for the purpose of protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and demonstrably necessary for that purpose. Merely implicit or even explicit criticism of a religion or other belief system cannot be criminalised as incitement.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Sinhala

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 September 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Shakthika Sathkumara (He/Him/His)

ADDITIONAL INFORMATION

Also send copies to diplomatic representatives accredited to your country.

HER EXCELLENCY MISS MANISHA GUNASEKERA High Commission of the Democratic Socialist Republic of Sri Lanka 13 Hyde Park Gardens W2 2LU Tel: 020 7262 1841 Fax: 020 7262 7970 mail@slhc-london.co.uk

Please check with your section before sending appeals after the above date.