

URGENT ACTION

CONCERNS MOUNT FOR DETAINED LAWYER

Hejaaz Hizbullah, a prominent Sri Lankan lawyer, was arrested on 14 April 2020 and has since been detained without charge or access to a lawyer. His family believes he has been targeted for his work, including for the rights of Muslim minorities in the country. The Bar Association of Sri Lanka has said that Hejaaz's arrest is based on work done in his professional capacity as a lawyer. Media reports suggest he could be charged under the draconian Prevention of Terrorism Act (PTA).

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

Acting Inspector General of Police
Mr. Chandana Depal Wickramaratne
Police Headquarters,
Church Street,
Colombo 00100,
Sri Lanka
Fax: +94 112 440440
Email: igp@police.lk

Dear Mr Wickramaratne

*I am deeply concerned about the arrest and detention of Sri Lankan lawyer, **Hejaaz Hizbullah**, on 14 April 2020. Two weeks have passed, and he has not been informed of any charges, nor has he been granted access to lawyers, and his right appear before a court to challenge the lawfulness of his detention has been violated. These are all violations of rights guaranteed by the Constitution of Sri Lanka and the International Covenant on Civil and Political Rights, to which Sri Lanka is a state party.*

Mr. Hejaaz's family is concerned about his safety, a fear heightened by his prolonged detention without charge without access to a lawyer and believes that he has been targeted for his professional work as lawyer in various civil and political rights cases. According to international human rights law, anyone who is arrested or detained has the right to be informed of the reasons for their arrest, the charges against them and has the right to challenge the lawfulness of their detention before a court without undue delay

I, therefore, urge you to release Mr. Hejaaz or, if there is sufficient evidence of criminal wrongdoing, charge him with a recognisable offence, in accordance with international standards. Pending release or charge, I call on you to ensure that his fair trial rights are guaranteed, including his unrestricted access to a lawyer and his right to challenge the lawfulness of his detention.

Yours sincerely,

ADDITIONAL INFORMATION

Hejaaz Hizbullah was arrested on the evening of 14 April 2020 by members of Central Investigation Department (CID). As per the information in the Habeas Corpus filed by his family, Hejaaz was misled to believe that officers from Ministry of Health were visiting his house to discuss their potential exposure to COVID-19 after Hejaaz had visited a specific ATM machine to withdraw cash earlier that day. CID officers arrived and then handcuffed him in his house. The officers took a statement from him and seized files of cases he was working on. Thereafter, he was taken to the CID office and interrogated further. He has remained in detention ever since. He has never been allowed to meet his lawyer in private and has been denied any access to legal counsel since 16 April. Both times he met with his lawyer, on 15 and 16 April, was in the presence of CID officials.

Amnesty International understands Hejaaz has not informed of the reason for his arrest or the charges against him, but the police spokesperson Jaliya Senaratne in a press conference said the arrest was made in connection to an investigation into the bombers involved in the Easter Sunday bombings on 21 April 2019 that took the lives of more than 250 people. Media reports suggest that he may be charged under the draconian Prevention of Terrorism Act (PTA), one of the main drivers of human rights violations in Sri Lanka.

Hejaaz is a senior lawyer at the Supreme Court of Sri Lanka and has been a vocal critic of government on human rights issues, particularly the rights of minorities in the country. Hejaaz and his family believe that he has been targeted for criticizing the authorities. The family has also filed complaints with the Human Rights Commission of Sri Lanka.

In 2017, then UN Special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, highlighted the history of Sri Lankan authorities of prosecuting minorities on charges of terrorism, noting that “the PTA had been used to commit some of the worst human rights violations, including widespread torture and arbitrary detention, in the run-up to and during the conflict, particularly to target minorities and suppress dissent”. The report also highlighted the history of Sri Lankan authorities persecuting individuals under terrorism related law with “various real or perceived links or associations with armed groups, and detaining for years without charge or trial, without any judicial review of their detention, and with almost no possibility of release”.

The Human Rights Commission of Sri Lanka (HRCSL), in its 2016 submission to the UN Committee against Torture, highlighted the use of torture within Sri Lankan context with “torture being routinely used in all parts of the country regardless of the nature of the suspected offence for which the person is arrested.”

The Sri Lankan authorities have a responsibility to investigate and bring to justice in fair trials anyone suspected of being responsible for human rights violations or abuses. But such actions should be in accordance with international standards of fair trial, including unrestricted access to legal counsel and trials in independent courts. These rights are guaranteed under international human rights law, binding on Sri Lanka, and in the Constitution of Sri Lanka.

Article 14 (3) of ICCPR stipulates: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay”, among other rights.

Similarly, Article 13 of the Constitution of Sri Lanka states “(1) No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest. (2) Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the judge of the nearest competent court according to procedure established by law and shall not be further held in custody, detained or deprived of personal liberty except upon and in terms of the order of such judge made in accordance with procedure established by law. (3) Any person charged with an offence shall be entitled to be heard, in person or by an attorney-at-law, at a fair trial by a competent court.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Sinhala

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 8 June 2020

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

NAME AND PREFERRED PRONOUN: Hejaaz Hizbullah (He/Him/His)

ADDITIONAL TARGETS

Attorney General Mr. Dappula de Livera
Attorney General's Department
Hulftsdorp Street,
Colombo 12 Sri Lanka
Fax: +94 112 436421
Email: administration@attorneygeneral.gov.lk

The Chair of Police Commission of Sri Lanka
Chair
Mr. K.W.E. Karalliyadda
Block No. 9, B.M.I.C.H. Premises,
Buddhaloka Mawatha,
Colombo 00700, Sri Lanka
Fax: +94 112 683362
Email: info@npc.gov.lk

President of Sri Lanka
President
Mr. Gotabaya Rajapaksa
Presidential Secretariat,
Galle Face,
Colombo Road,
Colombo 00100, Sri Lanka
Fax :- +94 112 430590
Email: ps@presidentsoffice.lk

The Chair of the Human Rights Commission of Sri Lanka
Deepika Udagama
HRC SL – Head Office,
Number 14,
R. A. De Mel Mawatha
Colombo 4
Fax: 011 2505574, 011 2505523
Email: sechrsl@gmail.com

Secretary of Defence
Major General (Retd) Kamal Gunaratne
Fax : +94 11 2541 529
Email: secdefence@defence.lk

And copies to:

High Commission of the Democratic Socialist Republic of Sri Lanka
13 Hyde Park Gardens W2 2LU
020 7262 1841 Fax 020 7262 7970
mail@slhc-london.co.uk www.srilankahighcommission.co.uk