

URGENT ACTION

LAWYER DETAINED WITHOUT TRIAL FOR OVER A YEAR

Hejaaz Hizbullah, a prominent Sri Lankan lawyer, was arrested on 14 April 2020 and has since been detained on trumped-up charges under the draconian Prevention of Terrorism Act (PTA). Hejaaz Hizbullah has been targeted for his work, and his advocacy for the rights of Muslim minorities in the country. He 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 Sanjay Rajaratnam

Attorney General's Department

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Dear Attorney General,

*I am deeply concerned about the prolonged detention of Sri Lankan lawyer and minority and civic rights activist **Hejaaz Hizbullah**. Detained since 14 April 2020 on trumped-up charges under the draconian Prevention of Terrorism Act (PTA), no credible evidence of wrongdoing has yet been presented before a court.*

It is distressing to learn that, since his arrest, Hejaaz Hizbullah has been repeatedly denied due process safeguards recognized by international law. He has been held in prolonged administrative detention without judicial oversight to monitor his wellbeing, without access to bail. While in police custody he was prevented from accessing his legal counsel in private until an order was made by the Court of Appeal. Even following his indictment in February 2021 and being moved to judicial remand, access to family and counsel has been restricted.

The Prevention of Terrorism Act (PTA) has had a chilling effect on the exercise of the right to freedom of expression in Sri Lanka as it provides authorities with sweeping powers to arbitrarily detain individuals for up to 18 months without charge or trial on mere suspicion of an offence. The principle of legality requires laws to classify and describe offences in precise and unambiguous language that narrowly defines the punishable behaviour. However, the PTA's offences are overly broad, vague and subjective, and have been used in the past to suppress critics of government.

Hejaaz Hizbullah has been a vocal critic of the government, raising issues of discrimination against the Muslim minority in Sri Lanka, among his other human rights work. I find it alarming that, instead of supporting his advocacy against discrimination, he has been targeted by the authorities simply for peacefully exercising his right to freedom of expression.

Hejaaz Hizbullah is a Prisoner of Conscience targeted for his work and opinion, and I, therefore, urge you to drop all charges against him and call for his immediate and unconditional release. I also call on the Sri Lankan authorities to repeal the Prevention of Terrorism Act (PTA) and end its use immediately.

Yours sincerely,

ADDITIONAL INFORMATION

Hejaaz is a 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 Hizbullah was arrested on 14 April 2020 by members of Criminal Investigation Department (CID) of the Sri Lankan Police. After initially not being informed of the reason for his arrest, the authorities later accused him in the media of aiding and abetting the individuals involved in [21 April bombings](#) in Sri Lanka—an accusation that has since been withdrawn. The authorities have now charged him with speech related offenses under the notorious Prevention of Terrorism Act (PTA). The PTA provides authorities with sweeping powers to arbitrarily detain individuals for up to 18 months without charge, being brought before a judge, or trial, among others. Hejaaz has been denied regular, unrestricted access to his lawyers and family throughout his detention.

The arrest of Hejaaz Hizbullah comes amidst the background of increased marginalization, discrimination and targeting of Sri Lanka's Muslim community. Amnesty International [has recorded](#) recent incidents of cabinet proposals, decisions, and government regulations that from the outset discriminate against the country's Muslim minority community which make up approximately 9% of Sri Lanka's population.

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 Prevention of Terrorism Act 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.” A more recent prison [study done by the HRCSL](#), published in December 2020, found that PTA detainees faced a continuum of violence. The study found that “violence in police custody was found to be an inherent element of the investigation process, whereby torture is inflicted to extract information, confessions and evidence from detainees.

Amnesty International recently named Hejaaz Hizbullah a Prisoner of Conscience. Amnesty International's Prisoner of Conscience determination is based on the information available to Amnesty International regarding the circumstances leading to the person's detention. In naming a person as a Prisoner of Conscience, Amnesty International is affirming that this person must be immediately and unconditionally released but is not endorsing past or present views or conduct by them.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Sinhala

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 14 September 2021

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

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

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa37/2221/2020/en/>

ADDITIONAL TARGETS

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And copies to:

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