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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 February 2007]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Sri Lanka: Death threats and infringements of Article 9 of the ICCPR

1. On February 8, 2007 a leading politician and member of the cabinet, Anura Bandaranaike, made a statement in Sri Lanka's Parliament, stating that he had received several death threats. He said that "Threats were made not by the president but by those who are close to him. They are misusing the powers given to them by the president." The minister had made complaints to the police and the investigations into the allegations have begun.
2. Subsequently, on February 11, the Executive President of the country, Mr. Mahinda Rajapakse, stated to the media that there was also a threat to his life and ordered a top level inquiry of an alleged conspiracy to cause him physical harm (Sunday Times, February 11, 2007). He intimated that this might be linked to acts encouraging the LTTE. A probe has been ordered into these matters. The Executive President sacked three members of the cabinet and removed the security measures that are usually provided to persons holding ministers' posts. Those who had their security removed included Anura Bandaranaike.
3. The making of death threats has become a common part of day-to-day life in Sri Lanka. Among those targeted are politicians, members of various rival factions of armed political groups, journalists, any dissidents and businessmen. However, death threats are also spreading into other areas of life, including: against complainants who alleged abuses of rights, such as torture, by law enforcement agencies, and who pursue complaints before courts or the Human Rights Commission; or between rivals pursuing either criminal or civil legal cases; or even between persons who have petty jealousies at the professional or other levels.
4. The receipt of such threats causes serious stress and fears among the recipients and their family members. Given that the frequency with which such threats are carried out, they are not to be ignored. Under these circumstances, the making of such death threats should be treated as a serious infringement of the right to liberty and security of the person, and legal procedures should be developed for the proper investigation and prosecution of such offenses.
5. The now-common use of death threats in Sri Lanka has increased over time, particularly since the repressive measures adopted by the government in 1971 to suppress a minor rebellion by a political group known as Janatha Vimukthi Pererama (JVP). There has been no official count of the persons killed during the repression of this rebellion. However, there is common acceptance that the figure is over 10,000 persons. Again, between 1987 and 1991 over 30,000 people disappeared in the south and a number of commissions appointed by subsequent governments to report on these incidents have published their official reports (please see www.disappearances.org). In the protracted internal conflict in the north and the east, large numbers of people have been killed or have disappeared. Besides, hundreds of thousands of people have been displaced. In all instances, the death threats have been made by groups allegedly associated with rebels as well as with the State.

6. The Asian Legal Resource Centre submits that the widespread nature and frequency of such death threats is a major cause for insecurity in the country. Therefore the State owes an obligation to take such measures as required to discourage the making of such threats and to find ways to take effective legal action to stop the spread of this practice. However, the ALRC notes that there is currently no serious attempt to study this situation with a view to finding a solution that eliminates this practice.
7. The ALRC urges the Human Rights Council, the UN Office of the High Commissioner for Human Rights, as well as other UN agencies and international bodies, to take up this matter with Sri Lanka and to conduct constructive dialogue with a view to bringing this practice to an end.
