



SLCAT

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📍 No: 288/135, Jayawardana Place, Baseline Road, Colombo - 09, Sri Lanka.

☎ +94 112 669100 📧 slcattorture@gmail.com 🌐 www.slcattorture.org

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Response to the Statement of the Human Rights Commission of Sri Lanka titled “HRCSL Condemns the false media broadcast made by the President of the Committee for Protecting Rights of Prisoners

The Sri Lanka Collective Against Torture (SLCAT) is gravely concerned about the statement issued by the Human Rights Commission of Sri Lanka (HRCSL) dated 30 June 2022 titled ‘HRCSL condemns the false media broadcast made by the President of the Committee for Protecting Rights of Prisoners’.

The Commission, at the conclusion of its inquiry into the allegation made by Mr. Senaka Perera, President of the Committee for Protecting Rights of Prisoners, that imprisoned persons were used on 9 May 2022 to attack peaceful protestors, makes many assertions and allegations that are detrimental to the safety and security of human rights defenders and freedom of expression.

In particular, the Commission asserts that the statement made by Mr. Perera ‘directly contributed to the series of violent activities and rights violations reported island wide’. SLCAT is alarmed by this accusation, which it views as irresponsible as it is not based on evidence and erroneously places the responsibility for nation-wide violence on Mr. Perera. At a time when the government is using the law as a tool to crackdown on dissent and targeting activists who challenge the government, such an allegation can be used by the state to stifle not only Mr. Perera’s work but that of human rights defenders in general. SLCAT is perturbed that the Commission is potentially enabling government attempts to stifle freedom of expression.

As the national institution mandated to protect and promote human rights, it is disappointing the Commission is concerned about the supposedly “irreversible disrepute to the good order profile of the Country, as a Nation upholding the Rule of Law”, rather than the violation of the rule of law and threats to Constitutionally enshrined fundamental rights, such as the attack on peaceful protestors by pro-regime persons and the failure of the police to prevent such an attack.

SLCAT notes that at a time when abuses by state forces, such as the police and the military are being documented nearly daily, the Commission’s inquiry into these incidents are yet to produce reports or recommendations to any state entity. For instance, the Commission is yet to make recommendations to the Attorney-General (AG) regarding the violence against peaceful protestors on 9 May, the Rambukkanna incident or the continuing violations by the police and the armed forces. Yet, in this instance the inquiry was speedily concluded and a legal practitioner working on human rights has been portrayed to be almost a perpetrator by the Commission.

SLCAT is dismayed by the Commission’s recommendation to the AG to investigate statements made by Mr. Perera and take necessary action, in the context of the abuse of laws, such as the



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International Covenant on Civil and Political Rights, by successive governments to target activists and journalists amongst others to crackdown on dissent.

SLCAT would like to highlight to the Commission that the use of imprisoned persons for labour by commercial enterprises can result in the exploitation of such persons who have no power to negotiate on their own behalf or insist on adequate wages or safe working conditions. Under such circumstances, the Commission should have reviewed the initiative with Avant Garde Manpower, an entity whose owner is closely affiliated to the regime and stands accused of violating the law in many instances. Instead, the Commission accepted the status quo without scrutiny or concern for the rights of imprisoned persons.

In the interests of transparency and ensuring the independence of the inquiry process, SLCAT calls upon the Commission to make public the process through which the committee of investigators was appointed and the background and qualifications of the investigators. SLCAT raises this issue due to one of the investigators, Dr. Dilshani Bogollagama, being the daughter of former Minister, Rohitha Bogollagama, one of thirteen individuals the Presidential Commission of Inquiry Appointed to Investigate Serious Acts of Fraud and Corruption (PRECIFAC) recommended criminal charges be brought for irregular transactions at Avant Garde and Rakna Arakshaka Lanka. Since the current inquiry is related to Avant Garde there is a potential conflict of interest which undermines the independence of the inquiry. The integrity of the process is further placed in jeopardy by the fact Dr. Bogollagama was accused of assault and had an arrest warrant issued against her in 2018.¹ SLCAT stresses that it is imperative that those who undertake such inquiries are persons of integrity and do not stand accused of violating the law.

SLCAT reiterates that an inquiry process should not only be independent but also seen to be independent. In Sri Lanka, where familial and personal relationships are used to gain personal advantages and circumvent due process, such an appointment with obvious conflicts of interest, calls into question the independence and integrity of the inquiry process. This will erode the confidence of the public in the inquiry and by extension in the Commission itself.

¹ <http://www.independent.lk/arrest-order-issued-bogollagamas-wife-daughter/>