ABUSE *Of* POWER

Under the guise of the ICCPR Act

A brief report of the study on misuse of Section 3 (1) of the ICCPR Act on Freedom of Speech and Expression in Sri Lanka.

Right to Life Human Rights Centre

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Acknowledgement

In its 20 years of journey in the field of Human Rights, the Right to Life Human Rights Centre works enthusiastically to protect Human Rights and Ensure Justice for victims. Not like its early stages, R2L broads its SCOPE and presently works to protect entire Civil and Political Rights. Freedom of Speech and Expression is an essential right in the stream of Civil and Political Rights. Ensuring the Freedom of Speech and Expression to citizens is an essential need for strengthening Democracy. For the sake of Democracy and Freedom of Expression, R2L initiated a dialogue with Journalists and several stakeholders. R2L Initiated a Journalist Network namely "Journalists for Rights" consisting of several regional-level journalists. R2L and this collective continuously work on countering threats to Freedom of Speech and Expression and Journalism. We identify that Section 3 of the ICCPR Act is a new legal threat to freedom of speech and expression. This research aims to,

I. The application of six-part threshold test of Rabat plan of in order to prevent misuse of ICCPR act in legal and political context of contemporary Sri Lanka,

II. And to make recommendations to use ICCPR act respecting freedom of Speech and Expressions.

We thankful to Mr. Dulan Dasanayaka, Attorney at Law for conducting this immensely valuable study and preparing this Report. We also appreciate to Mrs. Nimali Vineeshiya, Senior Lecturer who supported this research enormously, and Ms. Chamathka Dewmini, Apprenticing Attorney who proofread the Report. We are also thankful to the Project Staff of the R2L including Project Coordinator Ms. Dinithi Supekshala for coordinating the study. We are also thankful to ADARTS Publications for designing and printing this Report.

Right to Life Human Rights Centre

21st March 2023

1. Introduction and Background

Freedom of Speech and Expression is enshrined in Article 19 of the Universal Declaration of Human Rights in order to express an individual's ideas, feelings or views or thoughts without any control or restriction from the given state. The second Republican Constitution of Sri Lanka guarantees the same in Article 14 (1) (a).

This research examines whether Section 3 of the ICCPR Act put on restrictions on the freedom of speech and expression of Sri Lankan citizens and was the act is operating within international standards. Meanwhile, United Nations Office of the High Commissioner for Human Rights (OHCHR) developed a set of guidelines called 'The Rabat Plan of Action' to protect freedom of expression while preventing incitement to hatred against religions, races or communities. The Rabat Plan of Action is a set of principles that states should adhere in order to protect freedom of expression while preventing incitement to hatred. Its principles and six parts of thresholds can be adapted to the specific social and political context of any country or a region where the misuse of Article 20 of the International Covenant on Civil and Political Rights (ICCPR).

Though the section 3 (1) of ICCPR act intends to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, it is often misused to restrict freedom of speech and expression, particularly in relation to criticism of governments or religious beliefs. This can include criminalizing peaceful protests, censoring media outlets, and punishing individuals for expressing their opinions.

In the recent past, there have been a number of significant incidents reported including novelists, poets, and Social media activists who were arrested and charged under Section 3 (1) of the International Covenant on Civil and Political Rights Act No. 56 of 2007 in Sri Lanka.

Shakthika Sathkumara, a novelist, was arrested after a group of monks from Polgahawela took offence to a short story he wrote about sexual abuse and pedophilia involving a member of the Buddhist clergy. Sathkumara's accusers claimed that the short story insulted Buddhism. He was taken in under the ICCPR Act of 2007. This

left Sathkumara no avenue for redress because only a high court judge could permit bail once a suspect is arrested under the ICCPR Act .

Kusal Perera, a Senior Journalist was also being investigated under the ICCPR Act with regard to a column that he wrote after Easter Attack'. However, he was not arrested.

Dishan Mohomad, a researcher was also arrested and charged under the PTA and the Section 3 (1) of the ICCPR Act.[1]

According to Human Rights Watch, on 4th May 2019, Dilshan Mohamed, a researcher and activist campaigning against violent Islamic militancy had been arrested. He had publicly and repeatedly spoken against the group known as Islamic State on Facebook for several years. Following the April 2019 bombings, he was arrested and accused of supporting the group known as Islamic State on Facebook. Dilshan Mohamed was charged under the repressive Prevention of Terrorism Act (PTA) and section 3(1) of the ICCPR Act. The ICCPR Act charges were later dropped and he was released from custody on bail on 7th June 2019 after spending 34 days at the Negombo remand prison[2].

In May 2019 a Muslim lady namely Abdul Raheem Masaheena was arrested for wearing caftan which had a print depicting a ship's helm (wheel) that was deemed to look like a Dharmachakraya, a Buddhist symbol. She was arrested in Hasalaka, Mahiyanganaya.

She was subsequently charged under the ICCPR Act. The court was told that the print on the dress offended Buddhists. Acting Magistrate Gamini Rambakenpura in the central town of Mahiyanganaya ordered her to be remanded until 3rd June 2019 after the police informed the courts that the controversial dress has been sent to the Department of Buddhist Affairs, for them to verify the identity of the symbol [3].

1. https://www.veriteresearch.org/2019/06/17/abuse-of-iccpr-act-sri-lanka/ - accessed on 23/07/2022
2. https://monitor.civicus.org/updates/2019/07/05/iccpr-act-and-judicial-system-being-misused-stifle-freedom-expression-sri-lanka/#:~:text=In%20the%20last%20few%20months,peaceful%20expression%20of%20their%20views. – accessed on 23/07/2022
3. https://monitor.civicus.org/updates/2019/07/05/iccpr-act-and-judicial-system-being-misused-stifle-freedom-expression-sri-lanka/#:~:text=In%20the%20last%20few%20months,peaceful%20expression%20of%20their%20views

Ramzy Razik, A social media activist was arrested in April 2020 for posting a facebook post. He was arrested in Katugasthota and produced before the Colombo Chief Magistrate Court and charged under the Section 3(1) of the ICCPR Act and the cybercrimes legislations.

With these arrests and detentions including several threats by the Police and the religious authorities, a dialogue was created in the society whether this act was enacted to Protect Civil and Political Rights including Freedom of Speech and Expression or suppress it. The Freedom of Speech and Expression is a needful, sensitive and prominent right in Civil and Political Rights. But this right has its own limitations. According to our Constitution, this right is enshrined in Article 14 (1) and its limitations are expressed by in Article 15. However, it should be equitable and justifiable. Section 3 (1) of the ICCPR Act should also be equitable and justifiable. Because of the said arrests and threats, a discourse spreads in the Society that the ICCPR Act use in an unjust manner. As we mentioned earlier the Freedom of Speech and Expression has its own limitations, But we should examine academically whether authorities use section 3 (1) of the ICCPR Act, beyond justifiable limitations and use it unjustly and arbitrary to suppress the Freedom of Speech and expression.

The research will involve a comprehensive review of the legal and political context of contemporary Sri Lanka, with a particular focus on the application of the six-part threshold test of the Rabat Plan. The research will analyze the potential for abuse of the International Covenant on Civil and Political Rights (ICCPR) Act in this context, and will make recommendations for the use of the ICCPR Act in a manner that respects freedom of speech and expression. The research will also consider the implications of this plan of action.

2. Definitions and Key words

Section 3 (1) of the ICCPR Act No. 56 of 2007

"No person shall propagate war or advocate national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence.[4]"

Article 19 of the ICCPR

"1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.[5]"

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

   (a) For respect of the rights or reputations of others;

   (b) For the protection of national security or of public order (order public), or of public health or morals[6].

Article 20 of the ICCPR

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law[7]".

4. International Covenant on Civil and Political Rights Act No. 56 of 2007 – page 2
5. International Convention on Civil and Political Rights
6. International Convention on Civil and Political Rights
7. International Convention on Civil and Political Rights

3. Methodology

The study administrates Doctrinal legal research method as the research approach to examining how the misuse of Section 3 of the ICCPR Act influence on Freedom of Speech and Expression of Sri Lankan citizens. Following that method this research aims to understand how far the misuse of Section 3 of the ICCPR Act effect on right of Freedom of Speech and Expression referring to the incident reported in between 2014-2022.

Doctrinal legal research is a method of legal research that focuses on the analysis of legal doctrine. It is the most common form of legal research and involves the use of primary and secondary sources to analyze and interpret of legal rules, principles, and doctrines. It involves the study of legal texts, such as case law and regulations. The present study used key informant interviews as tool of primary data collection, and for secondary sources tool such as law review articles, and legal encyclopedias and existing secondary data and information for the understanding of issues, consequences and root causes related to the violation of Freedom of Speech and Expression of Sri Lankan citizens are used.

4. Objectives of the Study

Sri Lanka has broad level of legislation to safeguard human rights, but most of the legislations are even prone to misuse or does not use in full scale. In recent times Sri Lankan Authorities used Section 3 (1) of the ICCPR Act against Freedom of Expression.

This Study aims to analyze,

I. The application of six part threshold test of Rabat plan of in order to prevent misuse of ICCPR act in legal and political context of contemporary Sri Lanka,

II. And to make recommendations to use ICCPR act respecting freedom of Speech and Expressions.

5. Limitations of the Study

The scope of this study is to examine the misuse of the ICCPR act in Sri Lanka. The study is limited only to three main reported incidents in Sri Lanka. This study analyses mainly the misuse of Section 3 (1) of the ICCPR Act against Freedom of Expression in Sri Lanka. The study was limited to incidents which had a significant attention by the public within a limited to time period of 2014-2022.

No Fundamental Rights can be referred denoting to the victims who are prosecuted and arrested under the ICCPR act as these cases are still pending before the Supreme Court.

6. The Freedom of Speech and Expression

The Freedom of Speech and Expression is a Fundamental Right of all citizens in many countries. It is the right to express one's opinion and ideas without fear of censorship or Punishment. This right is enshrined in the Universal Declaration of Human Rights and it's protected by many national constitutions. It is an essential part of a functioning democracy, allowing citizens to express their views and opinions on matters of public interests.

Freedom of Speech and Expression means the absence of restraint upon the ability of individuals or groups of individuals to communicate their ideas and experiences to others. In doing so, they cannot, however, compel others to pay them attention nor are they entitled to invade other rights that are essential to human dignity. Freedom of Expression is one of the essential foundations of a civilized and truly democratic society. It is also one of the conditions essential for the development of the human personality[8].

Article 19 of the Universal Declaration of Human Rights states; "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"[9].

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes the right to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice.

Article 19 states;

"1. Everyone shall have the right to hold opinions without interference.

8. Wickramarathna, J,2021. Fundamental Rights in Sri Lanka(Third Edition), Stamford Lake Publishers, P.603
9. https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice [10]"

Freedom of expression is also important for the protection of other human rights, such as the right to privacy and the right to freedom of religion. Without freedom of expression, individuals would be unable to speak out against injustice or to challenge the existing status.

It is also essential for the development of democracy, as it allows citizens to express their opinions and to hold their government accountable. Freedom of expression is also essential for the advancement of science and culture, as it allows for the free exchange of ideas and the sharing of knowledge. Without freedom of expression, people would not be able to express their opinions and beliefs, which could lead to a lack of diversity and creativity. Additionally, without freedom of expression, it would be difficult to hold governments and other powerful entities accountable for their actions.

Arcticle 10 of the European Convention on Human Rights states as follows;

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary[11].

10. https://www.ohchr.org/sites/default/files/ccpr.pdf
11. https://www.echr.coe.int/documents/convention_eng.pdf

The First Amendment of the United States Constitution guarantees the right of free speech and expression. This right is fundamental to the functioning of a democracy and is essential to the protection of other rights.

The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"[12].

Article 19 (1) of the Indian Constitution guarantees the right to freedom of expression to all citizens of India. This right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

It states; "All citizens shall have the right—

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India;

(g) to practise any profession, or to carry on any occupation, trade or business [13]".

The Constitution of Sri Lanka guarantees the right to freedom of expression in Article 14 (1). This right is subject to reasonable restrictions in the interests of national security, public order, racial and religious harmony, and morality. The Constitution also guarantees the right to freedom of the press and other media, and the right to receive and impart information.

12. https://www.whitehouse.gov/about-the-white-house/our-government/the-constitution/
13. https://legislative.gov.in/sites/default/files/COI.pdf

Article 14(1) States;

1) Every citizen is entitled to -

(a) the freedom of speech and expression including publication [14];

In the decided case in Sri Lanka, Joseph Perera Alias Bruten Perera V. Attorney General and Others, Sharvananda CJ, stated;

"Freedom of Speech and Expression means the right to express one's convictions and opinions freely by word of mouth, writing, printing, pictures or any other mode. It includes the expression of one's ideas through banners, posters, signs etc. It includes the Freedom of discussion and dissemination of knowledge. It includes the freedom of the press and propagation of ideas [15]"

In another decided case Amaratunga V. Sirimal and Others, Justice Mark Fernando stated that, "*"Speech and Exxpression"* extended to forms of expression other than oral or verbal- Placards, picketing, wearing of black armbands, burning of draft cards, display of any flag, badge, banner or device, wearing a jacket bearing a statement etc…… …..druming, clapping and other sounds, however unmusical or discordant, can in the context of the Jana Ghosha be regarded as "Speech and Expression[16]".

Dr. Jayampathy Wickramarathna,PC quoted Indian Judgement AIR 1986 SC 515,540 in his book Fundamental Rights in Sri Lanka, "The Freedom of expression serves four broad social purposes

i) It helps an individual to self-fulfilment;

ii) It assists in the discovery of truth;

iii) It strengthens the capacity of an individual in participating in decision-making and

iv) It provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change [17]"

14. The Constitution of Sri Lanka (1978)
15. (1992) 1 SLR 223 https://www.lawnet.gov.lk/joseph-perera-alias-bruten-perera-v-the-attorney-general-and-others/
16. (1993) 1 SLR 270 https://www.lawnet.gov.lk/wp-content/uploads/2016/11/029-SLLR-SLLR-1993-1-AMARATUNGA-v.-SIRIMAL-AND-OTHERS-JANA-GHOSHA-CASE.pdf
17 Wickramarathna, J,2021. Fundamental Rights in Sri Lanka(Third Edition), Stamford Lake Publishers, P.604

Although the right to freedom of Speech and expression is an essential right to the freedom of the people, this right will be limited to some extent. It is not an unlimited right like the "right to be free from torture".

The International Covenant on Civil and Political Rights (ICCPR) protects the right to freedom of expression, but it also recognizes that this right may be subject to certain restrictions. Article 20 of the International Covenant on Civil and Political Rights (ICCPR) states that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law .” This article is intended to protect individuals from discrimination and violence based on their national, racial, or religious identity.

The Permissible restrictions to the rights conferred by Article 19(1)(a) are stated in Article 19(2)[18] of the Constitution of India. In Sri Lanka, freedom of expression is restricted by the 15(2) of the Constitution and Section 3(1) of the International Covenant on Civil and Political Rights (ICCPR) Act.

18. Wickramarathna, J,2021. Fundamental Rights in Sri Lanka(Third Edition), Stamford Lake Publishers, P.604

7. The Freedom of Speech and Expression and Its Limitations in ICCPR

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations in 1966 and came into force in 1976. This is one of the well-established Core human rights Convention in the UN system.

The ICCPR is designed to protect Civil and Political rights, such as the Right to Life, freedom of Arbitrary Detention, and freedom of Expresssion. As such it contains a list of substantive human rights guarantees in its Part III[19].

The ICCPR guarantees the Freedom of Expression in Article 19 section 1 and 2 and mentioned its limitations in Article 19 Section 3 and Article 20. InSri Lankan Perspective, the Section 3 (1) of the ICCPR Act No. 56 of 2007 has been also mentioned certain limitations to Freedom of Speech and Expression. The Section 3 (1) is very similar to the Article 20 of the ICCPR.

The Human Rights Commission of Sri Lanka did a legal analysis on the Scope of the Section 3 of the ICCPR Act.

The HRCSL recommended in the Said Report,

"The Freedom of Expression and the Section 3 of the ICCPR should be balance" and further recommends,

Section 3 is not a standalone provision rather should be read in congruity with freedom of Expression as guaranteed under the Constitution of Sri Lanka. Section 3 is a limitation placed on the Freedom of Expression and therefore any form of expression that is proscribed under Section 3 should be a permissible restriction to Freedom of Expression[20].

19. Joseph, S. and Castan, M., 2013. The international covenant on civil and political rights: cases, materials, and commentary. Oxford University Press.
20. Human Rights Commission of Sri Lanka, 2020 Legal Analysis of the Scope of the Section 3 of the ICCPR Act, No 56 of 2007 And Attendant Recommendations,HRCSL

It is hard to find an Academic studies with regard to the Uses Section 3 (1) of the ICCPR Act in Sri Lanka. However the argument on balancing freedom of Speech and Expression with restrictions in Article 20 of the ICCPR Convention is discussed very high in the world.

ICCPR Article 20(2) contains a mandatory ban on "any advocacy of national, racial, or religious hatred that constitutes incitement to violence, discrimination, or hostility." This provision was highly contentious during the ICCPR negotiations; the U.S. delegation (led by Eleanor Roosevelt) and others advocated against it because it was vague and open to misuse, but the Soviet Union mustered the votes to keep it in the treaty. The scope of ICCPR Article 20 remains controversial to this day. For example, a 2006 report by the UN High Commissioner on Human Rights found that governments did not agree about the meaning of the key terms in Article 20. The UN even took the extraordinary measure of convening experts from around the world to propose an appropriate interpretation of this contentious sentence, but this experts' process has not bridged the gap among governments with respect to Article 20's meaning. Regardless of the precise scope of Article 20, if a government seeks to restrict speech under Article 20(2), that government continues to bear the burden of surmounting the high bar set forth in Article 19's tripartite test, which significantly limits the potential reach of Article 20[21].

The Said Article 20 and the Freedom of Expression is highly contentious and arguable.

Considering the wording of Article 20(2) of the ICCPR, there is no doubt states are required to act on hate speech with the intention of countering discrimination, even though the exact definition of the expression 'incitement to discrimination' remains uncertain due to conflicting interpretation. This provision was highly contentious during the negotiations that resulted in the ICCPR. The delegations of several countries, including the US, were against it because it was considered imprecise and open to misuse. However, the Soviet Union assembled enough votes to keep it in the Covenant. The US ratified the ICCPR with a reservation to Article 20 stating the Article 'does not authorize or require legislation or other action by the US that would restrict the right of free speech and association protected by the Constitution and laws of the United States[22]'.

Article 20(2) has proven highly controversial and is variously criticized as being overly restrictive of free speech or as not going far enough in the categories of hatred it

21. Aswad, E.M., 2018. The future of freedom of expression online. Duke L. & Tech. Rev., 17, p.26.
22. Dias Oliva, T., 2020. Content moderation technologies: Applying human rights standards to protect freedom of expression. Human Rights Law Review, 20(4), pp.607-640.

covers. Article 20(2) does not require States to prohibit all negative statements towards national groups, races or religions but, as soon as a statement constitutes incitement to discrimination, hostility or violence, it must be banned. Some States, notably the USA, have taken the view that only incitement which is intended to cause imminent violence justifies restricting such a fundamental right. One important motivation underlying this position is the fear that a broader ban on inciting "discrimination or hostility" will be abused by governments or will discourage citizens from engaging in legitimate democratic debate, for example on questions regarding religion and minorities [23].

The United Nations Human Rights Committee meeting (UNHRC) has stated that there is no contradiction between the duty to adopt domestic legislation under Article 20(2) and the right to freedom of expression. In the opinion of the Committee, these required prohibitions are fully compatible with the right of freedom of expression as contained in Article 19, the exercise of which carries with it special duties and responsibilities. At the same time, the UNHRC has stressed that restrictions on expression which may fall within the scope of Article 20 must also be permissible under Article 19, paragraph 3, which lays down requirements for determining whether restrictions on expression are permissible. In other words, domestic laws adopted pursuant to Article 20(2)[24].

In the Land Mark Judgment, Ross V. Canada[25] the Human Rights Committee, considered the Freedom of Expression guaranteed by the Article 19 and the Certain Restrictions enforced by Article 19 Section 3 and the Article 20. The Committee held that there were no violation of Article 19 ICCPR as the speech was, discriminatory against Jews and denigrated Jewish faith. The Judgment importantly mentioned;

"When assessing whether the restrictions placed on the author's freedom of expression were applied for the purposes recognized by the Covenant, the Committee begins by noting that the rights or reputations of others for the protection of which restrictions may be permitted under article 19, may relate to other persons or to a community as a whole. For instance, and as held in *Faurisson v France*, restrictions may be permitted on statements which are of a nature as to raise or strengthen anti-semitic feeling, in order to uphold the Jewish communities' right to be protected from religious hatred.

23. Mrabure, K.O., 2016. Counteracting hate speech and the right to freedom of expression in selected jurisdictions. Nnamdi Azikiwe University Journal of International Law and Jurisprudence, 7.Page 167
24. Mrabure, K.O., 2016. Counteracting hate speech and the right to freedom of expression in selected jurisdictions. Nnamdi Azikiwe University Journal of International Law and Jurisprudence, 7.page 168
25. Communication No 736/1997, UN Doc CCPR/C/70/D/736/1997, Human Rights Commitee

Such restrictions also derive support from the principles reflected in article 20(2) of the Covenant. The Committee notes that both the Board of Inquiry and the Supreme Court found that the author's statements were discriminatory against persons of the Jewish faith and ancestry and that they denigrated the faith and beliefs of Jews and called upon true Christians to not merely question the validity of Jewish beliefs and teachings but to hold those of the Jewish faith and ancestry in contempt as undermining freedom, democracy and Christian beliefs and values. In view of the findings as to the nature and effect of the author's public statements, the Committee concludes that the restrictions imposed on him were for the purpose of protecting the "rights or reputations" of persons of Jewish faith, including the right to have an education in the public school system free from bias, prejudice and intolerance".

However this Judgment also held that the restrictions under Article 20 should be permissible under Article 19 as well.

It was discussed in the United Nations and specially in the Human Rights Council that it is imperative to stop hate speech against ethnic groups and statements that incite religious hatred. At the same time, the discourse of how to mark the limits of freedom of speech and expression had also emerged. This was a challenging task in a situation where the limitation of Article 20 of the ICCPR Convention was already being misused by some states.

In 2011, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a series of expert workshops, in various regions, on incitement to national, racial or religious hatred as reflected in international human rights law. During the workshops, participants considered the situation in the respective regions and discussed strategic responses, both legal and non-legal, to incitement to hatred. The four moderators and the experts who participated in all four regional workshops, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a member of the Committee on the Elimination of Racial Discrimination and a representative of the non-governmental organization, Article XIX, attended the Rabat workshop[26].

In line with the practice of the regional workshops, Member States were invited to participate as observers and were encouraged to include experts from their capitals in the delegations. Relevant United Nations departments, funds and programmes

26. https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf

as well as relevant international and regional organizations, national human rights institutions and civil society organizations (including academia, journalists and faith-based organizations) could also participate as observers[27]. After completion of the workshops a final outcome document had been prepared by the experts. (Annex1 - A/HRC/22/17/Add.4) This called Rabat Plan of Action.

27. https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf

8. The Rabat Plan of Action

The Rabat Plan of Action suggests a high threshold for in defining restrictions on freedom of expression, incitement to hatred and for the application of Article 20 of the International Civil and Political Rights (ICCPR). It outlines a six part threshold test taking into account (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence.

The Rabat Plan of Action wants to restrict freedom of speech in cases of hate speech only within strictly limited exceptions. To this effect, it does not only suggest to strictly observe the language of ICCPR Article 20(2), but proposes a six-part threshold test (Article 22)[28].

Article 20 of the Covenant requires a high threshold because, as a matter of fundamental principle, limitation of speech must remain an exception. Such threshold must take into account the provisions of article 19 of the Covenant. Indeed the three-part test (legality, proportionality and necessity) for restrictions also applies to cases involving incitement to hatred, in that such restrictions must be provided by law, be narrowly defined to serve a legitimate interest, and be necessary in a democratic society to protect that interest. This implies, among other things, that restrictions are clearly and narrowly defined and respond to a pressing social need; are the least intrusive measure available; are not overly broad, so that they do not restrict speech in a wide or untargeted way; and are proportionate so that the benefit to the protected interest outweighs the harm to freedom of expression, including with respect to the sanctions they authorize[29] (A/HRC/22/17/Add.4, appendix).

The Rabat Plan of Action (A/HRC/22/17/Add.4, appendix) suggests that each of the six parts of the following threshold test needs to be fulfilled in order for a statement to amount to a criminal offence.

28. Berkmann, B.J., 2018. Blasphemy, Religious Defamation and Hate Speech: A Comparison of the European Court of Human Rights and the Rabat Plan of Action.
29. https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf

1). Context:

Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated;

2). Speaker:

The speaker's position or status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed;

3). Intent:

Article 20 of the ICCPR anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the ICCPR, as this article provides for "advocacy" and "incitement" rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience;

4). Content and form:

The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed;

5). Extent of the speech act:

Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public; and

6). Likelihood, including imminence:

Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct[30].

This six- part threshold test has been mentioned in the Report of "Legal Analysis of the Scope of the ICCPR Act"' that has been presented by Human Rights Commission of Sri Lanka and further HRCSL recommended that the six-part threshold test as contained in the Rabat Plan of Action …….. be adopted in order to determine the forms of advocacy that fall within the scope of Section 3[31].

(**For the full document of** The Rabat Plan of Action (A/HRC/22/17/Add.4, **appendix) see Annex I**)

30. https://www.ohchr.org/sites/default/files/Rabat_threshold_test.pdf
31. Human Rights Commission of Sri Lanka, 2020 Legal Analysis of the Scope of the Section 3 of the ICCPR Act, No 56 of 2007 And Attendant Recommendations,HRCSL

9. Analysis

9.1 Misuse and non-Use of the ICCPR Act in Sri Lankan Context

The act has been used to target and punish people for activities that are not related to violation of 3(1) of ICCPR. This has been done by using the broad and vague language of the Act to implicate people in false cases. This has been used to target political opponents, journalists, and activists who are critical of the government. This has led to a lack of trust in the justice system and has created an atmosphere of fear and intimidation. This Act has not been used in cases of spreading ethnic and religious hatred, even if such religious and ethnic hatred is not spread, the law enforcement police officers are working to use this Act promptly against Journalists, Social Media Activists and Criticizers, for the necessity of the extremist groups.

Considering the above circumstances in order to make a comparative analysis the researcher here purposely selected four separate incidents where the application of section misused in the incident where the application is not required and non-used in the occasion where the application of the given section 3(1) is required.

9.2 Misusing ICCPR Act Section 3(1) in Sri Lanka: A Comparative Analysis of Incidents.

9.2.1 Incidents

a). Riots in Beruwala and Aluthgama in 2014

Galagonda A. Gnanasara Thero, the leading monk of the new radical nationalist Buddhist organization Budo Bala Sena (BBS, 'Army of Buddhist Power') in Sri Lanka, is accused of instigating the recent riots against Muslims in Alutgama town. In subsequent police interrogation, he blamed the Muslims and the government. 'We are not terrorists and it is the sole right of the Sinhalese Buddhists to protect Sri Lanka from all other forces', he said (Aljazeera, August 28, 2014). The radical monks oppose halal slaughter, burkas, and marriage between Buddhist women and Muslims. They argue that Buddhist

women are victims of forced conversion or rape at the hands of Muslims.[32] Bodu Bala Sena and Several Extremist Sinhala Buddhist Organizations and Extremist Buddhist Monks including Gnanasara Thero instigated violence against Muslim Community in 2014. Aljazeera reported "An alleged assault by a Muslim youth on a Buddhist monk on Thursday resulted in the Sinhala Buddhist nationalist group, the Bodu Bala Sena (BBS), demonstrating against the Muslim population of Aluthgama on Sunday. In two days of rioting and looting four people have been killed, including a Tamil security guard, and 80 others injured, the majority being from the Muslim community. Over 60 homes and businesses were set on fire in the two days while several mosques were also damaged. The police were unable to control the mobs who numbered in the thousands, according to eyewitness reports. Eventually the military was called in to restore order[33].

This Section 3(1) of the ICCPR Act has not been used for those who instigated violence against Muslims at Beruwala and Aluthgama in 2014.

b). Sakthika Sathkumara

The arrest of Shakthika Sathkumara has been widely criticized by human rights activists and free speech advocates. They argue that the arrest is a violation of Sathkumara's right to freedom of expression, as guaranteed by the Sri Lankan Constitution. They also point out that the ICCPR Act of 2007 is overly broad and can be used to stifle legitimate criticism and dissent.

On 15 February 2019, Satkumara published a quote from his short story "Ardha" in an ad on Facebook about his upcoming collection of short stories. The Buddhist Information Center filed a complaint against him to the Inspector General of Police on February 25. On March 6, a group of monks came to Satkumara's office: the Divisional Secretariat and complained to the Divisional Secretary, the head of the government office where Shaktika works. There the Buddha scolded him with harsh words and threatened him. Later, a group of monks published a letter to the media insulting Mr. Satkumara's personal life. The district secretary (who oversees the divisional secretaries of the district) was also asked to make a statement to Satkumara on March 13. On March 6th a complaint was lodged by a Buddhist Monk against Shakthika with regard to

32. Gravers, M., 2015. Anti-Muslim Buddhist nationalism in Burma and Sri Lanka: Religious violence and globalized imaginaries of endangered identities. Contemporary Buddhism, 16(1), pp.15-16.
33. https://www.aljazeera.com/gallery/2014/6/18/in-pictures-sri-lanka-hit-by-religious-riots

the above publication and Inquiry was held on 1st April. And Shakthika was arrested in the same day and produced before the Kurunegala Magistrate. He was remanded by the Magistrate.

c). Ramzy Razeek

Ramzi Razik was arrested by the police under the ICCPR Act for being a social activist as well as for speaking out against extremism and racism on social media. The arrest was based on his Facebook post dated April 3rd, 2020 and he will only be released on bail after September 17th, 2020. The point of such arrests was that a bill to protect human rights was abused, restricted freedom of speech and used to enforce repression[34].

He posted the following post in his personal facebook wall;

"ශ්‍රී ලාංකික මුස්ලිම් සමාජය චින්තන යුද්ධයකට ideological war මුහුණ පා ඇත. රට තුළ ක්‍රියාත්මක වන ජාතිවාදී කල්ලි ඉතාමත් සූක්ෂම ආකාරයට දියත් කරනු ලබන මෙම චින්තන යුද්ධයට මුහුණ දීමට නොහැකි ආකාරයට මුස්ලිම්වරු හතරවටින්ම වටකරනු ලැබ ඇත. දියත්වන ප්‍රබල බුද්ධි ප්‍රහාරයට එරෙහිව කිසිත් කළ නොහැකිව මුස්ලිම් සමාජය ඒ දෙස තුෂ්නිම්භූතව බලා සිටී. ජාතිවාදී සතුරන් සාර්ථකව ඔවුන්ගේ අරමුණ කරා ළඟා වෙමින් සිටී. මේ ප්‍රබල බුද්ධි ප්‍රහාරය හමුවේ මුස්ලිම්වරු පරාජය වෙමින් සිටී. මුස්ලිම්වරු වහාම චින්තන ජිහාදයකට (මතවාදී අරගලය) සූදානම් විය යුතුය. එය මුළුමහත් ශ්‍රී ලාංකික පොදු සමාජය වෙනුවෙන් ඔවුන්ගේ කරමත පටවා තිබෙන ආගමික වගකීමකි. රට සහ එහි සියලු පුරවැසියන් වෙනුවෙන් පෑන සහ කී-බෝඩය අවියක් කරගනිමින් චින්තන ජිහාදයක (මතවාදී අරගලය) ට සූදානම් වීමට කාලයයි මේ. රටේ තවත් ජනකොටසක් වන මුස්ලිම්වරුන්ට එරෙහිව ගෙනයන වෛරී ප්‍රචාරණයට මුහුණ දීමට ප්‍රධාන මාධ්‍ය සහ සමාජ මාධ්‍ය ඇතුළු පවතින සෑම අවකාශයක්ම යොදාගනිමින් ගනිමින් මතවාදී අරගලයක් මගින් ජනතාවට සත්‍ය වටහාදීම පිළිබඳ ව මේ අවස්ථාවේ මුස්ලිම්වරු වඩාත් අවදානය යොමුකළ යුතුය. නොහැක්කක් නොමැත."

English Translation of the above post;

"Sri Lankan Muslim society is facing an ideological war which is subtly handled by racist groups. The Muslims are surrounded on all four sides so they are unable to resist this ideological warfare. The Muslim society is looking at it stunned, unable to act against the powerful psychological warfare that is being fought. Racist opponents are successfully achieving their

34. https://www.journo.lk/contradiction-between-the-iccpr-law-and-its-use/

targets whereas Muslims are losing. Muslims must immediately prepare for an ideological jihad (ideological struggle), taking it as a religious responsibility on behalf of the entire Sri Lankan society and all of its citizens. It is time to prepare for an ideological struggle using the pen and the keyboard as tools. At this time, Muslims should pay more attention to making the people aware of the truth, making use of every available space, including the mainstream media and social media vis-a-vis the hate propaganda carried out against Muslims".

After seven days from the above post Ramzi Razik was arrested by the Criminal Investigation Department on 9th April 2020and produced to the magistrate c ourt of Colombo filing a B Report inter-alia containing charges under the ICCPR Act and Computer Crimes Act.

9.3 How far the application of Rabat plan of Action is possible in preventing the misuse?

This research has accepted the fact that section 3(1) of ICCPR right is often misused in the socio-political context of Sri Lanka, where it is used to justify the use of excessive force and violence against civilians. This has been particularly evident in the recent past in Sri Lanka, where the government and law enforcement authorities have used excessive force against civilians.

The Rabat Plan of Action is a comprehensive set of measures designed to prevent the misuse of the section 3(1) of ICCPR in hidden purposes. It includes measures to strengthen international cooperation, promote responsible use of the application of the act, and develop effective legal frameworks to address the misuse of the article 20 of the ICCPR.

This research analyses **how and why** the Rabat Plan of Action is a valuable mechanism for governments, civil society, and the private sector to work together to prevent the misuse of the right of freedom of expression while preventing incitement to hatred.

The OHCHR introduced the Rabat Plan of Action in 2012 to provide guidance to state on how to address the issue of defamation of religions. The plan seeks to promote a culture of tolerance and respect for religious diversity, while also protecting freedom of expression. It provides a framework for states to develop laws and policies that protect freedom of expression while also protecting individuals from discrimination and violence based on their religion or beliefs.

When considering the Beruwala incident there were anti-Muslim violence occurred due to a series of incitements through hate and derogatory speech against Muslims and Islams.

The incident began when a group of Buddhist monks and their supporters gathered in the town of Beruwala to protest against the construction of a mosque in the area. The protest quickly turned violent, with the mob attacking Muslim-owned businesses and homes, and setting fire to several buildings. The Sri Lankan government responded by deploying the military to the area and imposing a curfew. The government also launched an investigation into the incident and arrested several people in connection with the violence.

In this particular incident was a real example where the ICCPR act is not used against the perpetrators in which a clear context is applicable in which the minor 'accident' that developed a small tension and ultimately led to the subsequent conflagration was a spark that was ignited belatedly.

Lasantha De Silva the convener of the free media movement stated;

> *"At first sight, it is good to have such an Act. Because this can protect human rights. But unfortunately, this act is used for other activities. That is to say, even though the main purpose of this Act is to build peace between races and religions, Sri Lanka is currently using it to punish people by implicating them in false cases". "Extremist monks and extremist leaders of other religions have never been arrested using this ICCPR Act. It is in such cases that this act should be used to stop racism."*

In accordance as six part threshold test suggested, The Sri Lankan government should take into account the context of the speech act, such as the speaker's intent, the audience, and the circumstances in which the speech was made. It should also consider the extent of the speech act, such as the potential for harm or offense caused by the speech. Additionally, the government should consider the potential for further developments, such as the potential for the speech to incite violence or hatred. Finally, the government should ensure justice to the victims of the speech act by taking into consideration of above consequences.

In this given context the following statements are clearly indicated how it has been intentionally targeted a specific ethnic group in Sri Lanka.

"'We are not terrorists and it is the sole right of the Sinhalese Buddhists to protect Sri Lanka from all other forces"

Gnanasara Thero said,

"This country still has a Sinhalese Police, this country still has a Sinhalese Army. It will be the end of all if someone at least lays a finger on a Sinhalese,"

These have been accused of making inflammatory statements that incite hatred and violence against the Muslim people. They have also been accused of using their influence to pressure the government to take action against the them. The monks have also been accused of using their religious authority to spread false information about the Muslim people in order to stir up animosity and hatred towards them.

Condemning the above actions Brad Adams, Asia director of Human rights Watch said[35],

"Sri Lankan authorities need to do more than arrest those carrying out the anti-Muslim violence. They need to investigate and identify any instigators,"

After this aforesaid incident there were serious violations occurred. However, the law enforcement authorizes has never used section 3(1) of the ICCPR act to indict none of those who insight the violence through speeches and expressions.

However, the government has used section 3(1) ICCPR to arrest Shakthika after Buddhist monks complained against him for allegedly defaming Buddhism after he published a short story in Social media.

In accordance to the six part threshold of Rabat plan of action explained in above sub sections, Shakthika's arrest is questionable. Section 3(1) of the ICCPR states that "everyone has the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." This right is not absolute and can be limited in various context.

Primarily as per the test, consideration of the individual's intent is important here. As an artist specifically Shakthika's incident it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience;

35 https://www.hrw.org/news/2014/06/19/sri-lanka-justice-key-end-anti-muslim-violence

As there was no particularly significant intent and any imminent harm to the society the case was not able to continue. And therefore, Honorable Attorney General advised the Sri Lanka police not to prosecute further against Shakthika. Then the case was released by the Magistrate. (For Attorney General's Letter – See Annex II)

As per the threshold the Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the ICCPR, as this article provides for "advocacy" and "incitement" rather than the mere distribution or circulation of material.

Shakthika Kumara's incident could be considered in the same manner as any other incident of police brutality. It is important to recognize that police brutality is a systemic problem that affects people of all backgrounds, and that it is not limited to any one particular group. It is important to investigate the incident thoroughly in an independent manner to hold those responsible accountable for their actions.

And also it is important to consider the fact that the immediately two weeks before Shakthika's arrest no incidents related to religious violence were reported because of this short story. This suggests that the arrest was not part of a larger pattern of religious violence, but rather was an isolated incident.

When considering Ramzi Razik incidents as per the six part threshold proposed by UNHCR emphasizes the necessity of consideration of the speaker's position or status in the society, specifically the individual's standing in the context of the audience to whom the speech is directed; When carefully read sequences of his past Facebook posts, it becomes clear he has been a consistent in promoting harmony, equality, and justice. In that sense consideration of speaker's position and content of the speech constitutes one of the key element is analyzing the degree of how far the particular content of speech or text promotes hate Speech and incitement of the religious communities.

The speaker's position and the content of the speech are both important factors in determining whether or not the speech promotes hate speech and incitement of religious communities. The speaker's position can provide insight into their motivations and intentions, while the content of the speech can provide evidence of the speaker's intent. For example, if the speaker is a leader of a religious group and the content of the speech is inflammatory and derogatory towards another religious group, then it is likely that the speech is promoting hate speech.

A proper Content analysis may require include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed in order to jumped in to appropriate conclusions.

Additionally, such content analysis may include an examination of the audience's reaction to the text, the context in which the speech/text was delivered, and the overall message of the speech/text.

The President of the Young journalist Association Tharindu Jayawardana states his position,

> *According to Article 3 here, it is here to provide space for people to live in peace without spreading hatred. But in Sri Lanka this goes the other way. They arrest Ramzi Razik because of his Facebook post, but they do not arrest the people who threaten to kill him and beat him.*

This fact was obvious where Raziks's incident in which he was arrested by the Criminal Investigation Department only after seven days from the above post.

> *After my arrest, I was initially detained at the Pallansena Prison for about three weeks. After that I was sent to Welikada Remand Prison. I have been suffering from rheumatoid arthritis for some time. As a result, I had a hard time coping with prison. Due to my joint pain, I could not do without toilet facilities for toilet needs. Prison toilets do not have commode facilities. At the same time there is a sleeping condition in the cement. I had a hard time coping with such a situation due to my illness. –* ***Ramzi Razik***

(https://www.aithiya.lk/english/i-was-imprisoned-for-using-the-wordjihad/)

10. Conclusion and Recommendations

The ICCPR Act was enacted in 2007 to implement the International Covenant on Civil and Political Rights (ICCPR) in Sri Lanka. Though, The Constitution of Sri Lanka guarantees the right to freedom of expression, it is obvious that the government has used the section 3 of the ICCPR Act to restrict this right of the citizens. It is apparent with the present analyses on how and why the application of six part threshold test of Rabat plan will be an effective technique in dealing with the ICCPR Act and its sub sections. In addition, the study makes recommendations in order to promote better practice of the Act.

Yet, the use of section 3 (1) of the ICCPR Act has been criticized for its broad scope and vague language, which has allowed the government to use it to target and punish people for activities that are protected under international law in the recent Sri Lankan socio-political context. The Act has also been criticized for its lack of due process protections, as it allows for the detention of individuals without charge or trial. Additionally, the Act has been criticized for its lack of transparency, as it does not require the government to provide information about the reasons for an individual's arrest or detention.

This includes the arrest of human rights activists, journalists, and lawyers who have been critical of the government. The Act has also been used to target and punish people for activities such as peaceful protests, which are protected under the ICCPR.

Concluding the facts this study makes following recommendations,

- This study substantiates that the recommendations disclosed by the Sri Lanka Human Rights Commission in the legal analysis of the use of Article 3 of the ICCPR Act in Sri Lanka are essential recommendations and this study emphasizes the urgent need to implement those recommendations.

- The government should take action to prevent future ethnic tension by implementing policies that promote diversity and inclusion, providing education and training on cultural sensitivity, and creating a safe space for people to discuss their differences.

- Additionally, the government should work to ensure that all citizens are treated equally and fairly, regardless of their ethnicity.

- The government should work to ensure that all citizens have access to the same resources and opportunities, regardless of their ethnicity.

- The government should also develop a plan with participation from all communities to address the longer-term tensions and create mechanisms for addressing them.

- Appoint National Committee to Implement Rabat Plan of Action in Sri Lanka Legal system.

- Training of Police Officers on these International Standards and New Initiatives regards to Freedom of Speech and Expressions.

- Appointment of an independent committee to investigate prosecutions and intimidation so far under the ICCPR Act.

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2. (1993) 1 SLR 270 https://www.lawnet.gov.lk/wp-content/uploads/2016/11/029-SLLR-SLLR-1993-1-AMARATUNGA-v.-SIRIMAL-AND-OTHERS-JANA-GHOSHA-CASE.pdf

Annex I

Appendix

Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence[1]

Conclusions and recommendations emanating from the four regional expert workshops organized by OHCHR in 2011, and adopted by experts at the meeting in Rabat, Morocco, on 5 October 2012

I. Preface

1. In 2011, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a series of expert workshops, in various regions, on incitement to national, racial or religious hatred as reflected in international human rights law. During the workshops, participants considered the situation in the respective regions and discussed strategic responses, both legal and non-legal, to incitement to hatred.

2. The workshops were held in Europe (Vienna, 9 and 10 February 2011), Africa (Nairobi, 6 and 7 April 2011), the Asia Pacific region (Bangkok, 6 and 7 July 2011) and the Americas (Santiago de Chile, 12 and 13 October 2011).[2] In doing so, OHCHR aimed to conduct a comprehensive assessment of the implementation of legislation, jurisprudence and policies regarding advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence at the national and regional levels, while encouraging full respect for freedom of expression as protected by international human rights law. This activity focused on the relationship between freedom of expression and hate speech, especially in relation to religious issues – a matter that has unfortunately created friction and violence among and within diverse communities, and which has come increasingly under focus.

3. The expert workshops in 2011 generated a wealth of information as well as a large number of practical suggestions for better implementation of the relevant international human rights standards.[3] To take stock of the rich results of the 2011 series of workshops, OHCHR convened a final expert workshop in Rabat, Morocco, on 4 and 5 October 2012, to conduct a comparative analysis of the findings of the four workshops; identify possible action at all levels and reflect on the best ways and means of sharing experiences.

4. The four moderators and the experts who participated in all four regional workshops, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief, and the

[1] Article 20, paragraph 2 of the International Covenant on Civil and Political Rights states that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." Throughout this document, such incitement will be referred to as "incitement to hatred".

[2] The four regional expert workshops and the Rabat meeting brought together some 45 experts from different backgrounds, and more than 200 observers participated in the debates.

[3] The High Commissioner's message to the four expert workshops as well as the background studies, expert papers, contributions from stakeholders and meeting reports are available at www.ohchr.org/EN/Issues/FreedomOpinion/Articles1920/Pages/Index.aspx

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a member of the Committee on the Elimination of Racial Discrimination and a representative of the non-governmental organization, Article XIX, attended the Rabat workshop.

5. In line with the practice of the regional workshops, Member States were invited to participate as observers and were encouraged to include experts from their capitals in the delegations. Relevant United Nations departments, funds and programmes as well as relevant international and regional organizations, national human rights institutions and civil society organizations (including academia, journalists and faith-based organizations) could also participate as observers.

6. The following outcome document reflects the conclusions and recommendations agreed upon by the experts who participated in the Rabat workshop.

II. Context

7. As the world is ever more inter-connected and as the fabric of societies has become more multicultural in nature, there has been a number of incidents in recent years, in different parts of the world, which have brought renewed attention to the issue of incitement to hatred. It should also be underlined that many of the conflicts worldwide in past decades have also – to varying degrees – contained a component of incitement to national, racial or religious hatred.

8. All human rights are universal, indivisible and interdependent and interrelated. Nowhere is this interdependence more obvious than in the discussion of freedom of expression in relation to other human rights. The realization of the right to freedom of expression enables vibrant, multi-faceted public interest debate giving voice to different perspectives and viewpoints. Respect for freedom of expression has a crucial role to play in ensuring democracy and sustainable human development, as well as in promoting international peace and security.

9. Unfortunately, individuals and groups have suffered various forms of discrimination, hostility or violence by reason of their ethnicity or religion. One particular challenge in this regard is to contain the negative effects of the manipulation of race, ethnic origin and religion and to guard against the adverse use of concepts of national unity or national identity, which are often instrumentalized for, inter alia, political and electoral purposes.

10. It is often purported that freedom of expression and freedom of religion or belief are in a tense relationship or even contradictory. In reality, they are mutually dependent and reinforcing. The freedom to exercise or not exercise one's religion or belief cannot exist if the freedom of expression is not respected, as free public discourse depends on respect for the diversity of convictions which people may have. Likewise, freedom of expression is essential to creating an environment in which constructive discussion about religious matters could be held. Indeed, free and critical thinking in open debate is the soundest way to probe whether religious interpretations adhere to or distort the original values that underpin religious belief.

11. It is of concern that perpetrators of incidents, which indeed reach the threshold of article 20 of the International Covenant on Civil and Political Rights, are not prosecuted and punished. At the same time members of minorities are de facto persecuted, with a chilling effect on others, through the abuse of vague domestic legislation, jurisprudence and policies. This dichotomy of (1) non-prosecution of “real” incitement cases and (2) persecution of minorities under the guise of domestic incitement laws seems to be

pervasive. Anti-incitement laws in countries worldwide can be qualified as heterogeneous, at times excessively narrow or vague. Jurisprudence on incitement to hatred has been scarce and ad hoc, and while several States have adopted related policies, most of them are too general, not systematically followed up, lacking focus and deprived of proper impact assessments.

12. Holding the four workshops in different regions of the world and the wrap-up workshop in Rabat was a very timely and useful initiative. They enjoyed the full participation of relevant treaty body experts and special procedures mandate holders.

III. Implementing the prohibition of incitement to hatred

13. Against this background, the following conclusions and recommendations constitute the synthesis of this long, transparent and deep reflection by experts. The conclusions – in the area of legislation, judicial infrastructure, and policy – are intended to better guide all stakeholders in implementing the international prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

A. Legislation

Conclusions

14. Under international human rights standards, which are intended to guide legislation at the national level, expression labelled as "hate speech" can be restricted under articles 18 and 19 of the International Covenant on Civil and Political Rights on different grounds, including respect for the rights of others, public order or sometimes national security. States are also obliged to "prohibit" expression that amounts to "incitement" to discrimination, hostility or violence (art. 20, para. 2, of the Covenant and, under some different conditions, art. 4 of the International Convention on the Elimination of All Forms of Racial Discrimination).

15. Discussions in the various workshops demonstrated the absence of a legal prohibition of incitement to hatred in many domestic legal frameworks worldwide, while legislation that prohibits incitement to hatred uses variable terminology and is often inconsistent with article 20 of the Covenant. The broader the definition of incitement to hatred is in domestic legislation, the more it opens the door for arbitrary application of the laws. The terminology relating to offences on incitement to national, racial or religious hatred varies from country to country and is increasingly vague, while new categories of restrictions or limitations to freedom of expression are being incorporated in national legislation. This contributes to the risk of misinterpretation of article 20 of the Covenant and additional limitations to freedom of expression that are not contained in article 19 of the Covenant.

16. Some countries consider incitement to racial and religious hatred as offences, while others consider incitement to hatred along racial/ethnic lines only as offences. Some countries also recognize prohibition of incitement to hatred on other grounds. National provisions vary between civil law and criminal law: in many countries, incitement to hatred is a criminal offence, while in some countries, it is an offence under both criminal and civil law or under civil law only.

17. At the international level, the prohibition of incitement to hatred is clearly established in article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial

Discrimination. In its general comment No. 34 (2011) on freedoms of opinion and expression, the Human Rights Committee stresses that

> "[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26 of the ICCPR. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith" (para. 48).

18. Article 20 of the Covenant requires a high threshold because, as a matter of fundamental principle, limitation of speech must remain an exception. Such threshold must take into account the provisions of article 19 of the Covenant. Indeed the three-part test (legality, proportionality and necessity) for restrictions also applies to cases involving incitement to hatred, in that such restrictions must be provided by law, be narrowly defined to serve a legitimate interest, and be necessary in a democratic society to protect that interest. This implies, among other things, that restrictions are clearly and narrowly defined and respond to a pressing social need; are the least intrusive measure available; are not overly broad, so that they do not restrict speech in a wide or untargeted way; and are proportionate so that the benefit to the protected interest outweighs the harm to freedom of expression, including with respect to the sanctions they authorize.[4]

19. At the national level, blasphemy laws are counterproductive, since they may result in de facto censure of all inter-religious or belief and intra-religious or belief dialogue, debate and criticism, most of which could be constructive, healthy and needed. In addition, many blasphemy laws afford different levels of protection to different religions and have often proved to be applied in a discriminatory manner. There are numerous examples of persecution of religious minorities or dissenters, but also of atheists and non-theists, as a result of legislation on what constitutes religious offences or overzealous application of laws containing neutral language. Moreover, the right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to have a religion or a belief that is free from criticism or ridicule.

Recommendations

20. In terms of general principles, a clear distinction should be made between three types of expression: expression that constitutes a criminal offence; expression that is not criminally punishable, but may justify a civil suit or administrative sanctions; expression that does not give rise to criminal, civil or administrative sanctions, but still raises concern in terms of tolerance, civility and respect for the rights of others.

21. Bearing in mind the interrelationship between articles 19 and 20 of the International Covenant on Civil and Political Rights, States should ensure that their domestic legal framework on incitement to hatred is guided by express reference to article 20, paragraph 2, of the Covenant ("…advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence…"), and should consider including robust definitions of key terms such as hatred, discrimination, violence, hostility, among others. In

[4] See Article XIX, *Camden Principles on Freedom of Expression and Equality,* (London, April 2009), principle 11.

this regard, legislation can draw, inter alia, from the guidance and definitions[5] provided in the Camden Principles.[6]

22. States should ensure that the three-part test – legality, proportionality and necessity – for restrictions to freedom of expression also applies to cases of incitement to hatred.

23. States should make use of the guidance provided by international human rights expert mechanisms, including the Human Rights Committee and the Committee on the Elimination on Racial Discrimination and their general comment No. 34 (2011) and general recommendation No. 15 (1993) respectively, as well as the respective special procedures mandate holders of the Human Rights Council.

24. States are encouraged to ratify and effectively implement the relevant international and regional human rights instruments, remove any reservations thereto and honour their reporting obligations thereunder.

25. States that have blasphemy laws should repeal them, as such laws have a stifling impact on the enjoyment of freedom of religion or belief, and healthy dialogue and debate about religion.

26. States should adopt comprehensive anti-discrimination legislation that includes preventive and punitive action to effectively combat incitement to hatred.

B. Jurisprudence

Conclusions

27. An independent judicial infrastructure that is regularly updated with regard to international standards and jurisprudence and with members acting in an impartial and objective manner, as well as respect for the rules of due process, are crucial for ensuring that the facts and legal qualifications of any individual case are assessed in a manner consistent with international human rights standards. This should be complemented by other checks and balances to protect human rights, such as independent national human rights institutions established in accordance with the Paris Principles.

28. There is often very low recourse to judicial and quasi-judicial mechanisms in alleged cases of incitement to hatred. In many instances, victims are from disadvantaged or vulnerable groups and case law on the prohibition of incitement to hatred is not readily available. This is due to the absence or inadequacy of legislation or lack of judicial assistance for minorities and other vulnerable groups who constitute the majority of victims of incitement to hatred. The weak jurisprudence can also be explained by the absence of accessible archives, but also lack of recourse to courts owing to limited awareness among the general public as well as lack of trust in the judiciary.

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[5] Pursuant to principle 12, national legal systems should make it clear, either explicitly or through authoritative interpretation, that the terms 'hatred' and 'hostility' refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group; the term 'advocacy' is to be understood as requiring an intention to promote hatred publicly towards the target group; and the term 'incitement' refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups.

[6] These Principles were prepared by ARTICLE 19 on the basis of multi-stakeholder discussions involving experts in international human rights law on freedom of expression and equality issues. The Principles represent a progressive interpretation of international law and standards, accepted State practice (as reflected, inter alia, in national laws and the judgments of national courts), and the general principles of law recognised by the community of nations.

29. It was suggested that a high threshold be sought for defining restrictions on freedom of expression, incitement to hatred, and for the application of article 20 of the International Covenant on Civil and Political Rights. In order to establish severity as the underlying consideration of the thresholds, incitement to hatred must refer to the most severe and deeply felt form of opprobrium. To assess the severity of the hatred, possible elements may include the cruelty or intent of the statement or harm advocated, the frequency, quantity and extent of the communication. In this regard, a six-part threshold test was proposed for expressions considered as criminal offences:

(a) **Context**: Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated;

(b) **Speaker**: The speaker's position or status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed;

(c) **Intent**: Article 20 of the International Covenant on Civil and Political Rights anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the Covenant, as this article provides for "advocacy" and "incitement" rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience.

(d) **Content and form:** The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed;

(e) **Extent of the speech act**: Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public;

(f) **Likelihood, including imminence:** Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.

Recommendations

30. National and regional courts should be regularly updated about international standards and international, regional and comparative jurisprudence relating to incitement to hatred because when confronted with such cases, courts need to undertake a thorough analysis based on a well thought through threshold test.

31. States should ensure the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.

32. Due attention should be given to minorities and vulnerable groups by providing legal and other types of assistance for their members.

33. States should ensure that persons who have suffered actual harm as a result of incitement to hatred have a right to an effective remedy, including a civil or non-judicial remedy for damages.

34. Criminal sanctions related to unlawful forms of expression should be seen as last resort measures to be applied only in strictly justifiable situations. Civil sanctions and remedies should also be considered, including pecuniary and non-pecuniary damages, along with the right of correction and the right of reply. Administrative sanctions and remedies should also be considered, including those identified and put in force by various professional and regulatory bodies.

C. Policies

Conclusions

35. While a legal response is important, legislation is only part of a larger toolbox to respond to the challenges of hate speech. Any related legislation should be complemented by initiatives from various sectors of society geared towards a plurality of policies, practices and measures nurturing social consciousness, tolerance and understanding change and public discussion. This is with a view to creating and strengthening a culture of peace, tolerance and mutual respect among individuals, public officials and members of the judiciary, as well as rendering media organizations and religious/community leaders more ethically aware and socially responsible. States, media and society have a collective responsibility to ensure that acts of incitement to hatred are spoken out against and acted upon with the appropriate measures, in accordance with international human rights law.

36. Political and religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; but they also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech. It should be made clear that violence can never be tolerated as a response to incitement to hatred.

37. To tackle the root causes of intolerance, a much broader set of policy measures is necessary, for example in the areas of intercultural dialogue – reciprocal knowledge and interaction –, education on pluralism and diversity, and policies empowering minorities and indigenous people to exercise their right to freedom of expression.

38. States have the responsibility to ensure space for minorities to enjoy their fundamental rights and freedoms, for instance by facilitating registration and functioning of minority media organizations. States should strengthen the capacities of communities to access and express a range of views and information and embrace the healthy dialogue and debate that they can encompass.

39. Certain regions have a marked preference for a non-legislative approach to combating incitement to hatred through, in particular, the adoption of public policies and the establishment of various types of institutions and processes, including truth and reconciliation commissions. The important work of regional human rights mechanisms, specialized bodies, a vibrant civil society and independent monitoring institutions is fundamentally important in all regions of the world. In addition, positive traditional values, compatible with internationally recognized human rights norms and standards, can also contribute towards countering incitement to hatred.

40. The importance of the media and other means of public communication in enabling free expression and the realization of equality is fundamental. The traditional media

continue to play an important role globally, but they are undergoing significant transformation. New technologies – including digital broadcasting, mobile telephony, the Internet and social networks – vastly enhance the dissemination of information and open up new forms of communication, such as the blogosphere.

41. Steps taken by the Human Rights Council, in particular the adoption without a vote of resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief, which constitutes a promising platform for effective, integrated and inclusive action by the international community. This resolution requires implementation and constant follow-up at the national level by States, including through the Rabat Plan of Action which contributes to its fulfilment.

Recommendations to States

42. States should enhance their engagement in broad efforts to combat negative stereotypes of and discrimination against individuals and communities on the basis of their nationality, ethnicity, religion or belief.

43. States should promote intercultural understanding, including on gender sensitivity. In this regard, all States have the responsibility to build a culture of peace and a duty to put an end to impunity.

44. States should promote and provide teacher training on human rights values and principles, and introduce or strengthen intercultural understanding as part of the school curriculum for pupils of all ages.

45. States should build the capacity to train and sensitize security forces, law-enforcement agents and those involved in the administration of justice on issues concerning the prohibition of incitement to hatred.

46. States should consider creating equality bodies, or enhance this function within national human rights institutions (that have been established in accordance with the Paris Principles) with enlarged competencies in fostering social dialogue, but also in relation to accepting complaints about incidents of incitement to hatred. In order to render such functions efficient, new adapted guidelines, tests and good practices are needed so as to avoid arbitrary practices and improve international coherence.

47. States should ensure the necessary mechanisms and institutions in order to guarantee the systematic collection of data in relation to incitement to hatred offences.

48. States should have in place a public policy and a regulatory framework which promote pluralism and diversity of the media, including new media, and which promotes universal and non-discrimination in access to and use of means of communication.

49. States should strengthen the current international human rights mechanisms, particularly the human rights treaty bodies such as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, as well as the special procedures mandate holders, as they provide advice and support to States with regard to national policies for implementing human rights law.

Recommendations to the United Nations

50. The Office of the High Commissioner for Human Rights (OHCHR) should be properly resourced to adequately support the international expert mechanisms working to protect freedom of expression and freedom of religion, and prevent incitement to hatred and discrimination and on related topics. In this regard, States should support the efforts of the High Commissioner for Human Rights with a view to strengthening the human rights treaty

bodies as well as ensuring the provision of adequate resources for the special procedures mechanisms.

51. OHCHR is invited to work together with States that wish to avail themselves of its services in order to enhance their domestic normative and policy framework regarding the prohibition of incitement to hatred. In this regard, OHCHR should consider – inspired by the four regional expert workshops – developing tools, including a compilation of best practices and elements of a model legislation on the prohibition of incitement to hatred as reflected in international human rights law. OHCHR should also consider organizing regular judicial colloquia in order to update national judicial authorities and stimulate the sharing of experiences relating to the prohibition of incitement to hatred which would enrich the progressive development of national legislation and case law on this evolving issue.

52. Relevant human rights treaty bodies and special procedures mandate holders should enhance their synergies and cooperation, including through joint action, as appropriate, to denounce instances of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

53. Various entities of the United Nations system, including OHCHR, United Nations Alliance of Civilizations, and the Office of the Special Advisor on the Prevention of Genocide should enhance their cooperation in order to maximize synergies and stimulate joint action

54. Cooperation and information-sharing (a) between various regional and cross-regional mechanisms, such as the Council of Europe, the Organization for Security and Co-operation in Europe, the European Union, the Organization of American States, the African Union, the Association of Southeast Asian Nations, as well as the Organisation of Islamic Cooperation, and (b) between these organizations and the United Nations Organization should be further enhanced.

55. Consider implementing, at the national level and in cooperation with States, measures to realize the recommendations addressed to States.

Recommendations to other stakeholders

56. Non-governmental organizations, national human rights institutions as well as other civil society groups should create and support mechanisms and dialogues to foster intercultural and interreligious understanding and learning.

57. Political parties should adopt and enforce ethical guidelines in relation to the conduct of their representatives, particularly with respect to public speech.

58. Self-regulation, where effective, remains the most appropriate way to address professional issues relating to the media. In line with principle 9 of the Camden Principles, all media should, as a moral and social responsibility and through self-regulation, play a role in combating discrimination and promoting intercultural understanding, including by considering the following:

(a) Taking care to report in context and in a factual and sensitive manner, while ensuring that acts of discrimination are brought to the attention of the public.

(b) Being alert to the danger of furthering discrimination or negative stereotypes of individuals and groups in the media.

(c) Avoiding unnecessary references to race, religion, gender and other group characteristics that may promote intolerance.

(d) Raising awareness of the harm caused by discrimination and negative stereotyping.

(e) Reporting on different groups or communities and giving their members the opportunity to speak and to be heard in a way that promotes a better understanding of them, while at the same time reflecting the perspectives of those groups or communities.

59. Furthermore, voluntary professional codes of conduct for the media and journalists should reflect the principle of equality, and effective steps should be taken to promulgate and implement such codes.

IV. Conclusion

60. While the concept of freedom of expression has received systematic attention in international human rights law and in many national legislations, its practical application and recognition is not fully respected by all countries worldwide. At the same time, international human rights standards on the prohibition of incitement to national, racial or religious hatred still need to be integrated into domestic legislation and policies in many parts of the world. This explains both the objective difficulty and political sensitivity of defining this concept in a manner that respects the freedom of expression.

61. The preceding conclusions and recommendations are steps towards addressing these challenges. It is hoped that they will boost both national efforts and international cooperation in this area.

Annex II

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මහෙස්ත්‍රාත් අධිකරණය පොල්ගහවෙල - නඩු අංක 7679/2019

පහත සඳහන් වුදිනට විරුද්ධව තවදුරටත් නීති මගින් කටයුතු කිරීමට අදහස් නොකරන බවත්, ඔහුව නිදහස් කළ හැකි බවත්, මහේස්ත්‍රාත් වෙත දැන්විය යුතුයැ මේ සම්බන්ධව මහේස්ත්‍රාත් අධිකරණය වෙත වාර්තා කිරීමෙන් පසුව ඒ පිළිබඳව අධිකරණය ගත් ක්‍රියා මාර්ගය මේ සමග අමුණා ඇති ආකෘතිය මගින්, මෙම ලිපිය ලැබී දින දාහතරක් (14) ඇතුළත දී මා වෙත වාර්තා කළ යුතුය.

01. දෙලංකාගේ සමීර ශක්තික සන්කුමාර

Susantha N. Balapatabendi
President's Counsel
Additional Solicitor General

සුසන්ත බාලපටබැඳි.
අතිරේක සොලිසිටර් ජනරාල්.
නීතිපති වෙනුවට.

පිටපත්:

(1). මහේස්ත්‍රාත්තුමා, මහේස්ත්‍රාත් අධිකරණය, පොල්ගහවෙල.
(2). ජ්‍යෙෂ්ඨ පොලිස් අධිකාරි , ජ්‍යෙෂ්ඨ පොලිස් අධිකාරි කාර්යාලය, කුරුණෑගල.
(3) සහකාර පොලිස් අධිකාරි II , සහකාර පොලිස් අධිකාරි කාර්යාලය, කුරුණෑගල.
(4). ස්ථානාධිපති, පොලිස් ස්ථානය, පොල්ගහවෙල.

මෙහෙකා NCP1/24/2019-20.01.2021

ඉහතින් දැක්වෙන්නේ පොල්ගහවෙල මහේස්ත්‍රාත් අධිකරණයේ නඩු අංක B/7673/19 දරණ නඩුවට අදාල සැකකරු මෙම නඩුවෙන් නිදහස් කරන බවට වූ ගරු නීතිපතිතුමාගේ 2021.01.25 දිනැති ලිපියේ සත්‍ය ජායා පිටපතක් බවට මෙයින් සහතික කරමි.

සැකසුම:

සැසඳුම:

මහෙස්ත්‍රාත් අධිකරණය
09 MAR 2021
පොල්ගහවෙල

රෙජිස්ට්‍රාර්
රෙජිස්ට්‍රාර්,
මහෙස්ත්‍රාත් අධිකරණය,
පොල්ගහවෙල.

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