

Corruption and Abuse of Human Rights: Threats and Attacks on a Human Rights Defender

Against

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J.C. Weliamuna:

Executive Director of Transparency International in Sri Lanka and a human rights lawyer



ASIAN HUMAN RIGHTS COMMISSION

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Human Rights:
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ASIAN HUMAN RIGHTS COMMISSION (A.H.R.C.)

Asian Human Rights Commission

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Introduction

In Sri Lanka the legal profession is very much a threatened profession. The recent grenade attack on September 27 on the residence of senior lawyer, Mr. J.C. Weliamuna, once again brought to the notice of everyone how much the profession has been undermined and how easy it is to attack lawyers. Almost a month has passed since the attack and there have been no arrests. Mr. Weliamuna had to leave his home and move to a safe house where he has to take enormous precautions for the security of himself and his family. This is despite of the Bar Association of Sri Lanka holding a general meeting to condemn the attack and their call upon the government to ensure immediate enquiries. Besides this there was a protest in the streets by lawyers and civil society. At the international level almost all major organisations dealing with human rights, anti corruption and democracy intervened with the government asking it to ensure effective investigations.

The weakening of the legal profession is a byproduct of political change in the country. The executive has acquired enormous power to the detriment of the rule of law and the legitimacy of the public institutions. The entire legal process in Sri Lanka which was based on due process principles

has been severely suppressed. As part of the ever increasing power of the executive the police, the secret services and the military have acquired powers which conflict with the rule of law and due process.

Since the measures that were adopted to suppress the 1971 JVP movement the use of emergency regulations, national security laws and anti terrorism laws have expanded for several decades and virtually displaced what used to be called "the normal legal process in the country." Virtually the younger generation has not even had a chance to live under that "normal process."

The overpowering police institution is not regulated by a system of command responsibility. In fact, it has been politicised and completely controlled for political purposes. Therefore the police and secret services can be used to violate any person's rights if some politician or political group associated with the government wants to do so. When individuals are attacked through that process the call for investigations and even promises of investigations bear little or no fruit.

On the other hand if the suppression is done by any private party with the help of the criminal underground this also cannot be effectively investigated as there is a police, political and criminal nexus throughout the country. The system within the police that was formally well organised and well trained to deal with sophisticated crime cannot now do so due to this new relationship which has emerged between law enforcement agencies, underground criminal elements and the political establishment.

Everything is not completely lost. The legal system has not been completely crushed. The adjudication processes through court systems have not been completely destroyed but only undermined. There is still a struggle between the new processes of repression mentioned above and the country's legal system and institutions which have a long history.

The lawyers and judges are still important professionals. Almost everything still has to go through various legal processes despite of the fact that these processes may have succumbed to executive pressure and corruption. However, the contest between the forces that support the rule of law, independent legal institutions, legal processes based on due process and the independence of the judiciary still exist and to some extent are still forceful.

The question that is now faced in the country is as to whether the forces of repression, which at the moment have the upper hand, will be able to destroy those who still support the rule of law. The attacks on lawyers and witnesses are part of the overall strategy to crush the forces that support the rule of law and due process. It is a very real contest and the forces that support rule of law and due process, which in the recent years have been severely battered, need to fight back vigorously if the contest is to end in their favour.

This contest is not peculiar to Sri Lanka alone. In several neighbouring countries like India and Pakistan this battle is also being fought. The lawyer's movement in Pakistan which came to be admired throughout the world is one clear example of this contest and the possibility that the forces

that support rule of law and due process can, in fact, gain the upper hand until they are able to finally defeat the forces of repression.

The resolution passed by the Bar Association of Sri Lanka was the first resolution of its kind. The very fact that it was not possible to prevent a common approach among the lawyers to deal with their problems is itself an indication that there is a fighting spirit within the legal profession and also within civil society which responded to the call for support.

The Bar Association should not let this moment pass without a full mobilization of itself to push for the strengthening of the profession, the rule of law and due process within the country. It is not enough for the Bar Association to ask for an inquiry into the grenade attack but it should ensure that an effective investigation and prosecution happens as soon as possible.

Further the Bar Association should study the process by which the police have managed to get the upper hand at the Magistrate's Courts and other criminal proceedings to the detriment of the professional rights of the lawyers. The forces of repression have been trying to promote corruption as a way to undermine the legal profession and due process often at the level of the Magistrate's Courts, which are the institutions within which the rights of the citizens find their most vital contests. The overpowering presence of the police needs to be defeated. It is not possible to break the criminal/police nexus without the role of the lawyers to assert themselves in the courts, particularly the Magistrate's Courts.

The Bar Association needs to develop its own strategies to strengthen the lawyer's capacity to function with dignity and without fear.

The grenade attack was a serious attempt to reinforce the existing fears among the lawyers and introduce further intimidation. It was not an isolated act but more violent expression of many dormant forms of intimidation that are exercised routinely throughout the country. The forces of repression want to create a timid legal profession. How this should be fought against is not merely important for the lawyers but the country as a whole if it is not to go under a political tsunami masterminded by the forces of repression.

Basil Fernando
Director, AHRC

Resolution of the Bar Association of Sri Lanka

Whereas the residence of Attorney-at-Law was attacked with two grenades on the night of 27th September 2008, only one grenade exploded, as a result of which his premises suffered damage;

Whereas Mr. Weliamuna affirms that the incident of the grenade attack on his residence on the night of 27th September, 2008 must necessarily be a reaction to his professional work, and an attempt to harm him and his family and/or to intimidate him. He has stated that he has no personal enemies or family disputes, and has confidently ruled out the likelihood of any personal vendetta of that sort;

And whereas he is an active practitioner (Counsel) handling mainly Fundamental Rights and Writ Applications. Many cases he has handled, and continues to handle, relate to public interest litigation and the protection/vindication of lawful rights of the community against alleged serious abuses of Executive and Administrative actions by powerful persons;

And whereas he is also the Executive Director of Transparency International Sri Lanka. It should be noted in this respect, that it is a long established tradition (in Sri Lanka

and the world over) that lawyers, being versed with the gamut of jurisprudence relating to rights of persons, being trained and charged with promotion of same, for the betterment of society, have been involved in organizations, endeavors and efforts to secure the Rule of Law that can exist only with proper standards of transparency and accountability following exposure of wrongs;

And whereas it is a "fundamental right" and a duty of all Attorneys-at-Law to work in/with civil society organizations within the legal framework of the country. It is up to each Attorney at-Law to be able to opt to exercise thig right as he/she deems fit, without fear or favor. This right is subject only to the law of the land and cannot be sought to be denied, deprived or restricted by acts of violence, intimidation or threats of any type or form;

And whereas it is pertinent to note that on the morning of 27th September 2008 Mr. Weliamuna moved a resolution at the Bar Council Meeting of this Association, as a concerned Attorney-at-Law in respect of intimidation and threats being issued to litigants and Attorneys-at-Law in a case involving allegations of bribery and torture against certain members of the Sri Lanka Police. The attack took place, very soon thereafter on the night of 27th September 2008;

And whereas the Bar Association of Sri Lanka being officially notified of the said incident having promptly condemned the said attack convened and emergency meeting of the Executive Committee of the Association on the 29th of September 2008.

And whereas when the said emergency session of the Executive Committee of the Bar Association of Sri Lanka was in progress a delegation comprising of senior members of the profession led by Senior Attorney-at-Law Mr. R.K.W. Goonesekere submitted a requisition signed by more than hundred members of the Bar Association of Sri Lanka inter alia calling the President of the Bar Association to call for a Special General Meeting of the Bar Association of Sri Lanka.

And whereas the Executive Committee, having considered the prevailing situation and the request of the members of the Bar ratified the statement/press release issue by the Association unanimously and unreservedly condemning the said incident.

And whereas further considering the grave situation empowered the President to immediately take steps to liase with the Inspector General of Police and to take appropriate steps to call upon authorities to launch and immediate inquiry into the said incident and have the perpetrators brought to justice and to make representation to the highest authorities of the state.

And whereas the Bar Association of Sri Lanka having considered the Requisition submitted by

the Members of the Bar decided to call a Special general meeting of the Bar Association of Sri Lanka on the 11th October 2008 at 4.00 p.m. at Bar Association of Sri Lanka auditorium and accordingly instructed the Secretary to convene the meeting consequent to which today's proceedings are being held.

And whereas the President of the Bar Association of Sri Lanka thereafter took steps to make representations to the Inspector General of Police, Secretary, Ministry of Defence, His Lordship the Chief Justice and His Excellency the President with the view to requesting authorities to immediately commence investigation into the incident in order to bring the perpetrators to justice.

And whereas the President of the Bar Association of Sri Lanka having forthwith contacted His Excellency the President was able to secure a meeting with the President on 3rd October 2008 with the presence of the Inspector General of Police, Secretary to the Ministry of Defence, Secretary to the Ministry of Justice and D.S.G. on behalf of the Hon. Attorney-General.

The Bar association of Sri Lanka delegation to the said meeting was lead by the President and comprised the Deputy President, the Secretary,

Treasurer, Assistant Secretary and Mr. R.K.W. Goonesekere, Attorney-at-Law.

And whereas during the said meeting the President and Mr. R.K. W. Goonesekere brought the grave concern of the Bar Association of Sri Lanka regarding the aforesaid incident to the notice of the authorities and Mr. Goonesekere emphasized and stressed the need to preserve and protect the rule of law and necessity to take steps to prevent a recurrence of such events in future.

And whereas His Excellency the President having given a patient hearing to the representation made by the Bar Association of Sri Lanka directed the Inspector General of the Police and the Secretary to the Ministry of Defence to investigate the incident with priority and to bring the perpetrators to justice.

And whereas in the circumstance, the Bar Association of Sri Lanka, as representing the Legal Profession of Sri Lanka, and having sworn and being duty bound to uphold the Constitution of the Democratic Socialist Republic of Sri Lanka, hereby resolves that its position on the incident, circumstances and the likely consequences arising there from is as follows:

The incident represents a threat to the fundamental right/duty of all Attorneys-at-Law to practice. Every Attorney-at-Law has a right and a positive duty to represent and

advise persons seeking their professional assistance, regardless of who they are what they have done or any such consideration. There is a positive obligation in the Supreme Court Rule 5 that requires Attorney-at-Law to represent the interests of those seeking their assistance. Accordingly, if this incident is not dealt with firmly, effectively and strongly, the rights and the value of an Attorney-at-Law would be seriously eroded.

In this context, it should be noted that it is the right and a tradition that Attorney-at-Law, being versed with the jurisprudence of rights and obligations and trained on how to promote same for the betterment of society, have been involved in organizations permitted by the law of the land, endeavours and efforts to secure honesty, integrity and the rule of law that can exist, only with proper standards of transparency, accountability and compliance with laws. This right is only subject to the need to comply with the laws of the land.

The Bar Association of Sri Lanka cannot and will not tolerate this threat to the Legal Profession.

Furthermore, in the circumstances, the Bar Association of Sri Lanka hereby:

- A.) Unequivocally condemns the incident as an attack on/threat to the Legal Profession and its Members;
- B.) Demand that the matter be expeditiously, fully, honestly and impartially investigated;

- C.) Calls upon H.E. the President of Sri Lanka, Government, Opposition, Inspector General of Police and all other and authorities of the State to take meaningful and effective steps to have the perpetrators brought to justice and to prevent any future recurrence of attempted intimidation against any Member of the Legal Profession;
- D.) Resolves that the President of the Bar Association of Sri Lanka shall forthwith call upon the Inspector General of Police to intimate in writing what steps have been taken to have this matter investigated expeditiously;
- E.) Informs all persons, that the Bar of Sri Lanka will not tolerate or countenance threatening actions/conduct at any time or in any way, against any Member of the Bar.

The Bar Association of Sri Lanka will not hesitate to take appropriate action or measures in respect of such unlawful conduct.

<p>W. Dayaratne Proposed by President of Bar Association</p>	<p>Mohan Peiris, PC Seconded by Deputy President of Bar Association</p>
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The Asian Human Rights Commission welcomes this move by the Bar Association of Sri Lanka to defend the rights of the lawyers at a time when these rights are being severely challenged. As the Bar Association has agreed, a committee of senior lawyers to be a permanent body to deal with threats

to lawyers needs to be appointed urgently. On the other hand as there has been no progress in the investigations into the incident of the grenade attack the Bar Association must demand an inquiry by an independent and competent Special Investigation Unit and make sure that the report is received within seven days as agreed upon at this general meeting of the Bar Association. For details about the grenade attack please see:

<http://www.ahrchk.net/statements/mainfile.php/2008/statements/1708/>,

<http://www.ahrchk.net/statements/mainfile.php/2008/statements/1711/>

A grenade attack on the house
of a senior lawyer involved in cases
relating to anti-corruption and
human rights abuses

(Hong Kong, September 28, 2008)

AHRC-PRL-030-2008

Last night at 11:40 pm in Colombo, Sri Lanka a grenade was thrown inside the house of the leading lawyer J.C. Weliamuna, who is the Executive Director of Transparency International in Sri Lanka, and a well-known human rights lawyer. Severe damage was caused to a part of the upper floor of the house, and the sound of the explosion was heard several miles away. After calling the police and examining the premises another unexploded grenade was found.



Figure 1: Destruction from grenade attack



Figure 2: Police inspect damage

Mr. Weliamuna said that he has all his life had no personal enemies and therefore this attack has to be connected to his work.

Mr. Weliamuna has appeared in many sensitive cases relating to corruption and abuses of human rights. Several cases are pending in which some powerful politicians are the defendants. Last week Transparency International published a report, in which Sri Lanka was listed as 92 on the corruption list.

Mr. Weliamuna has constantly appeared in many well known human rights cases on behalf of victims of torture, extra-judicial killings and disappearances. Last Friday the Supreme Court issued special orders for investigation of a case that Mr. Weliamuna appeared in which a young man from Kandana complained of attempted assassination by some police officers.

Yesterday morning Mr. Weliamuna moved a motion at the Bar Association of Sri Lanka regarding a lawyer who has received death threats due to appearance in an extra-judicial killing case where the victim had been the complainant in two cases regarding police officers, for bribery and torture. The Bar Association unanimously resolved to pursue the complaint of the lawyer and condemned the interference into the work of lawyers and resolved to pursue the matter with the Inspector General of Police and other authorities.

"This attack is chilling but not surprising. Threats and attacks are targeted at everyone who tries to highlight the abuses of politicians and state officers," said Basil Fernando, the director of the Asian Human Rights Commission. "Now senior lawyers themselves are being targeted for nothing other than being engaged in their professional duties to their clients."

Fernando further said, "even at the worst times in the late 1980s no senior lawyer was targeted. What is taking place is a most comprehensive form of repression with the view to silence everyone who is making any attempt to seek protection of law. This is one of the most terrible times in the country."

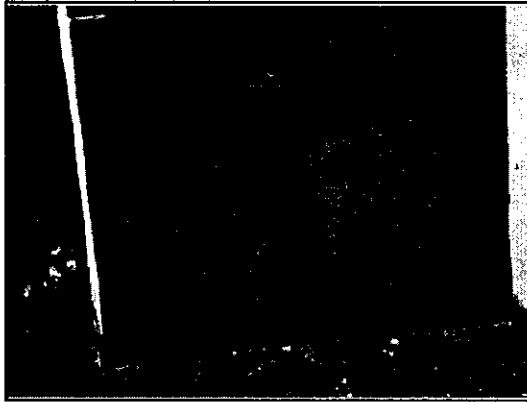


Figure 3: Explosion against walls of house



Figure 4: Shock following the attack

The Asian Human Rights Commission calls on the Sri Lankan government to thoroughly investigate this matter with a Special Investigation Unit (SIU) of the Criminal Investigation Division (CID). There is all the likelihood of the investigation being mishandled unless special attempt is made for inquiries to be conducted by a competent and independent SIU.

It is also the duty of all the lawyers and the Bar Association of Sri Lanka to come strongly in support of one of its members who has taken a very keen interest in the rights of others.

The Supreme Court and the judiciary also need to take up the issue of the protection of the lawyers.

AHRC also calls upon the lawyers outside Sri Lanka to intervene with the Sri Lankan government to condemn this attack and also to ensure an independent inquiry by a competent body.

The UN agencies and the international anti-corruption and human rights organisations should intervene for the defence of one of the best known human rights defenders in Sri Lanka.

Against all odds, in the name of justice!

One man's fearless campaign to eradicate corruption

***F**undamental Rights cases are against the state. Some of the cases involve very high officers. They are necessary parties to the cases. For example, police, army, ministers and very high public officers have to be named as respondents. The Constitution of the country grants powers for citizens to make them respondents, whenever they violate the Fundamental Rights of citizens. It is that right of the citizens that we, as lawyers, exercise on behalf of our clients. The Constitution of the country is the basic law which citizens and all authorities have to follow.*



By Stanley Samarasinghe

Senior Attorney-at-Law, Human Rights and Anti-Corruption Activist J. C. Weliamuna after the grenade attack on his residence on September 27, has now shifted residence for security reasons.

After more than one week following the incident, the police has failed to arrest the suspects. When the incident occurred, Weliamuna with his wife and two kids, were inside the house. One grenade had exploded on the balcony of the residence while another was recovered from compound of the house. In an interview with The Nation, Weliamuna said that the attack was not aimed at him but against democracy and Independence of the Judiciary.

Following are excerpts:

Q: How many years have you practiced as a lawyer?

A: 20 years

Q: Most of your clients are people who are seeking redress from very powerful persons in society. Can you give reasons for it?

A: Fundamental Rights cases are against the state. Some of the cases involve very high officers. They are necessary parties to the cases. For example, police, army, ministers and very high public officers have to be named as respondents.

The Constitution of the country grants powers for citizens to make them respondents, whenever they violate the Fundamental Rights of citizens.

It is that right of the citizens that we, as lawyers, exercise on behalf of our clients. The Constitution of the country is the basic law which citizens and all authorities have to follow.

Q: Despite your professional work, you are a well known Human Rights activist and devote your time on anti-corruption activities of public institutions, when you are involved in such activities. Could you say whether you have annoyed persons who are involved in corruption?

A: That may be, because as much as we like to eliminate corruption and violation of Fundamental Rights of citizens; there may be corruption networks operating against our activities and that can come from powerful persons. I only appear for clients who come to us for redress.

So far, there have been no physical threats on me. I am not going against them individually, but on systemic issues.

Q: You have formed an organisation to fight against corruption and conduct seminars and workshops to educate the public to oppose corruption and taught them to ignore corrupt persons in the society. Have your activities shown good results?

A: It takes time to eliminate corruption. Our society is accustomed to tolerating it and I think we were able to bring that to the main stream. We cannot fight corruption without cooperation of the

people from every sector of society. What we are doing is to make people aware of the subject and how it affects the economic development of the country.

If we can minimise corruption in our society, then it is possible to solve the problems which people of the country suffer from. This concept is accepted internationally. Even the United Nations Organisation gives priority to eliminate corruption. UNO, as an international body, puts in all efforts to assist all countries to overcome corruption. Citizens should realise that by eliminating corruption, their living conditions can be improved.

Q: Do you think that the grenade attack on your residence is a warning to prevent you from your activities?

A: I think that, as a lawyer, I appear more on extremely sensitive cases and I am entitled to appear for those aggrieved persons. I cannot refuse to appear for persons who come to me seeking redress. It is a lawyer's duty to assist the court to render justice; but it is strange that the state media, both print and electronic, are very silent on the issue.

Q: The law enforcement forces in the country have so far failed to arrest the persons who committed the crime. Please comment.

A: When there is no clue, it might naturally take a long time. Police investigations have to be conducted impartially and efficiently, then police can arrest the culprits and bring them before the judiciary to be dealt with according to the law.

Q: Do you have enemies who are seeking to take revenge from you?

A: I have no enemies at all. Everybody seeks help from me. I like to help them. For the past 20 years. No one has hated me. Many people like to support my activities.

Q: How many cases have you appeared in, for your clients?

A: I may have appeared in thousands of cases. Most of them have been against very powerful persons on very controversial and sensitive issues.

Q: You assist the court to do justice to aggrieved parties and the court of law punishes the culprit. In such a situation, can you explain why they choose to harm you?

A: Administration of justice depends on the judges, lawyers of prosecution and lawyers of respondents. Judges are able to dispense justice without fear or favour.

Q: Do you think this attack is a personal one by which you were singled out?

A: No, it is aimed at democracy and independence of the judiciary. Our lawyers have to realise that and they have organised a silent walk to protest against this attack on October 07. The Bar Association of Sri Lanka convenes a special general meeting of the members of the association to discuss the situation arising from the attack made at my residence. It will take appropriate steps to safeguard the rights of the members of the legal profession so that they can practice law.

The Bar Association has called upon all members to attend the meeting scheduled to be held on October 11, at 4 p.m. at the auditorium of the Bar Association.

This type of special meeting was summoned 19 years ago, when Liyanaarachchi, Attorney-at-Law was killed at a police station.

International Commission of Jurists

AHRC-FPR-015-2008

A Press Release from the International Commission of Jurists forwarded by the Asian Human Rights Commission (AHRC)

29 September 2008 IMMEDIATE

SRI LANKA: Attack against human rights lawyer threatens rule of law and independence of the bar

The International Commission of Jurists (ICJ) strongly condemns the grenade attack on 27 September against prominent Sri Lankan human rights lawyer, J.C Weliamuna, and calls on the Government of Sri Lanka to launch a prompt, independent, impartial and transparent investigation.

At around 11.30 pm on the 27 September a grenade exploded on Mr. Weliamuna's balcony at his residence in Kohuwela, Colombo. The explosion shattered the windows of the house, but fortunately did not cause physical injury to Mr. Weliamuna, his wife or his two young children. A grenade pin was found outside the house, along with a second

unexploded device that was defused by the police in the early hours of Sunday morning.

Mr. Weliamuna serves as Executive Director of Transparency International Sri Lanka, an NGO that highlights bribery and corruption and documents the misuse of public property by the state. He is also legal counsel in a number of sensitive fundamental rights cases, some of which involve allegations of torture, extra judicial killings and disappearances.

Earlier on the 27th, Mr Weliamuna had moved a resolution at a meeting of the Bar Council of the Bar Association of Sri Lanka in a case that involved death threats received by a lawyer appearing in a fundamental rights case against the police. About ten days ago, unidentified assailants killed one of his clients who had initiated a case of bribery against the police and a fundamental rights case.

Mr. Weliamuna is also active in a broad coalition of activists and professionals calling for the re-establishment of the Constitutional Council, a multi-partisan constitutional body that makes recommendations for appointment to the country's independent institutions and higher judiciary, including the Human Rights Commission, the Police Commission and Elections Commission. The Constitutional Council has been defunct for about two years and the President has refused to make new appointments as required by the Constitution.

"This attack against a senior and well-respected human rights lawyer must be seen in the context of rising human rights violations in Sri Lanka and increasing attacks on free-

dom of expression and the right to dissent" said Roger Normand, ICJ's Asia-Pacific Director. "The growing climate of fear and intimidation in Sri Lanka constitutes a threat not only to individual human rights defenders, but to the country's democratic institutions and traditions."

Mr. Weliamuna has called for an effective investigation into the incident. He told the ICJ, "It is important to have a transparent and open investigation. This is more important than my personal security. This is the beginning of series of threats against the justice system in Sri Lanka. Unless this is stopped right now we will soon see attacks on prosecutors followed by attacks on judges. It is vital to investigate this impartially and independently, identify the perpetrators and bring them to justice if further attacks are to be prevented. It is important that the Bar takes a strong stand on the issue."

Article 14 of the Constitution of Sri Lanka guarantees the rights of free expression and the right to practice one's profession. Similar guarantees are found in the international human rights covenants to which Sri Lanka is a party and which the Government has publicly vowed to protect and promote.

The ICJ calls upon the Government of Sri Lanka to uphold the rule of law and protect the independence and security of the legal profession by initiating a prompt impartial and transparent investigation into the attack, in order to bring the perpetrators to justice. The independence of the judiciary and the legal profession have long been cornerstones of Sri Lanka's constitutional government. The state

must do its utmost to protect and promote these fundamental values.

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Sri Lankan Women's Organisations and Networks

AHRC-FPR-017-2008

A Press Releases from several Women's Organisations and Networks and the Organisation of Professional Associations of Sri Lanka forwarded by the Asian Human Rights Commission (AHRC)

SRI LANKA: Breakdown of Law and Order - the Grenade attack on the house of senior lawyer Mr. J.C. Weliamuna

The Asian Human Rights Commission is forwarding two releases by Sri Lankan organisations on the matter of the grenade attack on the residence of senior lawyer, Mr. J.C. Weliamuna

Sri Lanka: Breakdown of Law and Order

Media Release by Women's Organisations and Networks. A number of concerned women's groups and networks join other organisations and individuals who have condemned the recent grenade attack on the residence of Mr. J.C

Weliamuna the well known and respected human rights lawyer.

Women's organisations have in the past, drawn the attention of the Minister of Women's Empowerment and Child Development and the National Committee on Women to acts of violence against women and children committed with impunity by armed persons in various parts of the country, including the North and East. We have in particular highlighted the failure to monitor and implement the Presidential Guidelines that seek to prevent abuse of authority.

The grenade attack on the Weliamuna residence took place at night, traumatizing his two infant children. The attack followed Mr. Weliamuna's professional involvement in two cases on police torture and bribery, and the gunning down of his client in the presence of the client's 11 year old child. Despite the public outcry on the attack against Mr. Weliamuna, unidentified persons later attempted to force their way into his office, and escaped on a motor bicycle.

In the last few days the press has also reported an assault by army personnel on a doctor at the Ragama Hospital who made a police complaint regarding a drug crime. A woman doctor who had also filed a case of criminal intimidation was gunned down by the accused, a soldier alleged to be from the Embilipitya army camp. These incidents are all symptomatic of a dangerous breakdown of law and order, and the incapacity of the government and law enforcement authorities to protect men, women and children in all parts of the country from criminal acts of violence, perpetrated through a perceived sense of power and impunity.

It is time for the President and the Ministers specifically entrusted with law enforcement and the protection of human rights to inform the public of the specific measures that they have taken as well as put in place. It is their responsibility to ensure that there is no impunity for criminal acts committed by members of the police and armed forces, and gunmen who move around easily with their weapons. Mere condemnation of these acts and promises of investigation are no longer acceptable. It is in times of conflict and military offensives that specific measures are vital to prevent impunity, enforce discipline and ensure public confidence in the rule of law. Everyone in the police and the army must be held accountable for protecting the life, liberty and property of civilians, men, women and children in the community.

Breakdown of Law and Order Endorsing Organisations

1. Centre for Women's Research (CENWOR)
2. Muslim Women's Research and Action Forum (MWRAF)
3. Women's Education and Research Centre (WERC)
4. Academy of Adult Education for Women
5. Women and Media Collective (WMC)
6. Women in Need (WIN)
7. Agromart
8. Kantha Handa/Voice of Women

9. Kantha Shakthi
10. Women's Centre, Ja-Ela
11. Siyath
12. Wilpotha Kantha Ithurum Parishramaya
13. Sri Lanka Muslim Women's Conference (SLMWC)
14. Sri Lanka Women's NGO Forum
15. Action Network for Migrant Workers (ACTFORM)
16. Suriya Women's Development Centre (SWDC)
17. Women's Development Centre, Kandy
18. Uva Wellassa Farmer Women's Organization
19. Mothers and Daughters of Lanka (MDL)
20. Community Encouragement Foundation, Puttlum
21. Women's Resource Centre, Kurunegala
22. Women's Support Group
23. Women's Development Centre, Kurunegala
24. Dabindu Collective, Katunayake
25. Women's Development Centre, Badulla
26. Association of War Affected Women
27. Devasarana Independent Women's Action Committee,
Kurunegala
28. Binthenna Women's Front
29. Community Education Centre, Malabe
30. Sunile Women's Centre, Welikanda

Organisation of Professional Associations of Sri Lanka

The Organisation of Professional Associations of Sri Lanka wishes to express its strong condemnation of the grenade attack on the residence of Mr J C Weliamuna, Attorney at Law Member of Bar Association of Sri Lanka which is a constituent member of the OPA.

Mr Weliamuna has been in the forefront in the campaign against bribery and corruption. He has also been a strong advocate for the implementation of the 17th Amendment to the Constitution, an important piece of good governance legislation enacted in recent times in which the OPA played a major role in the drafting.

The OPA considers this attack as an attempt to harm and intimidate a fellow professional, a lawyer and through such attacks to send a broader message to those who represent the cause of good governance, accountability and integrity in public life. It also represents a clear challenge to the independence and integrity of the legal profession, and contempt for the rule of law.

As the Apex body of Professionals the OPA wishes to express solidarity with the Association of Sri Lanka and wishes to call upon the Inspector General of Police to take immediate action to ensure that the culprits are brought to book.

Amnesty International Urgent Appeal

AHRC-FUA-010-2008

4 October 2008

The Asian Human Rights Commission (AHRC) is forwarding an appeal received from Amnesty International regarding a grenade attack on a human rights lawyer who is the director of Transparency International Sri Lanka in Colombo.

SRI LANKA: Fear for safety: J.C. Weliamuna, human rights lawyer and His Family

Amnesty International Action Appeal:

Human rights lawyer J.C Weliamuna and his family survived a grenade attack on their home in the capital, Colombo, on 27 September. He has since gone into hiding, as he remains at risk of further attack.

The grenade attack came at 11.40pm as J. C. Weliamuna, his wife and two sons, aged four months and

two years, were asleep. The grenade exploded on the balcony of their bedroom though luckily they were not harmed. However, the explosion caused extensive damage to their home. Police found a second, unexploded grenade in the compound of the house and which they managed to defuse.

[TI Sri Lanka Gallery: Mr.J.C.Weliamuna, Executive Director of Transparency International Sri Lanka, lighting the traditional oil lamp at the opening of an event-file pic]

J.C. Weliamuna is the head of the Sri Lankan branch of Transparency International, an international NGO which campaigns against government corruption. On 23 September, the NGO published a report naming Sri Lanka as 92nd out of the list of 184 corrupt governments around the world. He also represents a number of citizens, who claim that state officials have violated their "fundamental human rights" under the Sri Lankan Constitution.

In September, J.C. Weliamuna had been the legal representative in a case involving serious police malpractice which was heard by the Supreme Court. As a result, the court ordered an investigation into police intimidation and the filing of false charges against his client. At 1.30 pm on 30 September, a man forced his way into J. C. Weliamuna's offices. He gave the name of an unknown person he claimed to be looking for. However, staff in the office believe he was really looking for J. C. Weliamuna.

BACKGROUND INFORMATION

During 2008, at least 5 human rights defenders have reported receiving death threats, often in the form of threatening phone calls. The threats have been intended to stop them from speaking out on human rights issues. Attacks on journalists have included stabbings, abductions and ill-treatment as well as targeted killings. The Sri Lankan authorities have failed to prosecute any perpetrators for attacks on Human Rights Defenders in 2008. The latest attack on a prominent human rights lawyer sends a chilling message to anyone prepared to stand up and expose human rights violations.

RECOMMENDED ACTION:

Please send appeals to arrive as quickly as possible:

- urging the Sri-Lankan authorities to protect J.C. Weliamuna and his family, who survived a grenade attack on 27 September 2008, using all measures deemed appropriate by J.C. Weliamuna himself;
- calling on the authorities to order a full and impartial investigation by a competent authority into the attack, publish the results and bring those responsible to justice,
- asking them to ensure that human rights defenders are able to continue their legitimate work without fear of harassment or intimidation.

APPEALS TO:

<p>His Excellency the President Mahinda Rajapaksa Presidential Secretariat Colombo 1 SRI LANKA</p> <p>Fax: 011 94 11 2446657 Salutation: Your Excellency</p>	<p>Hon. Sarath N. Silva Chief Justice Supreme Court of Sri Lanka Superior Courts Complex Colombo 12 SRI LANKA</p> <p>Fax: 011 94 11 2435446 Salutation: Dear Chief Justice</p>
<p>Gotabhaya Rajapaksa Ministry of Defense Ministry of Defense, Public Security, Law and Order 15/5, Baudhaloka Mawatha, Colombo 03, SRI LANKA</p> <p>Fax: 011 94 11 254 1529 Salutation: Dear Minister</p>	<p>Jayantha Wickramaratne Inspector General of Police Sri Lanka Police Headquarters 101/1 Kew Road Colombo 2 SRI LANKA</p> <p>Fax: 011 94 11 244 6174 Salutation: Dear Inspector General</p>

COPIES TO:

Ambassador JALIYA WICKRAMASURIYA
Embassy of the Democratic Socialist Republic
of Sri Lanka
2148 Wyoming Ave. NW
Washington DC 20008
Fax: 1 202 232 7181
Email: slembassy@slembassyusa.org

Dutch Lawyers for Lawyers Foundation Urgent Appeal

AHRC-FUA-011-2008 / 8 October 2008

Dear friends,

The Asian Human Rights Commission (AHRC) wishes to forward the appeal sent to the President of Sri Lanka and the president of the Bar Association by Dutch Lawyers for Lawyers Foundation based in the Netherlands on 7 October 2008. This appeal is in regard to the recent grenade attack against Mr. J.C. Weliamuna, executive director of the Sri Lankan branch of Transparency International, on 27 September 2008.

For further details of the case, please refer to AHRC-UAC-218-2008, AHRC-FUA-010-2008, AHRC-STM-254-2008, AHRC-OLT-023-2008 and AHRC-STM-252-2008.

For further queries, please feel free to contact the office of Lawyers for Lawyers Foundation below.

Thank you.

Urgent Appeals Desk
Asian Human Rights Commission (AHRC)

Dear President,

Re: mr. J.C. Weliamuna

The Dutch Lawyers for Lawyers Foundation (*'Stichting Advocaten voor Advocaten'*) would like to express its grave concern about the recent attack against human rights lawyers J.C. Weliamuna.

Lawyers for Lawyers seeks to promote, throughout the world, the freedom and independence of lawyers while exercising their profession in or out of court and - in this context - to promote the principles of fair trial.

On the 27th September the house of mr. J.C. Weliamuna, a senior lawyer, came under attack when two grenades were thrown at it. One grenade exploded while the other was later discovered inside the house by the police. Mr. Weliamuna, and lawyers who are aware of the incident, believe that the attack is a result of the cases in which he has been appearing, most of which involve the government and agencies of the state.

Mr J.C. Weliamuna is the executive director of the Sri Lankan branch of Transparency International. He is also one of the best known anti-graft lawyers in the country who had been pursuing many sensitive cases. He also has a long track record of making legal representation in cases involving human rights abuses such as torture, extrajudicial killings and forced disappearances.

The intimidation and harassment that mr. Weliamuna endured is contrary to international principles adopted by the United Nations and applicable to Sri Lanka.

The Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders in 1990, provide for a number of rights and responsibilities for lawyers based on the international agreement that in the interest of fairness and equality, all individuals, including those accused or convicted of criminal activity, are entitled to unfettered legal representation.

In particular paragraphs 16 and 17 of the United Nations Basic Principles on the Role of Lawyers, states that the government is obligated "*to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference*".

Further: "*Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities*".

According to Article 11 of the 1998 U.N. Declaration on Human Rights Defenders "*everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession*". These principles are universally applicable. Therefore, your government is under an obligation to duly protect and support its lawyers and human rights defenders.

In view of the above, Lawyers for Lawyers:

- call for the Attorney General to order an immediate, thorough and impartial investigation into this incident, with the results made public, and for those responsible to be brought to justice;

- urge the President and the Minister of the Interior of Sri Lanka to ensure that immediate measures are taken to guarantee the safety of mr J.C. Weliamuna and other lawyers working to protect human rights, in strict accordance with their wishes;
- reminding the authorities that human rights defenders have a right to carry out their activities without any restrictions or fear of reprisals, as set out in the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Thank you for your attention to this very important matter. Lawyers for Lawyers in confident of your good will and sense of justice and we will continue to monitor this case closely.

On behalf of the President of Lawyers for Laywers,
Phon van den Biesen,

Sincerely,

(Singed)

Adrie van de Streek

Executive Director

Dutch Lawyers for Lawyers Foundation

P.O. Box 7113, 1007 JC Amsterdam, The Netherlands

Tel: +31207171638

Fax: +31207171327

E-mail: info@lawyersforlawyers.nl

Bar Association of Sri Lanka
should act now
Statement by the AHRC

AHRC-STM-252-2008

September 29, 2008

A *Statement by the Asian Human Rights
Commission*

*SRI LANKA: Grenade attack at the house of a
senior lawyer: the Bar Association of Sri Lanka
should now act to protect the professional dignity
and the independence of lawyers*



Figure 1: Lawyers marching

All eyes have now turned to the Bar Association of Sri Lanka as to how effective their actions will be in the aftermath of a grenade attack on the house of a senior lawyer, Mr. J.C. Weliamuna, on night of Saturday, 27th September.

The Asian Human Rights Commission was able to talk to many lawyers in Sri Lanka who are eager to see a courageous plan of action from the Bar Association to counteract what almost everyone feels to be a terrible situation that is emerging in the country to intimidate lawyers from practicing their profession without fear. The lawyers we spoke to about the attack on Mr. Weliamuna's house, see it not as an isolated incident, but as part of a very comprehensive scheme within which the fight for the rule of law and justice is brought under severe attack.

The lawyers speak about a general state of intimidation that has been developing in recent years. At the local level in all areas of the country, the police have emerged as a draconian power, capable of inflicting serious harm on anybody who might come into conflict with them on matters of justice. Making of complaints, pursuing such complaints in courts, honest representation of clients exposing what they have faced at the hands of the police or powerful persons, have all become dangerous activities which may bring serious harm to the lawyers themselves. It is in this light that they see the grenade attack on Mr. Weliamuna who has had a reputation for a long time now for appearing in sensitive cases on issues such as corruption and grave human rights abuses. The killing of complainants of torture such as Gerard Perera and Sugath Nishanta Fernando are just two glaring

examples of a very common experience of witness intimidation.

The duty of the Bar Association is to protect the lawyers so that they can engage in their profession and maintain the highest standards of integrity. The rule of law cannot be sustained if the Bar Association fails to protect all its members.



Figure 2: Protests against grenade attack

While condemnation of the grenade attack by way of a resolution is to be appreciated, no one would consider this as an adequate response to the type of threat faced by the whole profession besides the actual victim of this attack. The Bar Association should demonstrate its strength as a professional body of lawyers to get across the message that it is capable of successfully retaliating to such attacks.

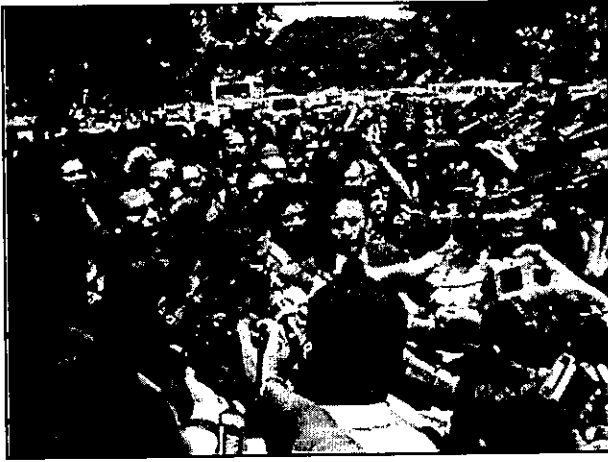


Figure 3: Speaking out against intimidation

The bar associations of Pakistan, Nepal, Bangladesh and India in recent times have demonstrated their will and capacity to fight against threats to their profession by way of strikes and legal actions initiated for their defense. The threat faced by the legal profession in Sri Lanka is such that they should also resort to such actions and thereby demonstrate to the members that they do not have cow down to such acts of intimidation.

The Bar Association should demand from the executive guarantees of protection and develop a permanent mechanism within which the association can deal with the executive arm of the government in the event of threats to lawyers and also to develop more permanent ways to protect the profession.

The Bar Association should also go before the Supreme Court as a body representing lawyers against the violations

of the fundamental rights of one of its members to practice his profession in a peaceful environment. The association can seek the intervention of the Supreme Court to lay down a number of guidelines for action by the state to protect the lawyers.

The threats that the lawyers faced in the late 80s when several of them were killed is still in the memory of the lawyers as well as the nation. It cannot be said that the Bar Association then did enough to safeguard these lawyers or to pursue justice on their behalf. This grenade attack on the house of a lawyer will remain in the memory of the lawyers as well as the country. What the Bar Association does at this moment will also be reviewed by lawyers in the years to come. The AHRC hopes that the Bar Association will not succumb to pressure but carry out its obligation towards its members at this important moment.

Open Letter to the President of the Bar Association of Sri Lanka

29th September 2008

Mr. W. Dayaratne,
President, Bar Association of Sri Lanka
Hulftsdorp
Colombo 12

Dear Mr Dayaratne,

GRENAD ATTACKS AND THREATS AGAINST LAWYERS FOR ATTENDING TO THEIR PROFESSIONAL RESPONSIBILITIES

As concerned lawyers, activists, human rights organizations and professionals, we view with great alarm, the grenade attack on the residence of human rights lawyer and Executive Director of the Sri Lanka chapter of Transparency International, JC Weliamuna at 11.40 pm on Saturday, 27th September 2008.

The pattern of threatening lawyers for attending to their professional responsibilities has heightened in recent times

and has been characterized by inaction on the part of the authorities in bringing to brook, those responsible. In the result, this has had severely negative consequences on the ability of lawyers to appear in good conscience for their clients in an environment where the prevalence of human rights violations is extremely high.

As you are aware, Mr Weliamuna has been appearing in highly sensitive cases involving corruption and human rights violations and there is little doubt that this attack is an attempt to intimidate him. Moreover, the very day of the attack, he had moved a motion at the Bar Council regarding a lawyer who has received death threats due to appearance in an extra-judicial killing case where the victim had been the complainant in two cases regarding police officers, for bribery and torture. The Bar Council unanimously resolved to pursue the complaint of the lawyer and condemned the interference into the work of lawyers and resolved to pursue the matter with the Inspector General of Police and other authorities.

We consider it fortuitous that though damage was caused to physical property, no harm was caused to the life of Mr Weliamuna or the members of his family.

However, it is the bounden duty of the Bar Association of Sri Lanka, of which you are the current President, to take immediate action in this regard to protest officially in regard to this incident, including the passing of a resolution of the Bar Council condemning attempts to prevent lawyers from engaging in their professional work and engaging in at least a one day strike at the minimum.

We request the Bar Association to also call upon the Inspector General of Police to hand over investigations in this regard to a Special Investigation Unit (SIU) of the Criminal Investigation Division (CID). Further, it is opportune that the Bar bring the matter of continued intimidation of lawyers to the notice of the Judiciary in order that appropriate judicial directions be issued to the investigative authorities to effectively prevent the recurrence of such threats.

It is imperative that the Bar should closely monitor the progress of these investigations in order to ensure that justice is done speedily and effectively and that human rights lawyers are not hindered from carrying out their professional responsibilities,

We write in expectation of immediate action by the Bar Association of Sri Lanka in this regard,

Sincerely,

Organisations

1. Rule of Law Centre, Colombo
2. Rights Now Collective for Democracy
3. Right to Life, Katunayake
4. Mothers and Daughters of Lanka
5. Law & Society Trust
6. Janasansadaya, Panadura
7. International Friends for Global Peace

8. Institute of Human Rights
9. INFORM Human Rights Documentation Centre
10. IMADR Asia Committee
11. Home for the Victims of Torture, Kandy
12. Home for Human Rights
13. Families of the Disappeared, Katunayake
14. EQUALGROUND Sri Lanka
15. Conference of the Major Religious Superiors,
Sri Lanka
16. Centre for Peace Building and Reconciliation
17. Commission for Justice and Peace of the National
Christian Council
18. Association of Family Members of the Disappeared
19. Asian Human Rights Commission, Hong Kong
20. Asian Forum for Human Rights and Development
(FORUM-ASIA)

Individuals:

21. Rev. Sr. Christine Fernando
22. Rev. Fr. S. Maria Anthony, S.J. Provincial of the
Society of Jesus
23. Rev. Fr. Sarath Iddamalgoda, Catholic Priest
24. Sanjana Hattotuwa, Editor, Groundviews

25. Ruki Fernando
26. Dr. Nimalka Fernando, Attorney at Law
27. Dr Mario Gomez, *Member, Law Commission of Sri Lanka*
28. Prof. Kumar David, Democratic Left Front
29. Kishali Pinto Jayawardena, Attorney at Law
30. Silan Kadirgamar - Formerly Senior Lecturer, University of Jaffna
31. Prof. Jayanatha Seniviratne, University of Kelaniya
32. Dishani Jayaweera, Attorney at Law
33. Chulani Kodikara
34. Mr. B. Skanthakumar
35. Ms. Anberiya Hanif

Open Letter to Lawyers and Bar Associations

AHRC-OLT-023-2008

*An Open Letter to lawyers and Bar Associations
throughout the world*

September 30, 2008

*SRI LANKA: An Open Letter to Lawyers and
Bar Associations throughout the world*

**Intervene to defend the lawyers of Sri Lanka against
attacks, threats and intimidation**

The Asian Human Rights Commission (AHRC) based in Hong Kong wishes to bring to your attention the serious threat to lawyers in Sri Lanka by way of attacks, death threats and other forms of intimidation to prevent them from practicing their profession independently. On the 27th September 2008 the house of Mr. J.C. Weliamuna, a senior lawyer, came under attack when two grenades were thrown at it. One grenade exploded while the other was later discovered inside the house by the police. Mr. Weliamuna, and lawyers who are aware of the incident, believe that the attack is a

result of the cases in which he has been appearing, most of which involve the government and agencies of the state.

Mr. J.C. Weliamuna is the executive director of the Sri Lankan branch of Transparency International. He is also one of the best known anti-graft lawyers in the country who had been pursuing many sensitive cases. He also has a long track record of making legal representation in cases involving human rights abuses such as torture, extrajudicial killings and forced disappearances.

The Bar Association of Sri Lanka passed a resolution condemning the attack and has called for inquiries into the incident. The executive committee of the Bar Association is to meet the Chief Justice of Sri Lanka to discuss the need to take protective measures to safeguard lawyers. Three hundred and fifty lawyers have signed a petition calling for the Bar Association to hold a general meeting to discuss the issues relating to the protection of lawyers. This meeting has been fixed for the 11th October, 2008.

The lawyer's petition states:

"We consider this incident not purely as an attack on an individual but against our profession as a whole, a motivated, concerted and calculated attempt aimed at curtailing, suppressing and hindering their freedom of engaging in the practice of their profession and performing their Constitutional duty towards the citizenry who have cast such responsibilities upon them"

The European Union and the Embassy of the United States in Sri Lanka have issued statements condemning the

attack and calling for prosecution of the perpetrators. In its statement the European Union urged the government to bring the perpetrators to justice. *"The EU notes with concern the trend in attacks and threats to journalists, civil society organisations and now a lawyer."*

The defence of lawyers facing such threats needs to be the concern of lawyers throughout the world and for the bar associations representing them. We therefore urge you to take this matter up at your Bar Association and write to the Sri Lankan government and the President of the Bar Association of Sri Lanka to take credible action to provide protection to lawyers who are facing or could face such attacks and threats and also to take necessary steps to defend the dignity and the independence of the legal profession.

The postal and email contact details for the Bar Association of Sri Lanka government of Sri Lanka are as follows:

Mr. W. Dayaratne, President, Bar Association of Sri Lanka
Hulftsdorp Colombo 12 Sri Lanka
Email: wdaya@slt.lk
His Excellency the Hon. Mr Mahinda Rajapakse
President Socialist Democratic Republic of Sri Lanka
C/- Office of the President
Temple Trees, 150, Galle Road Colombo 3
SRI LANKA
Fax: +94 11 2472100 / +94 11 2446657
Email: secretary@presidentsoffice.lk

Thank you

Yours sincerely,

John J. Clancey
Chairman
Asian Human Rights
Commission

Basil Fernando
Executive Director
Asian Human Rights
Commission

Threats and attacks on J.C. Weliamuna continue Statement

AHRC-STM-254-2008

October 1, 2008

A Statement by the Asian Human Rights Commission

SRI LANKA: Threats to the senior lawyer and human rights activist JC Weliamuna continue

Yesterday (September 30, 2008) at 1:30 pm an unknown person tried to enter the premises of Transparency International (TI) Sri Lanka at the address 28/1 Bullers Lane, Colombo. The TI officers obstructed him and closed the gates, preventing the person from entering the premises. Then, a person on a motorcycle arrived and whisked away this person from the premises. At this time Mr. Weliamuna was not in the office. Following this incident, on the advice received for his security, Mr. Weliamuna has vacated his residence and is being forced to take alternative shelter. Complaints have been made to the police about this incident.

The office of TI at Bullers Lane is situated in a zone of high security in Sri Lanka. Many embassies are located in the vicinity. Some high state officers who are provided with

heavy security also reside in the area. There are traffic barriers in close vicinity. Despite of all this, this person was able to arrive at the TI office and to be whisked away by a motorcycle rider.

On the 27th of September, at 11:40 pm there was a grenade attack on his house at Kohuwela. Mr. Weliamuna and his family live in this house and his personal office premises are also in the same house. Despite of investigations being launched on this incident, no one has yet been arrested or taken to questioning.

The Bar Association of Sri Lanka condemned the attack and called on the Inspector General of Police to conduct inquiries and provide protection to Mr. Weliamuna. The Bar Association also resolved to meet the authorities and the Chief Justice of the Supreme Court to discuss this issue and to urge actions in order to protect Mr. Weliamuna as well as other lawyers who may face similar threats.

Yesterday a large number of lawyers and civil society organisations gathered near the supreme court of Sri Lanka and held a demonstration condemning the grenade attack and calling for steps to defeat the climate of fear that is being spread throughout the country. Several President's Counsels, Bar Association officers including the president, and representatives from the Colombo Law Society attended this demonstration and the meeting.

350 lawyers have signed a petition calling for the Bar Association to hold a general meeting to discuss this issue and to adopt appropriate measures for the protection of lawyers. The Bar Association has fixed the general meeting for the 11th of October.

The EU and the US Embassy in Sri Lanka have issued statements calling on the Sri Lankan government to conduct inquiries into the grenade attack on the premises of Mr. Weliamuna and also expressed concern about continuous threat to journalists, civil society organisations and lawyers. Transparency International, International Commission of Jurists and the Asian Human Rights Commission have also drawn attention to the situation of increased threats to human rights activists in the country.

Meanwhile this second attempt to harm Mr. Weliamuna clearly demonstrates that there is an organised attempt to silence him and perhaps to communicate a message against all those who are vocal on human rights abuses. This second incident has taken place despite of heavy publicity received in response to the grenade attack and the promise of inquiries to be conducted by the Inspector General of Police. Under these circumstances, it is essential to keep up the vigil on this issue and to exert pressure on the Sri Lankan government to investigate the matter and bring the perpetrators to justice.

Further, under these circumstances the Bar Association of Sri Lanka need to intervene forcefully and go before the Supreme Court of Sri Lanka by way of a fundamental rights application on imminent threat to life and violations of right to practice one's profession as a lawyer, and thereby make a concerted attempt to ensure the involvement of the judiciary in the protection of the rights of lawyers to practice their profession without fear.

For earlier statement see <http://www.ahrchk.net/statements/mainfile.php/2008statements/>

Senior lawyer R.K.W. Goonersekere's disclaimer

AHRC-PRL-031-2008

*SRI LANKA: A senior lawyer, R.K.W.
Goonersekere's disclaimer that the Daily News
failed to publish*

(Hong Kong, October 7, 2008)

We reproduce below a letter written by a senior lawyer, R.K.W. Goonersekere, who was a member of the delegation of the Bar Association of Sri Lanka that met the Executive President on October 3, 2008, to discuss the grenade attack on the house of Mr. J.C. Weliamuna, a reputed lawyer who has taken a serious interest in public interest matters such as human rights protection and anti corruption. The Bar Association made representations on the attack on the dignity and integrity of the particular lawyer as well as the Bar in general. The Inspector General of Police and a few other high ranking government officers were also present at this meeting.

The Daily News published a report (given below), stating:

"Senior attorney-at-law R.K.W. Goonesekera said Police should investigate whether this could have been an attempt by certain elements to tarnish the Government's reputation in the eyes of the local and international community."

Mr. Goonersekere has categorically denied making such a statement. He wrote to the Daily News to publish his disclaimer. The Daily news failed to do so.

It has been the publicly stated position of Mr. J.C. Weliamuna that he had no personal enemies and that his work as a lawyer mostly relates to sensitive public interest matters in which senior politicians and high ranking state officers are among the respondents.

There had been several attempts by government sources to carry out a misinformation campaign about the possible culprits behind the grenade attack. These government spokesmen have tried to create the impression that the attack relates to a private matter or may even be self inflicted.

Meanwhile, despite of the president's direction to the Inspector General of Police to arrest the culprits no one has yet been arrested. There is the concern among lawyers and the media that no serious inquiries are being conducted into the allegations. The Sunday Leader in an article published on October 5, stated that:

".....the incident bears all the tell-tale signs of a case that is likely to be swept under the carpet soon enough."

The Asian Human Rights Commission is of the view that the grenade attack on this public interest lawyer was a highly planned attack which was meant to assassinate him. As he was living with his wife and two children who are aged 2 years and just four months, there was the likelihood of everyone suffering serious harm if both grenades had exploded as intended. The explosion of one of the grenades caused the wall of a neighbouring house to collapse while also damaging part of Mr. Weliamuna's house.

In such planned attacks it is very unlikely that the state has the will to ensure an investigation. The Sri Lankan police have the reputation to only act when directed by the government and to remain passive when political interests' conflict with the requirements of criminal justice. The misinformation campaign of the Daily News, a government mouthpiece and others is itself an indication of a planned attack and deliberate hushing up of inquiries.

The AHRC is also of the view that the Bar Association of Sri Lanka should have taken steps to publish their own disclaimer about the report published by the Daily News which misrepresented the views expressed by the members of its delegation. So far the Bar Association has failed to do so and despite of the Bar's representations no credible inquiries are being conducted by the police on the grenade attack. The Bar Association needs to consider itself as having been slighted and needs to act firmly as the premier body of Sri Lankan lawyers which has the obligation to protect its members. Whether interested elements may undermine the role of the Bar Association towards its members will be seen in what action the Bar decides to take on October 11 at its

general meeting called upon through a petition signed by hundreds of lawyers to discuss the grenade attack and the protection of lawyers.

Mr. Goonersekere's disclaimer

October 4, 2008

R.K.W. Goonersekere
LLB (Cey), BCL (Oxon),
LLD (Col)
Attorney-at-Law
304/5 Park Road
Colombo 5
Sri Lanka
Tel: 94 11 2588175
Fax: 94 11 2599696

Editor
Daily News
Lake House
Colombo 1

Dear Mr. Editor,

In your report in today's 'Daily News' (4 October 2008) of the meeting that a group of lawyers of the Bar Association had with H.E. the President on the previous day, you have wrongly attributed to me a statement that the recent attack on Mr. J.C. Weliamuna's residence was intended to discredit the President and the government locally and internationally. I did not make such a statement at the meeting.

I shall be grateful if will public my disclaimer in your newspaper.

Thanking you.

Yours truly

Signed

R.K.W. Goonersekere

**The article from the October 4,
edition of the Daily News:**

Attack on lawyer's house: Police to expedite probe

COLOMBO: President Mahinda Rajapaksa yesterday instructed Police Chief J. Wickramaratne to expedite investigations into the grenade attack on the residence of human rights lawyer J.C. Weliamuna and bring the culprits to book soon.

A delegation from the Bar Association of Sri Lanka led by its President W. Dayaratne met President Rajapaksa in this connection last evening.

Senior attorney-at-law R.K.W. Goonesekara said Police should investigate whether this could have been an attempt by certain elements to tarnish the Government's reputation in the eyes of the local and international community.

A delegation from the Government Medical Officers Association also met the President on the same occasion to discuss the recent fatal shooting of a woman doctor and the steps taken to investigate the murder. The Police Chief

pointed out that the main suspect has already been apprehended and further investigations were underway.

The President assured that all steps were being taken to address the doctors' concerns with regard to this case.



A message for the future

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නීතිඥ බැසිල් ප්‍රනාන්දු

ප්‍රකාශනය

ශ්‍රී ලංකාවේ වදහිංසාව තුරන්තිරිමේ ජනසංසදය
ආසියානු මානව හිමිකම් කොමිසම

මානව හිමිකම්
පහන

නීතිඥ බැසිල් ප්‍රනාන්දු



මානව හිමිකම් පහන

නීතිඥ බැසිල් ප්‍රනාන්දු

ප්‍රකාශනය

ශ්‍රී ලංකාවේ වදහිංසාව තුරන්තිරිමේ ජනසංසදය
ආසියානු මානව හිමිකම් කොමිසම



රටේ නීතිය මුහුණ දෙන
තත්කාලීන අභියෝගය
නීතිඥ බැසිල් ප්‍රනාන්දු

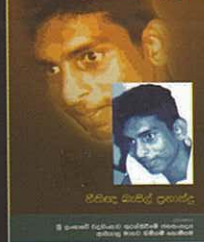
රටේ නීතිය මුහුණ දෙන තත්කාලීන අභියෝගය

නීතිඥ බැසිල් ප්‍රනාන්දු

ප්‍රකාශනය

ශ්‍රී ලංකාවේ වදහිංසාව තුරන්තිරිමේ ජනසංසදය
ආසියානු මානව හිමිකම් කොමිසම

ලලිත් රාජපක්ෂගේ
වදහිංසා හඬ



ලලිත් රාජපක්ෂගේ වදහිංසා හඬ

නීතිඥ බැසිල් ප්‍රනාන්දු

ප්‍රකාශනය

ශ්‍රී ලංකාවේ වදහිංසාව තුරන්තිරිමේ ජනසංසදය
ආසියානු මානව හිමිකම් කොමිසම

Designed by : Asoka Padmasiri