

Immediate Release of Lawyer and Prisoner of Conscience Hejaaz Hizbullah

26th August 2021 marks the 500th day of Hejaaz Hizbullah's incarceration. Mr. Hizbullah is a prominent Sri Lankan lawyer and advocate of Muslim rights.

Mr. Hizbullah was arrested by the Criminal Investigation Department (CID) on 14th April 2020. He was initially falsely accused of being involved in the Easter Sunday Attacks. A vicious and highly prejudicial disinformation campaign was launched against him in the mainstream media to create a public impression that he was guilty of terrorist activity. Despite the lapse of over sixteen months since his arrest, no evidence connecting him to any terrorist activity has been presented before any court.

An indictment under the Prevention of Terrorism Act and the International Covenant on Civil and Political Rights (ICCPR) Act has now been served on Mr. Hizbullah. According to the indictment, Mr. Hizbullah is not accused of involvement in the Easter Sunday Attacks, but is only accused of making certain statements to students in contravention of these laws. The only evidence for the indictment appears to be a statement by one child, in which Mr. Hizbullah is described as a person who owns a university in Batticaloa – a clear allusion to a prominent politician bearing the same name. Furthermore, the Fort Magistrate ordered an investigation into how the purported contents of another statement made by the same child to the Magistrate were 'leaked' to the media, despite being given in confidence to the Judge. That investigation has not been pursued properly by the Police. Four other children who were taken into CID custody for questioning (at the same time the child upon whose statement the indictment is based was taken in to custody) have petitioned the Supreme Court that they were coerced into making false statements against Mr. Hizbullah. Other witnesses including two teachers have also petitioned the Supreme Court that the CID tortured them in an attempt to obtain false testimony regarding Mr. Hizbullah.

He was recognised as a Prisoner of Conscience by Amnesty International on 14th July 2021. We note that a Prisoner of Conscience is by definition a person who is imprisoned solely because of their conscientiously held beliefs, or for discriminatory reasons including relating to their ethnic or religious identity in the circumstances leading to their arrest. Therefore, the recognition of Mr. Hizbullah as a Prisoner of Conscience is an important development that reaffirms his innocence.

Several international human rights organisations have called for Mr. Hizbullah's immediate release, and for all charges against him to be dropped. Sri Lanka's academic community and civil society organisations have likewise acknowledged the fact that he has been wrongly imprisoned due to his work as a lawyer, and his Muslim identity, and have also called for his immediate release.

We the undersigned reiterate these demands, and call on the Government of Sri Lanka to immediately and unconditionally release Mr. Hizbullah, and to drop all charges against him.

We note that Sri Lanka's human rights record is currently under review at the United Nations Human Rights Council, and by the European Commission. One of the most serious abuses noted by both these bodies pertains to the continued use of the Prevention of Terrorism Act (PTA), which has facilitated the arbitrary arrest and long-term detention of human rights defenders such as Mr. Hizbullah. We also wish to highlight the fact that Tamil persons have endured prolonged detention both at the pre-trial and trial stages under the PTA. In certain cases, the detainees have been acquitted after detention periods of up to fifteen years.

The Government of Sri Lanka has made repeated promises to reform the PTA, and has consistently reneged on these promises. We call upon the international community to insist that the government demonstrates its good faith with respect to reforming the PTA by immediately releasing those who

have been unfairly incarcerated under this law. The very fact that the government has refused to even consent to Mr. Hizbullah's bail demonstrates the government's bad faith.

We call upon members of the Human Rights Council, and the European Commission, to treat Mr. Hizbullah's case, and other similar cases, as emblematic reflections of the egregious human rights abuses that take place under the PTA. We accordingly call on members states of the Council, and all members of the international community, to urge the Government of Sri Lanka to release Mr. Hizbullah forthwith, and desist from deploying the PTA.

(Endorsed by 23 organizations and 75 individuals listed below)

26th August 2021

Organizations

1. ARTICLE 19 Defending freedom of expression and information
2. Centre for Human Rights and Development (CHRD)
3. Centre for Policy Alternatives
4. Civil Society Solidarity Forum
5. Federation of Media Employees Trade Unions (FMETU)
6. Human Rights Office, Kandy
7. Human Rights Watch
8. International Association of People's Lawyers (IAPL)
9. International Centre for Ethnic Studies (ICES)
10. Law and Society Trust
11. Monitoring Committee on Attacks on Lawyers
12. National Christian Evangelical Alliance
13. National Christian Evangelical Alliance
14. National Fisheries Solidarity Movement
15. Nawa Sama Samaja Party (NSSP)
16. People for Human Rights and Equality (PHRE)
17. People's Rights Group (PRG Sri Lanka), United Kingdom
18. Rights Now- Collective for Democracy
19. SAFMA Sri Lanka
20. Sri Lanka Young Journalists' Association
21. Voice for Democracy in Sri Lanka (VDL)
22. Women for Justice and Peace in Sri Lanka
23. Women's Action Network

Individuals

1. Amal de Chickera
2. Ambika Sathkunanathan
3. Ameer Faaiz, Attorney-at-Law
4. Angelica Chandrasekeran, Counsellor
5. Anithra Varia
6. Antony Gratian
7. Bhavani Fonseka
8. Bishop Duleep de Chickera
9. Daniel Alphonsus
10. Dharmasiri Lankapeli

11. Dinushika Dissanayake
12. Dr Lionel Bopage, Convenor - Voice for Democracy in Sri Lanka (VDSL) International Collective
13. Dr T Jayasingam
14. Dr. K. Guruparan, Attorney-at-Law
15. Dr. Paikiasothy Saravanamuttu
16. G. A Prabath kumara
17. Gayathri Gamage
18. Godfrey Yogarajah
19. Herman Kumara
20. Hilary Wirasinha
21. Inshira Faliq, Attorney-at-Law
22. Ishara Gunawardena
23. Jansila Majeed
24. Javid Yusuf, Attorney at Law
25. Jeanne Samuel
26. Joanne Senn
27. K. S. Ratnavale, Attorney at law
28. Khyati Wikramanayake
29. Kshama Ranawana
30. Kumar David
31. Lakshman Gunasekara
32. Lasantha De Silva
33. Lucille Abeykoon
34. Luwie Niranjan, Attorney-at-Law
35. M H Mohamed Hisham
36. Mario Gomez
37. Marisa de Silva
38. Nagulan Nesiah
39. Nilshan Fonseka
40. Peter Rezel
41. Philip Dissanayake - R2L
42. Prabodha Rathnayaka, Attorney at law
43. Prof. S. Ratnajeewan H. Hoole, Former Member of the Election Commission
44. Prof. Stuart Russell, Macquarie University School of Law, Sydney Australia (retired)
45. Ramesh Fernando, Attorney-at-Law
46. Rev. Fr. M. Sathivel
47. Rev. Andrew Devadason
48. Rev. Dr. Jayasiri T. Peiris, former General Secretary, National Christian Council
49. Rev, Marc Billimoria
50. Rev. Fr. Nandana Manathunga
51. Rev. Fr. Oswald B. Firth, OMI
52. Rev. Fr. Terence Fernando
53. Rev. Maxwell Doss
54. Rohini Hensman, Writer and independent scholar
55. Ruki Fernando
56. Ruwan Laknath Jayakody
57. S. Balakrishnan

58. Sabra Zahid
59. Saheli Wikramanayake
60. Sampath Samarakoon, Editor – Vikalpa.org
61. Sanjana Hattotuwa
62. Sanjit Dias
63. Sarah Arumugam, Attorney -at-Law
64. Selvaraja Rajasegar
65. Shalomi Daniel, Attorney at Law
66. Shanil Wijesinha, Attorney at law
67. Sharmaine Gunaratne
68. Shreen Saroor
69. Siritunga Jayasuriya USP
70. Srinath Perera, Attorney at Law, General Secretary, Free Trade Union Centre, National Organizer, United Socialist Party
71. Suchith Abeyewickreme
72. Sunanda Deshapriya - Sri Lanka Brief
73. Thisath Thoradeniya
74. Tisaranee Gunasekara
75. Ven. Fr. Samuel J Ponniah
76. Venuri Perera