

The International Covenant on Civil and Political Rights (ICCPR), designed to safeguard rights, is being misused as a tool of oppression against minorities in Sri Lanka.

Reading an entire text gives it meaning. However, the police distorted my words by focusing on one word from my Facebook post, leading to a misinterpretation and making me appear guilty. In my post, I highlighted state-sponsored racism in Sri Lanka and encouraged Muslims to combat it through peaceful means like writing, as stated by social activist Ramsi Raziq. Ramsi Raziq, detained under the ICCPR, spent 5 months and 2 weeks in prison, shared these thoughts during a conversation with this writer.

The International Covenant on Civil and Political Rights Act (ICCPR act), designed to protect political rights such as freedom of expression and to prevent hate speech, has been consistently criticized for being misused by the police in Sri Lanka. There are ongoing allegations that the police are using this law to suppress ethnic and religious minorities. Even the High Court has reprimanded the police in this regard.

Arrested under the ICCPR act, Ramsi Raziq was released after the Supreme Court ruled the arrest as unlawful. He also won a case in the High Court stating his arrest violated his fundamental rights. In the verdict, the judge highlighted, 'The police misused the ICCPR act to arrest Ramsi Raziq. It is evident they arrested him without fully reading a text, instead distorting its meaning based on a single word.'

On April 02, 2020, Ramsi Raziq urged Muslims to come together against racism and sectarianism on his Facebook page. In response, he faced death threats on the FB platform. On April 09, 2020, he reported these threats to the police, but instead of investigating them, he was taken into custody.

The Criminal Investigation Department police arrested and interrogated Raziq, presenting him in court under the ICCPR act, which prohibits a magistrate from granting bail. The police informed the court that "...any terrorist organization typically seeks to manipulate public opinion. Ramsi Raziq has used certain words and shared them on social media in a manner that incites racial hatred. Prior to this, he had made similar posts on December 20th and 28th, 2019, and on April 10th, 2019. It is evident that these remarks are causing public unrest." Consequently, he was remanded by the court. Subsequently, Ramsi Raziq challenged his arrest in the Supreme Court and was granted bail five and a half months later.

The ICCPR act is a law promoted by the United Nations to member states to combat hate speech and safeguard freedom of expression and religious rights. However, in Sri Lanka, the ICCPR act is being misused as a tool by the state to infringe upon the rights of ethnic-religious minorities. Social activist Ramsi Raziq, lawyer Hijaz Hizbullah, and many others have been detained under the ICCPR act, leading to violations of their fundamental rights. Surprisingly, this law has not been enforced against certain religious leaders who have incited racism and violence in public, such as Galagodatte Gnanasara Thero and Amptiye Sumana Thero, who have consistently delivered hate speeches targeting the Tamil and Muslim communities. These discrepancies were highlighted by M.A. Sumanthran, a human rights activist and Member of Parliament, who challenged the arrest of Ramsi Raziq in the Supreme Court.

During the COVID Pandemic, there was a campaign of malicious propaganda in the mainstream and social media, backed by the state, alleging that Muslims were intentionally spreading the Corona virus among the Sinhalese people. This false narrative aimed to influence the upcoming elections. Ramsi Raziq, who was arrested for urging Muslims to respond democratically to the misinformation, expressed concerns about the potential rise in racial tensions in the country due to such propaganda.

Ramsi Raziq mentioned that his daily life has been impacted after being released from arrest. He expressed concerns about freely sharing his views as an independent social media activist advocating for peace and harmony. The fear of being monitored and potentially facing another arrest has made him cautious. Additionally, he highlighted the negative perception that has been formed about him due to his past arrest.

Introduction of ICCPR act in Sri Lanka

International Covenant on Civil and Political Rights (ICCPR) ACT, No. 56 OF 2007, ratified on 16 November 2007 by the parliament in Sri Lanka.

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations General Assembly in 1966. The United Nations Human Rights Committee was created under the Convention to monitor how countries that have ratified the International Covenant on Civil and Political Rights are implementing it. The First Optional Protocol to the ICCPR provides for individuals from member states of the ICCPR to file complaints regarding violations of their rights and seek justice. In March 1976, the member states of the Commonwealth brought it into implementation.

Sri Lanka joined the ICCPR in June 1980, but it was not until 1997 that they ratified the first Optional Protocol. At that time, Sri Lanka's foreign minister, Laxman Kathirkamar, claimed that human rights were being upheld in the country and there was no need for international scrutiny. However, following complaints from several Sri Lankans, including Nallaratnam Singarasa who was arrested under the Prevention of Terrorism Act, it became evident that violations were occurring. In 2001, Singarasa lodged a complaint, leading to the United Nations Human Rights Committee issuing a resolution in 2005, acknowledging that his right to a fair trial (Article 14 of the Convention) had been breached. Subsequently, in 2006, Singarasa appealed his sentence in the High Court of Sri Lanka.

Chief Justice Sarath N. Silva stated that the Supreme Court is the highest authority in the Sri Lankan judicial system. He emphasized that no other entity has the authority to make decisions on its rulings. He also mentioned that the delegation of this power to the United Nations Human Rights Council by the former President of Sri Lanka, Chandrika Kumaratunga, through accepting the First Optional Protocol of the Convention, goes against the Constitution of Sri Lanka.

The judgment in the Singarasa case drew international criticism. Subsequently, the International Covenant on Civil and Political Rights (ICCPR) ACT, No. 56 OF 2007 was ratified in Parliament and became effective.

Some of those arrested under the ICCPR act:

1. Ahnaf Jazeem, a poet from Silawaturai, Mannar, was arrested in May 2020 under the Prevention of Terrorism Act and ICCPR Act for allegedly inciting fundamentalism and violence among children through his poetry book 'Navarasam'. The arrest was based on an unofficial translation of his poetry. After 18 months, he was granted bail in December 2021. In December 2023, the Puttalam High Court acquitted him of all charges.
2. Asad Sali, former Governor of the Western Province, was arrested in May 2021 under the Prevention of Terrorism Act and the ICCPR Act for reportedly stating that Muslims should only adhere to Islamic laws. However, he was cleared of all charges by the Colombo High Court in December 2021.
3. Mazahima, a Muslim woman, was taken into custody in May 2019 under the ICCPR Act for allegedly disrespecting the Buddhists' Dharmachakra by wearing a dress adorned with a ship steering wheel. She was released on bail the following June.
4. Hijaz Hizbullah, a lawyer, was arrested in April 2020 under the Prevention of Terrorism Act and the ICCPR act for allegedly making hate speeches among children at a Muslim madrassa in Puttalam. After more than 21 months of detention, he was released on bail by Puttalam High Court in February 2022. His case is still pending in court.
5. Saktika Satkumara, a writer, was arrested in April 2019 under the Penal Code and the ICCPR act for allegedly blaspheming Buddhist monks in a short story. Four months later, he was released on bail. In February 2021, the court ruled that the charges against him were false.
6. Natasha Edirisuriya, a comedian, was arrested in May 2023 under the ICCPR act, accused of insulting the Buddha during a comic stage speech. She was granted bail after three months. The case is pending in court.

On April 21st, hundreds were killed in the Easter Sunday attacks in Sri Lanka. An Islamic fundamentalist group claimed responsibility for the incident. However, there are conflicting narratives regarding the perpetrators of the attack. Following the Easter Sunday attacks, certain groups in Sri Lanka initiated a campaign of racial and sectarian hatred against Muslims. Local human rights activists and organizations have raised concerns about this and have condemned it to the United Nations human rights bodies. Since the attacks, there has been a rise in the arrests of Muslim religious minorities under the ICCPR act. There are concerns that these arrests are part of a systematic anti-Muslim agenda in the country. Ramzi Raziq and Hijaz Hizbullah, who were detained and later released under the ICCPR act, are actively addressing this issue.

The Sri Lanka Human Rights Commission wrote a letter to the Inspector General of Police on August 29, 2019, amid allegations that the police are using the ICCPR Act to suppress freedom of expression. It stated, "The Human Rights Commission recommends that the following guidelines be taken into account by the police department for the fair and effective implementation of Article 3 of the ICCPR."

“The ICCPR act was intended to curb armed violence, religious hatred, and war. However, in Sri Lanka, it is misused to suppress the freedom of expression of minorities. Various entities including the Supreme Court of Sri Lanka, the Sri Lanka Human Rights Commission, local and international human rights organizations, and even the United Nations have highlighted this issue”. Ambika Satkunathan, a former member of the Sri Lankan Human Rights Commission and a human rights activist, emphasized.

Ampitiye Sumanarathana Thera has frequently made hate speeches targeting Tamil-Muslim individuals. Despite this, no legal action has been taken against him under the ICCPR act. In October of last year, Sumanarathana Thera delivered a hate speech in front of the media, stating, "Every single Tamil will be cut into pieces." Surprisingly, no measures were taken against him for this. Even though Member of Parliament MA Sumanthran wrote to the Inspector General of Police on October 27, 2023, highlighting Sumanarathana Thera's hate speech and requesting legal action under the ICCPR act, the police did not respond. Subsequently, Sumanarathana Thera publicly apologized for his hate speech a few days later, in early November.

Similarly, Galagoda Athe Gnanasara Thera from Bodu Bala Sena has consistently propagated hate speech directed at the Tamil-Muslim minority community. In June 2014, during a demonstration in Aluthgama, Gnanasara Thera remarked, "The police and army belong to the Sinhalese in this country. If any Marakkale (a local term for Muslims in southern Sri Lanka) dares to harm the Sinhalese, the consequences will be unknown. The Sinhalese are present here... If you provoke, the outcome is uncertain," he stated. Despite this, no legal action was taken against him by the police for violating the ICCPR Act concerning Incitement to Violence and Hate Speech. It is important to note that riots erupted in Aluthgama following these events.

In the evolving human civilization, legal frameworks, judiciary, and related institutions regulate people and make arrangements for peaceful coexistence without crime and violence. To respect and protect the basic rights of every human being, human rights laws are presented internationally and implemented according to the local order of each country. However, it is unacceptable when these laws are not understood and manipulated to violate people's rights. In Sri Lanka, the International Covenant on Civil and Political Rights (ICCPR act) has been consistently manipulated against minorities, as detailed in this article. The true purpose of the ICCPR act should be understood and upheld by the government structures in Sri Lanka, including the police. It should not be used to suppress any group or deprive them of their freedom of expression and opinion.

Appendices,

1. ICCPR act which has been ratified in Sri Lanka
2. A letter written by Sri Lanka Human Rights Commission to Police Chief
3. A letter written by Member of Parliament MA Sumandran to Police Chief