

Human Rights Council

Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual Group of individuals NGO Other

Last name: Amerasinghe

First name(s): Chirantha Ranmal Anthony

Nationality: Sri Lankan / Sinhalese

Address for correspondence on this complaint: No 109/08, Kahatahaswatta Mw, Dampe Road, Madapatha, Piliyandala. SRI LANKA 10306

Tel and fax:... MOBILE: +94773083479 FAX : +94117015475

E-mail: mail@ceylonma.org

Website: www.ceylonma.org

Submitting the complaint:

On the author's own behalf:

On behalf of other persons: (Please specify: Social media and internet users of Sri Lanka, including myself)

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s):

1. Pallewatte Gamaralalage Maithripala Yapa Sirisena– President of Sri Lanka – Presidential Secretariat, Colombo, SRI LANKA
2. Secretary of the Ministry of Defense – Defense Ministry, Colombo. SRI LANKA.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

.....

On the 5th of March 2018, a tense situation was reported in Teldeniya near Kandy, Sri Lanka following the death of a Sinhalese national due to a unfortunate road rage incident where a group of Muslim nationals were involved. Soon after anti- Muslim groups took to the streets of Teldeniya and surrounding areas spreading violence, burning down houses and according to reports has caused the death of an innocent Muslim. Police curfew was enforced in the Kandy administrative district, but was unsuccessful. On 6th of March a state of emergency was declared in the island. On the 7th of March 2018, several people complained that social media services were very slow, when I enquired from the Telecommunications Regulatory Commission of Sri Lanka, they informed me that the slowness was because that social media was now being monitored and filtered (Call recording evidence is available). Later that day, under the instructions of the Ministry of Defence which is headed by His Excellency the President Hon. Maithripala Sirisena, the Telecommunications Regulatory Commission of Sri Lanka ordered a ban on social media (Facebook, Instagram, WhatsApp, Viber) in the country until further notice claiming it will control the said groups, and stop the spread of hatred, as reported in the media the government went as far as to completely disconnect the internet connections of the Kandy district, however the organized groups continued and benefited from the move (As they did not depend on these forms of communication alone, and the disconnection caused more awareness of extremist people), as such the order only resulted in the violation of the Human Rights of over 4.5 million social media and internet users of Sri Lanka which are to be protected under article 19 of the Universal Declaration of Human Rights which 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.”.

The Prime Minister Hon. Ranil Wickramasinghe in a special statement today the 8th of March claimed that the incident at Teldeniya was caused by aggravative anti Muslim content on social media. As the Honorary President of the Ceylon Motorcyclists’ Association (CMA), one of the most wide spread multi religious and multinational organizations in the country which was created through a social media move against human rights violations done by the Sri Lanka Police and good governance against motorcyclists’ beginning with the ban on the full face helmet in 2015, and soon after actively representing and protecting the rights of 3.7 million motorcyclists’ in the island, we have received information that in all

such incidents of anti-Muslim nature including this one, it was the pure oversight or inaction of the Government of Sri Lanka and the Sri Lanka Police leading people to take the law to their hands, therefore contrary to the Prime Minister the resulting outrage of the people does not require any special “aggravative” social media content. In example to the ignorance of the government, Our Association the CMA had on the 30th of November 2016 informed in writing in a proposal on in improving road safety for motorcyclists that proper research and education programs are needed to be done in order to control “Road rage” in Sri Lanka, which was the root cause of the Teldeniya incident, if our proposals were followed, this type of calamity among people could have been avoided, however as usual the government did not listen to us. The politician's and government expect the police officers who rip off Rs. 2 billion per year through Traffic fines from the poorest of the poor (thus having a very bad relationship with the people) to handle public relations during such matters leading into disasters over and over again.

For the past decade Sri Lanka follows a media censorship-based governance, and does not use main stream media to correct false information on social media because the policy of the government is ignoring, censorship and swiping dirt under the carpet, under estimating the power of the citizens of Sri Lanka. When an incident involving religious or racial extremism occurs, main line media is banned from reporting it, so people need to rely on social media to get to know what has happened and believe it as the truth. This fatal flaw in policy is at times now being exploited to spread false news through social media. If so, government policy on media censorship is to be blamed. Thus, the ban on social media is therefore is clearly unjustifiable. In fact, the ban has actually caused the situation to worsen as people who have extremist feelings are more compelled to join the fight locally, instead of just putting a like, and doing a post share. Also, as public opinion remains that the origin of this situation was a wrong act of Muslims, people especially youth who had no hate for Muslims now hate them saying that it is their fault that social media got banned. On the 7th of March at 8:24AM local time our Association officially attempted to use our social media reach to help bring understanding and peace between nationalities. But our attempt was destroyed due to the ban on social media.

Before the said ban on social media on the 7th of March, the President of Sri Lanka and the Prime Minister of Sri Lanka and their two political parties are by majority condemned by the people for giving false promises of ending corruption, reducing cost of living, ensuring freedom, and giving free WIFI which the government has clearly done the opposite. Therefore, is politically bankrupt. The most unpopular person in the country on social media is the President of Sri Lanka, next to the Prime Minister who have become jokes to the Sri Lankan's with both known for giving big speeches looking angry and serious but doing poor administration in the last three years tangled in policy battles, therefore has no control, regard or respect of the majority population in the country. So reasonable suspicion is raised in relation to the true motives behind this ban on social media.

I would also like to mention that the local Human Rights Commission does not have sufficient legal power and staff to operate to truly protect the Human rights of the citizens of Sri Lanka and punish violators. Whom should have already started inquiry questioning the grounds of this ban on social media the moment it took place. Therefore, I appeal to the Human Rights Council to conduct an investigation against this move by the President of Sri Lanka as the Minister of Defence and to make known to the world the neutrality government leaders must follow with regard to social media and upholding of human rights (even if the ban is lifted).

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

... The national human rights institutions do not function properly.

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

..... the local Human Rights Commission does not have sufficient legal power and staff to operate to truly protect the Human rights of the citizens of Sri Lanka and punish violators. Our Association has made many complaints with regard to many Human Rights Violations but it has all been extremely time consuming taking months to start or years to end.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

...No

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

.....

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

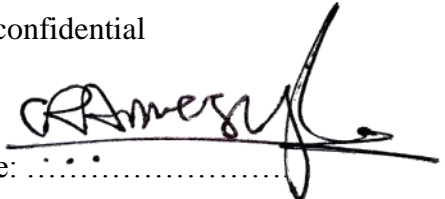
Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes No

Please indicate which information you would like to be kept confidential

Date: 9th of March 2018

Signature:



N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):
- Any other evidence or supporting documents deemed necessary:

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

Evidence of ban on social media (See next page)

Evidence of ban on social media



Dialog Axiata

March 7 at 2:18pm · 🌐



Notice to Subscribers | විශේෂ නිවේදනයයි |
வாடிக்கையாளர்களுக்கான அறிவித்தல்
See Translation

NOTICE TO SUBSCRIBERS

In line with the directive from the Telecommunications Regulatory Commission of Sri Lanka, access to certain Social Media sites and Messaging Platforms will be restricted with immediate effect until further notice.

We regret any inconvenience caused.

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ශ්‍රී ලංකා විදුලි සංදේශ නියාමන කොමිෂන් සභාවේ (TRCSL) නියෝගය අනුව, සමාජ මාධ්‍ය වෙබ් අඩවි සහ ක්ෂණික පණිවුඩ සේවාවන් වනාහි ක්‍රියාත්මක වන පරිදි නැවත සැනුම්දෙන තුරු සීමාකර ඇත.

ඔබට සිදු වූ අපහසුතාවයන් පිළිබඳව අපගේ බලවත් කනගාටුව පළකර සිටිමු.

வாடிக்கையாளர்களுக்கான அறிவித்தல்

இலங்கை தொலைத்தொடர்பு ஒழுங்குமுறை ஆணைக்குழுவின் (TRCSL) உத்தரவின் பேரில், சமூக ஊடக வலைத்தளங்கள் மற்றும் சமூக மெசேஜ் பரிமாற்ற தளங்களை பயன்படுத்துதல், உடனடியாக அமுலுக்கு வரும் வகையில், மீள் அறிவிக்கப்படும் வரை மட்டுப்படுத்தப்பட்டுள்ளது.

இதனால் உங்களுக்கு நேரிடக்கூடிய சீரமைத்திற்கு வருந்துகின்றோம்.



News articles as evidence : <https://thenextweb.com/asia/2018/03/08/sri-lanka-blocks-access-to-social-networks-amidst-communal-violence-and-state-of-emergency/>