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Dr. Jagath Balasuriya
Chairperson
Human Rights Commission of Sri Lanka
(HRCSL)
14 R. A. De Mel Mawatha
Colombo 00400, Sri Lanka

29 June 2021

Dear Chairperson,

I am writing to bring to your urgent attention the situation of 26-year-old poet and teacher **Ahnaf Jazeem**, who has been detained by the Sri Lankan authorities since 16 May 2020 under the Prevention of Terrorism Act (PTA), which provides authorities with sweeping powers to arbitrarily detain individuals for up to 18 months without charge, being brought before a judge, or trial, among others. Ahnaf Jazeem has been detained without charge or any credible evidence presented to a court for more than 400 days now, which is in violation of his fair trial rights.

Throughout his detention, Ahnaf Jazeem has reportedly been held in squalid conditions that may amount to cruel, inhumane, or degrading treatment, and has been denied unrestricted access to lawyers. The authorities have not cooperated with Ahnaf Jazeem's lawyers in giving notice of court proceedings and privileged conversations between lawyer and client were recorded by the authorities. His lawyers have alleged being intimidated by the authorities at the Terrorism Investigation Division (TID) while visiting Ahnaf Jazeem in custody.

On 11 June 2021, Ahnaf Jazeem was transferred to Colombo from Tangalle Detention Centre. The next day he was produced before the Magistrates' Court without any communication to Ahnaf Jazeem's lawyers or family, preventing his legal team to make submissions in defence. He is currently remanded at the Colombo Remand Prison.

Ahnaf Jazeem's family is concerned about his health and safety, a fear heightened by his restricted access to his lawyers and family members for months and his prison transfers and court cases not being communicated. Ahnaf Jazeem's legal counsel states that Ahnaf Jazeem has been coerced to make false confessions while under interrogation and has been made to sign documents written in a language he does not understand. These would be clear violations of his rights guaranteed not only by international law through the International Covenant on Civil and Political Rights to which Sri Lanka is a state party, but also guaranteed through Sri Lanka's own Constitution.

The use of torture and other forms of ill-treatment to obtain "confessions" is a widespread practice used by the Counter-Terrorism and Terrorism Investigation Division against detainees. The PTA has been used against Sri Lanka's ethnic and religious minority communities, with a disproportionate number of Tamils and Muslims in detention under the Act. [A study](#) conducted by your Commission, published in December 2020, found that PTA detainees faced a continuum of violence. The study documented that "violence in police custody was

found to be an inherent element of the investigation process, whereby torture is inflicted to extract information, confessions, and evidence from detainees.”

As you know, The UN High Commissioner for Human Rights has called on the Sri Lankan government to establish a moratorium on the use of the PTA for new arrests until it is replaced by legislation that adheres to international best practices.

The arrest of Ahnaf Jazeem comes amidst a background of increased marginalization, discrimination and targeting of Sri Lanka’s Muslim community. Amnesty International [has recorded](#) recent incidents of cabinet proposals, decisions and government regulations that from the outset discriminate against the country’s Muslim minority community.

In this context, I urge the Human Rights Commission of Sri Lanka to immediately take the necessary steps to:

- Protect and ensure the human rights of Ahnaf Jazeem against arbitrary detention and ill-treatment, and to be treated with respect for his humanity and dignity, including by visiting him to assess the conditions of his detention;
- Call on Sri Lankan authorities to immediately release Ahnaf Jazeem, or if there is any credible and admissible evidence of wrongdoing, promptly charge him with internationally recognizable criminal offences and try him in accordance with international fair trial standards;
- Ensure his lawyers and family have unrestricted, regular access without obstruction from police or correctional officials;
- Ensure all of his fair trial rights are upheld;
- Call on Sri Lankan authorities to repeal the PTA and end its use immediately; and
- Facilitate the provision of people who have suffered because of the PTA with the justice they are owed in the form of remedies and reparations.

We would very much welcome the opportunity to discuss these issues further with you/your commission should you wish.

Yours sincerely,

Yamini Mishra
Regional Director – South Asia