

URGENT ACTION

WRITER RELEASED ON BAIL, STILL AT RISK OF JAIL

Shakthika Sathkumara, an award-winning Sri Lankan writer, was arrested on 1 April 2019 for writing a short story and sharing it on his Facebook profile. While he was released on bail by the High Court on 5 August, after spending four months in prison, the charges against him are still pending and he could face up to 10 years in prison if found guilty. Detained for peacefully exercising his right to freedom of expression, Shakthika Sathkumara is a prisoner of conscience and all charges against him should be immediately and unconditionally dropped.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Attorney General Mr. Dappula de Livera

Attorney General's Department

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Dear Mr de Livera,

I am deeply concerned about the charges against award winning Sri Lankan writer **Shakthika Sathkumara** for simply writing, and sharing, a short story. Under Section 3(1) of ICCPR Act and Art. 291(B) of the Penal Code of Sri Lanka, he faces ten years in prison.

While it is a relief that Shakthika Sathkumara was granted bail by Kurunegala High Court on 5 August 2019, he is still at risk of indictment until the charges are dropped. A prisoner of conscience, he should have never spent a day in prison solely for exercising his right to freedom of expression.

The misuse of International Covenant on Civil and Political Rights (ICCPR) Act to detain and prosecute writers for peacefully exercising their right to freedom of expression is a clear violation of international law as well as infringement of the right to freedom of thought and expression guaranteed by the constitution of Sri Lanka. The very law that is meant to protect people's human rights in Sri Lanka, including freedom of expression, is now being misused to violate them.

I, therefore, urge you to drop all charges against Shakthika Sathkumara and order his immediate and unconditional release. Also, I appeal the Sri Lankan authorities to stop using ICCPR Act to threaten, harass and prosecute writers and activists for peacefully expressing their opinions.

Yours sincerely

ADDITIONAL INFORMATION

Shakthika Sathkumara was arrested on 1 April 2019 when he went to the police station to give a statement in response to complaints made by Buddhist monks regarding a short story he wrote. This provincial and national award-winning author was charged under Section 3(1) of the ICCPR Act and Section 292 of Penal Code of Sri Lanka. Any offence under this section of ICCPR is non bailable in the Magistrate Court due to which Shakthika was in jail for nearly four months. The next hearing for his case by the Supreme Court is on 30 September 2019.

Shakthika Sathkumara is an award-winning writer whose literary contributions have been recognized by the Department of Cultural Affairs and Cultural Affairs Division of the Chief Ministry of North Western Province. Section 3(1) of the ICCPR Act 2007 of Sri Lanka and Section 292 of the Penal Code of Sri Lanka criminalise propagating racial and religious hatred that incites discrimination, hostility and violence.

The arrest of Mr. Sathkumara is part of a worrying trend where the ICCPR Act is being misused to violate the rights to freedom of expression and of thought, conscience and religion – ironically provided for in the ICCPR itself - of several peaceful activists and writers in Sri Lanka. In May 2019, a woman named M. R. Mazahima was arrested under the ICCPR Act for wearing a blouse with the prints of a ship's wheel, which the complainants to the police had wrongly claimed was a Buddhist symbol. She was kept in custody for more than three weeks before being granted bail. In June 2019, columnist Kusal Perera was threatened with arrest under the ICCPR Act for writing about growing Sinhala Buddhist extremism in Sri Lanka.

This arbitrary use of the ICCPR Act – which amounts to misuse of an Act that is supposed to protect, not violate human rights. It has created a chilling effect in the country where the authorities who are extremely sensitive to perceived insults to Buddhism, are directly influenced by certain groups of Buddhist monks who demand the arrest and prosecution of anyone who they deem have insulted the religion.

Under the ICCPR, which Sri Lanka is legally bound to implement the rights to freedom of expression and of thought, conscience and religion may only be restricted in narrow, clearly defined circumstances. Restrictions are only permissible if they are provided by law; placed for the purpose of protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and demonstrably necessary for that purpose. Merely implicit or even explicit criticism of a religion or other belief system cannot be criminalized as incitement

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Sinhala

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 October 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Shakthika Sathkumara (He/Him/His)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa37/0800/2019/en/>