

7 May, 2013

Public Statement

Condemn the Unlawful Arrest and Detention of Azath Salley and Call for his Immediate Release

We the undersigned, vehemently condemn the arrest and detention of Former Deputy Mayor and General Secretary of the National Unity Alliance (NUA), Azath Salley, by a team of officers from the Criminal Investigation Department (CID) and the Terrorism Investigation Department (TID), on Thursday, 2 May 2013 morning, and call for his immediate release in the absence of any demonstrable evidence.

Mr. Salley was arrested under the draconian Prevention of Terrorism Act (PTA) and he has been placed under detention for further interrogation by the CID for 3 months under Section 2(1)(h) of the PTA. Section 2(1)(h) states that a person who has committed an offence under the PTA *"....by words either spoken or intended to be read or by signs or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups..."*

The unlawful arrest and detention of Mr. Salley is in a context where there have been increasing attacks and threats against minorities, a growing spate of incidents of religious intolerance, and clamping down of critics of the Government and dissent on the whole. Mr. Salley has been a vocal critic of the extremist group Bodu Bala Sena (BBS) and the anti-Muslim activities of the Jathika Hela Urumaya (JHU), and has been actively involved in efforts to initiate legal action against both groups. He has also promoted minorities to unite against the racist rhetoric and actions of such groups. In addition, Mr. Salley has been publicly critical of the indirect support given to these elements by the Secretary to the Ministry of Defence, Gotabhaya Rajapaksa.

On 24 April 2013, in an interview to the Tamil Nadu bi-weekly magazine "Junior Vikatan", Mr. Salley is alleged to have said that *"the Muslims too should launch an armed struggle against the state in the same manner in which Tamils conducted a campaign earlier...(and) that such a struggle would commence once necessary arms are procured."* Mr. Salley has later written to the magazine stating that he was misquoted. The magazine published a correction on 4 May 2013.

Mr. Salley has been on a fast since his arrest on 2 May in protest against his unjust arrest, and demanding his release. Since his arrest, he has been moved from the 4th Floor of the CID to the National Hospital as he had collapsed due to lack of food, water and medication. There are concerns his condition can deteriorate if not urgently addressed, as he is a diabetic and in need of medication. He was initially refused visitors, including visits from his immediate family and lawyers, and was placed under heavy police guard. On 5 May, regardless of medical concerns, Mr. Salley had been moved back to the 4th Floor of the CID.

Mr. Salley's had to be carried to the meeting room on the 4th Floor to meet with his lawyer yesterday (6). On seeing the deterioration in his condition, his lawyer had insisted that authorities re-hospitalize him immediately.

We may not agree with all of Mr. Salley's political positions, however we are deeply concerned with the treatment meted towards him which seems to be a result of his position against hate propaganda and opposition to extremist groups. Whilst we recognize the responsibility of the State to investigate hate speech and other actions aimed at inciting communal disharmony, we wish to highlight the lack of fair and due process on the part of the State in the unlawful arrest and detention of Mr. Salley. Given the context and the charges, it would seem that Mr. Salley's charges are politically motivated.

We also note the speed with which the Government and State actors acted on the arrest of Mr. Salley based on a misquoted interview. This is in a context of an increasing number of instances of hate speech and violence in Sri Lanka, with evidence publicly available identifying the perpetrators. Unfortunately, such incidents have not been independently investigated and perpetrators brought to account. Sadly, this incident is yet another reminder that the Government has resorted to strong-arm tactics to silence and harass critics, while turning a blind eye when actual incidents of violence occur. It is of serious concern as to the reasons for this unlawful arrest and the detention of Mr. Salley, and it sends a chilling reminder to all critics of the Government of reprisals.

We, the undersigned call for his immediate release.

Signed by:

Clergy

- 1. Rt. Rev. Kumara Illangasinghe - Bishop Emeritus of Kurunagala, Anglican Church**
- 2. Rev. Dr. Jayasiri Peiris**
- 3. Rev. Fr. Jeyabalan Croos**
- 4. Rev. Fr. Reid Shelton Fernando**
- 5. Rev. Fr. Samuel J. Ponniah**
- 6. Rev. Fr. Sarath Iddamalgoda**
- 7. Rev. Fr. Sherard Jayawardane**
- 8. Rev. Fr. Terrence Fernando**
- 9. Rev. Jason J. Selvaraja - Senior Pastor, Assembly of God - Chavakachcheri**
- 10. Rev. Sr. Deepa Fernando**

Organizations

- 11. Centre for Policy Alternatives (CPA)**
- 12. Interfaith Cooperation Forum**
- 13. Women's Action Network**

Individuals

- 14. A. Theva Rajan QSM - President, New Zealand Tamil Senior Citizens Association**
- 15. Aaranya Rajasingam**
- 16. Ahilan Kadirgamar**
- 17. Aingkaran Kugathanan**
- 18. Ainslie Joseph – Convenor, Christian Alliance for Social Action (CASA)**
- 19. Amal de Chickera**
- 20. Ameena Hussein**
- 21. Ameer M Faaiz - Attorney-at-law**
- 22. Anberiya Haniffa**
- 23. Anushya Coomaraswamy**
- 24. B. Gowthaman - Attorney-at-law**
- 25. Balasingham Skanthakumar**
- 26. Bhavani Fonseka**
- 27. Bruce Van Voorhis**
- 28. Chamindra Chathurinee**
- 29. Chandra Jayaratne - Former Chairman, Ceylon Chamber of Commerce**
- 30. Chandraguptha Thenuwara - Artist**
- 31. Deanne Uyangoda**
- 32. Deshini Liyanaarachchi**

33. Dinidu de Alwis
34. Dilshy Banu
35. Dinesh D. Dodamgoda
36. Dr. Anita Nesiah
37. Dr. Lionel Bopage
38. Dr. P. Setunga
39. Dr. Paikiasothy Saravanamuttu
40. Emil van der Poorten - Retiree & Community Activist
41. Faiz-ur Rahman
42. Farzana Haniffa
43. Farzath Faiz
44. Fawwazah Muhammad
45. Mohamed Raffai Mohamed Fouzi
46. Hans Billimoria
47. Hameed Abdul Karim
48. Imran Mohamed Ali
49. Infiyaz Mohamed Ali
50. Iromi Perera
51. Jayanthi Gunewardena
52. Jehan Perera
53. Jensila Majeed
54. Juwairiya Mohideen
55. K.J. Brito Fernando – President, Families of the Disappeared
56. K.S. Ratnavale

57. Kumaravadivel Guruparan
58. Kumari Kumaragamage
59. Kumi Samuel
60. Kusal Perera
61. Lal Wijenayake - Lanka Sama Samaja Party (LSSP)
62. Lasantha Rahunuge - Sri Lanka Working Journalists Association
63. Latheef Farook
64. Mahaluxumy Kurushanthan
65. Manjula Gajanayake
66. Marisa de Silva
67. Mano Ganesan – Leader, Democratic People’s Front (DPF)
68. Mathuri Thamilmaran
69. Megara Tegal
70. Melani Manel Perera - Journalist
71. Melisha Yapa
72. Mirak Raheem
73. Mohamed Hisham
74. Mohamed Shammas
75. Muhammad Nasir
76. Nazli Mohamed Ali
77. Nicola Perera
78. Nigel V. Nugawela
79. Nirmanusan Balasundaram - Independent Journalist/Human Rights Advocate
80. Nishan de Mel – Economist
81. Niyanthini Kadirgamar – Researcher

82. Nooranie Muthaliph
83. P.N. Singham
84. Paba Deshapriya
85. Prabu Deepan
86. Priya Thangarajah
87. Prof. Jayantha Seneviratne - University of Kelaniya
88. Prof. Kumar David
89. R. Cheran
90. R.M.B. Senanayake
91. Rajani Chandra
92. Rohan Salgadoe
93. Rosanna Flamer-Caldera
94. Ruki Fernando – Human Rights Activist
95. Sabra Zahid
96. Sampath Samarakoon
97. Sanjaya Senanayake
98. Sanoon Mohideen
99. Sarala Emmanuel
100. Selvi Sachithanandam – Chairperson, Poornam Foundation
101. Selvy Thiruchandran
102. Shamala Kumar - University of Peradeniya
103. Shanthi Sachithanandam
104. Shehan de Alwis
105. Shehan Shakoor
106. Shreen Saroor

- 107. Siritunga Jayasuriya - United Socialist Party**
- 108. Srinath Perera – Attorney-at-law**
- 109. Sumathy Sivamohan**
- 110. Sunanda Deshapriya**
- 111. Sunil Jayasekera - Free Media Movement**
- 112. Sunil Wijesiriwardena**
- 113. Suren D. Perera – Activist & Attorney-at-law**
- 114. Thiruni Kelegama**
- 115. Udaya Kalupathirana - INFORM Human Rights Documentation Centre**
- 116. Uvais Mohamed Ali**
- 117. Visaka Dharmadasa**