



Inter-Parliamentary Union
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Sri Lanka

Decision adopted unanimously by the IPU Governing Council at its 208th session (Madrid, 30 November 2021)



© [Ranjan Ramanayake \(@RamanayakeR\)](#)

LKA-78 – Ranjan Ramanayake

Alleged human rights violations

- ✓ Threat, acts of intimidation
- ✓ Inhumane conditions of detention
- ✓ Lack of fair trial proceedings
- ✓ Lack of right to appeal
- ✓ Violation of freedom of opinion and expression
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

On 21 January 2021, the Supreme Court sentenced Mr. Ranjan Ramanayake, an opposition member of the Parliament of Sri Lanka, to four years of rigorous imprisonment for contempt of court under Article 105(3) of the Constitution.

The Attorney General had brought the case against Mr. Ramanayake following a complaint filed in the Supreme Court by the Venerable Mr. Magalkande Sudantha Thero and retired Air Force officer Mr. Sunil Perera. The case was brought in connection with remarks made by Mr. Ramanayake to the media following a discussion with the then Prime Minister, Mr. Ranil Wickremesinghe, at Temple Trees on 21 August 2017. The interview was broadcast on the “News 1st” news bulletin on MTV Channel (Private) Limited’s Sirasa TV on the same day. During the interview, Mr. Ramanayake stated, *inter alia*, the following: “The majority of judges in Sri Lanka are corrupt. Corrupt lawyers. About 95 per cent of them. They work for money. Every day they protected murderers, corrupt people and drug dealers for money”.

Case LKA-78

Sri Lanka: Parliament affiliated to the IPU

Victim: Male opposition member of parliament

Qualified complainant(s): Section I.1(d) of the Committee Procedure (Annex I)

Submission of complaint: August 2021

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Attorney General (November 2021)
- Communication from the complainant: August 2021
- Communication to the authorities: October 2021
- Communication to the complainant: November 2021

The complainant states that Mr. Ramanayake's prison sentence comes in response to his strong opposition to the Government and his efforts to denounce and root out corruption. The complainant considers that Mr. Ramanayake's sentencing and conviction run counter to his right to freedom of expression, all the more so considering that ample information is available to show the level of corruption in the judiciary, and to his right to participate in the conduct of public affairs, given that his parliamentary mandate was terminated as a result on 7 April 2021. Moreover, the complainant, as well as the United Nations (UN) Special Rapporteur on the independence of judges and lawyers, state that in the Sri Lankan legal system "contempt of court" has not been defined clearly, and that the verdict cannot be appealed. Moreover, as a consequence of the sentence, pursuant to Article 89(d) of the Constitution, Mr. Ramanayake will be barred from voting and standing in elections for a period of seven years following completion of his sentence.

The complainant is concerned about Mr. Ramanayake's state of health and prison conditions. It states that Mr. Ramanayake was only given a bed in the prison hospital where he was admitted in October 2021 because of his diabetes, hypertension, knee pain and backache. However, the prison officers, rather than the doctors, could decide at any point to send him back to prison. According to the complainant, when he is in prison, Mr. Ramanayake is only allowed to receive visitors once a month for 15 minutes. He is reportedly not allowed to make any phone calls and can only post letters, which are often sent with a significant delay.

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. *Notes* that the complaint concerning Mr. Ranjan Ramanayake is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under Section I.1.(d) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the initial allegations; and (iii) concerns allegations of threats and acts of intimidation, inhumane conditions of detention, lack of fair trial proceedings, lack of the right to appeal, violation of freedom of opinion and expression, and the abusive revocation of the parliamentary mandate, which are allegations that fall within the Committee's mandate;
2. *Is alarmed* that Mr. Ramanayake is currently serving a four-year prison term owing to a highly questionable verdict and sentence, neither of which, in violation of basic fair trial standards, is open to judicial review, as the Supreme Court ruled at single instance;
3. *Considers* that, in making the statement, Mr. Ramanayake was exercising his right to freedom of speech and his parliamentary mandate, which includes oversight of the overall state of administration of justice; *considers* also in this regard that both common law jurisprudence and human rights doctrine amply demonstrate that freedom of speech must be the overriding value where contempt of court is concerned; and *considers*, therefore, that the prison sentence is totally inappropriate and that, should any sanction have been considered necessary, this should have been limited to a warning or a small fine at the most;
4. *Is deeply concerned* that, as a result of the sentence and conviction, Mr. Ramanayake's parliamentary mandate was terminated and that, in addition, he will be prevented from voting and standing in elections for seven years after serving his sentence;
5. *Calls on* the President of Sri Lanka, therefore, to grant Mr. Ramanayake a pardon so that he can regain his freedom and, if not resume his parliamentary mandate, at least vote and stand in elections, thereby redressing the injustice suffered by him as a result of the contempt of court proceedings; and *expresses* the hope that the President will give its plea due consideration;
6. *Firmly believes* that every parliament has a particular interest in ensuring that its members, irrespective of party affiliation, can freely express themselves without fear of reprisal by the other state branches, as otherwise the very independence of the institution would be at stake; *calls on* the Sri Lankan Parliament to take this matter into serious consideration by ensuring that legislation is in place that clearly defines contempt of court, establishes clear sanctions for the

most serious of cases in which there is a real and imminent danger concerning the administration of justice, and offers persons convicted an opportunity to appeal; and *would appreciate* receiving observations on this point;

7. *Is deeply concerned* about Mr. Ramanayake's alleged state of health and prison conditions; *urges* the competent authorities, for as long as he remains imprisoned, to ensure that he receives the necessary medical care and is allowed to communicate regularly, through telephone calls and visits, with his lawyer and family members; and *wishes* to receive specific information on this point;
8. *Requests* the Secretary General to convey this decision to the President of Sri Lanka, the parliamentary authorities and prison authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and report to it in due course.