

PUBLIC

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UA 88/08 **Arbitrary detention/ medical concern**

SRI LANKA **Jayaprakash Sittampalam Tissainaygam (m), journalist**

Journalist Jayaprakash Sittampalam (J. S.) Tissainaygam has been held in the Terrorist Investigation Division (TID) detention centre in Colombo since 7 March. The authorities have claimed that he is held on suspicion of involvement with the armed group, the Liberation Tigers of Tamil Eelam (LTTE), although he has not been charged with any offence, and Amnesty International believes that his detention is arbitrary. He is at risk of going blind if he does not receive specialist treatment for a serious eye condition.

On 7 March, J. S. Tissainaygam was detained after making enquiries to the TID regarding the arrest of his colleague V. Jasikaren and Jasikaren's wife the previous day. When arrested J. S. Tissainaygam was not issued with a detention order as required under any Emergency Regulations in Sri Lanka. In addition procedural safeguards set out in the Sri Lankan Presidential Directives, such as the provision of a document giving details of the arrest to the detainee's relatives, were not fulfilled,

J. S. Tissainaygam suffers from an eye condition that has required operations to re-attach his retinas. High levels of stress, or exposure to extreme levels of light, could cause a recurrence of the condition, which may result in blindness. It is not known whether he has received the required specialist medical treatment for his condition.

J. S. Tissainaygam filed a petition against his arbitrary arrest and detention with the Supreme Court. The Court allowed his petition to proceed. He was only granted access to a lawyer after lodging this and has reportedly been able to meet the lawyer only once, on 21 March, in the presence of a TID chief investigating officer.

A Supreme Court hearing on 27 March, in which J. S. Tissainaygam's lawyer and wife were present but not himself, reportedly confirmed that no detention order had been presented to him when he was arrested. Citing a previous ruling by the Chief Justice that detainees should not be held by the TID for more than a week the Court decided that the case should be reviewed by the Chief Justice.

The Chief Justice heard the case on 31 March. The government then presented a detention order to the Chief Justice, claiming that J.S. Tissainaygam is acting on behalf of the LTTE, and, can be held for up to 90 days from 7 March.

Amnesty International is concerned that J. S. Tissainaygam is being held under the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations No. 7 2006, which are incompatible with international human rights law and standards, and have been used to intimidate and harass political opponents, thus fostering a culture of impunity. The Emergency Regulations, issued by the President, introduce broad-based and vaguely defined "terrorism" offences which, among other things, have been used to silence critical media and generally violate freedom of expression in Sri Lanka, including through detention without charge or trial, which could under these Regulations last up to 18 months. Such detention is clearly arbitrary, in violation of Article 9(1) of the International Covenant on Civil and Political Rights, to which Sri Lanka is a state party.

BACKGROUND INFORMATION

Amnesty International is alarmed by a number of recent attacks and other violations of the human rights of media workers, which follow the pattern outlined in its recent report 'Sri Lanka: Silencing Dissent' (AI Index: ASA 37/001/2008). Journalists and other media workers have been detained for long periods of time without charge on previous occasions. On 21 November 2006 Parameshwari Munusamy, a Tamil woman journalist with the Sinhalese newspaper Mawbima, was arrested by Special Task Force (STF) personnel and detained at TID headquarters under the Emergency Regulations on suspicion of having links with the LTTE. At the time of her arrest, she was not told details of the grounds and legal basis she was held under. Detained without charge for four months, she was released on 22 March 2007. Her family were also reportedly assaulted at their home on 14 March 2008, by intruders who forcibly entered their home, causing serious injuries to her father and sister. There have been a number of attacks and arbitrary arrests of media workers in the last few weeks including Gayan Lasantha Ranga, Udayen and Kithsiri Wijesinghe, all contributors to the website www.outreachsl.com. The three were reportedly released on 18 March after being held in TID detention without charge for a number of days.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that J. S. Tissainayagam is being arbitrarily detained by the Terrorist Investigation Division (TID) in Colombo, apparently to prevent him from peacefully exercising his right to freedom of expression through his journalistic work;
- calling on the authorities to ensure that J.S. Tissainayagam is not tortured or ill-treated, and that he is allowed immediate and unrestricted access to his family, a lawyer of his choice, an independent court and any specialist medical treatment he may require;
- calling on the authorities to release J. S. Tissainayagam immediately and unconditionally, unless he is to be charged with a recognizably criminal offence and remanded by an independent court.

APPEALS TO:

His Excellency the President Mahinda Rajapaksa
Presidential Secretariat
Colombo 1
Sri Lanka

Fax: + 94 11 2446657

Salutation: Your Excellency

Hon. Amarasiri Dodangoda
Minister of Justice
Ministry of Justice and Law Reforms
Superior Courts Complex,
Colombo 12
Sri Lanka

Fax: + 94 11 2445447

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Sri Lanka accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 May 2008.