

PUBLIC

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Further Information on UA 110/08 (ASA 37/018/2008, 25 April 2008) – III-treatment/Fear of Torture/Medical concern/Arbitrary detention

SRI LANKA

Vettivel Jasikaran (m), writer and publisher (spelling corrected)
Valarmathi Jasikaran (f), his wife

Vettivel and Valarmathi Jasikaran were brought before a Magistrates' Court in Colombo on 30 June, and detained for a further three months without being charged. They are still in the custody of the Terrorist Investigation Division (TID) in Colombo, and Vettivel has stated in court that he has been tortured.

On 8 June Vettivel and Valarmathi filed a fundamental rights case at the Supreme Court, stating that their arrest and detention are illegal and that Vettivel has been tortured. On 13 June Vettivel told the Magistrates' Court that he had been tortured by the TID, and had showed the injuries this caused to a Judicial Medical Officer (JMO) during a medical examination on 27 May. However the JMO's report was written in Sinhalese, which Tamil-speakers Vettivel and Valarmathi Jasikaran cannot understand, and presented to the magistrate on 6 June without Vettivel's family or lawyer obtaining a copy; it is not clear what the report says. Vettivel was tortured again after his 13 June statement in court. Following hearings on 27 and 30 June respectively, the Supreme Court and the Magistrates' Court ordered the TID to arrange a second medical examination of Vettivel by a JMO, and to produce the JMO's report at the next Magistrates' Court hearing, on 5 September.

The 30 June extension of their detention was imposed under the Emergency Regulations, under which they could be held for up to 12 months without charge. Detaining anyone in this way is arbitrary, in violation of Article 9(1) of the International Covenant on Civil and Political Rights, to which Sri Lanka is a state party. The Emergency Regulations, issued by the President, introduced broad-based and vaguely defined "terrorism" offences, which have been used to silence critical journalists and generally suppress freedom of expression in Sri Lanka. Under the Emergency Regulations, police can hold people for up to 90 days, after which time they must be sent to prison or released. Vettivel and Valarmathi Jasikaran have now been in TID custody for four months, well past this 90-day limit.

Valarmathi has not received the medical treatment she needs following an operation she had on her stomach before she was detained. According to sources close to her, she has been taken to hospital once since she was arrested, and was advised to see the surgeon who carried out the operation on her stomach, who should assess her condition and determine what treatment she required, but this has not been arranged. Vettivel has not received any medical treatment for his injuries, which he says were caused by torture at the hands of the TID.

BACKGROUND INFORMATION

A number of media workers have recently been attacked, following the pattern outlined in Amnesty International's report *Sri Lanka: Silencing Dissent* (ASA 37/001/2008, February 2008). On 30 June a British High Commission staff member and an official of the Sri Lanka Press Institute were brutally attacked in Colombo. A number of journalists and other media workers have also been detained for long periods without charge (see UA 88/08, ASA 37/016/2008, 4 April 2008). In October 2007, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stated following a visit to Sri Lanka that, "Under the Emergency Regulations, most of the safeguards against torture...either do not apply or are simply disregarded, which leads to a situation in which torture becomes a routine practice in the

context of counter-terrorism operations. The non-applicability of important legal safeguards in the context of counter-terrorism measures, as well as excessively prolonged police detention, opens the door for abuse."

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

- calling on the authorities to release Vettivel Jasikaran and his wife Valarmathi immediately, unless they are to be charged with a recognizably criminal offence and remanded by an independent court, as they are held without charge and without a detention order by the Terrorist Investigation Division in Colombo;
- expressing concern at reports that Vettivel Jasikaran has been tortured repeatedly, and that Valarmathi Jasikaran has not received required medical treatment for a stomach condition;
- calling on the authorities to ensure that Vettivel and Valarmathi Jasikaran are not tortured or ill-treated, and that they are allowed immediate and unrestricted access to their family, legal counsel of their choice, an independent court and any specialist medical treatment they may require;
- urging the authorities to order an independent investigation into reports that Vettivel Jasikaran has been tortured by the TID, and bring those responsible to justice;
- calling on the authorities to put an immediate end to all torture and other ill-treatment, and comply fully with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Sri Lanka is a state party.

APPEALS TO:

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

Fax: +94 11 2446657
Salutation: Your Excellency

Hon. Sarath N. Silva
Chief Justice
Supreme Court of Sri Lanka
Superior Courts Complex
Colombo 12
Sri Lanka

Fax: +94 1 435446
Salutation: Dear Chief Justice

COPIES TO:

Mr Victor Perera
Inspector General of Police
Sri Lanka Police
Headquarters
101/1 Kew Road
Colombo 2, Sri Lanka

Fax : + 94 11 2446174

and 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 15 August 2008.