

PUBLIC

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17 August 2007

UA 212/07 Incommunicado detention/Fear of torture

SRI LANKA **Sujith Gunapala (m)**
Sasikaran Thevarajah (m)
Satyaphavan Aseervatham (m)

The three ethnic Tamil men named above were returned to Sri Lanka from Thailand on 14 August, and arrested on arrival. They are now held incommunicado by the police Criminal Investigations Division (CID) in the capital, Colombo, and are believed to be in grave danger of torture.

The three, Sri Lankan nationals, had sought asylum in Thailand in June 2006, but their claims were refused by the United Nations High Commissioner for Refugees (UNHCR). They are all ethnic Tamils and it is thought they have been detained on suspicion of having links with the Liberation Tigers of Tamil Eelam (LTTE) armed opposition group because they have served prison sentences in Thailand for illegal possession of firearms.

It is not clear under what legislation the detainees are being held. Their lawyer has been told that he must get formal permission from the CID Director before he is allowed to see them and has raised concerns that he will only obtain limited access in the presence of a police officer.

BACKGROUND INFORMATION

The conflict in Sri Lanka between government forces, the LTTE and other armed groups has escalated since April 2006. Heavy combat between the security forces and the LTTE has been accompanied by over 4,000 deaths in the last 18 months. A ceasefire signed in 2002 has effectively collapsed.

The resumption of hostilities has been accompanied by reports of human rights violations by all sides involved in the Sri Lankan conflict. Unlawful killings, abductions and enforced disappearance of civilians are daily occurrences, as is arbitrary detention. Over the past year, over 1,000 people are believed to have been abducted by the security forces, the Liberation Tigers of Tamil Eelam and other armed groups and over 1,000 unlawfully killed.

Before the 2002 ceasefire, thousands of people, mainly Tamils, were detained without charge for months or years. Some were tortured to extract "confessions," which were used to secure convictions.

Detentions in Sri Lanka are becoming increasingly arbitrary. In many cases, no receipts or records of detention are made available to family members of those who have been arrested, despite a Presidential warrant of July 2006 requiring this. It is not clear where significant numbers of detainees are held, and this puts them at increased risk of torture and enforced disappearance.

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

- expressing concern for the well-being of Sujith Gunapala, Sasikaran Thevarajah and Satyaphavan Aseervatham who are being held incommunicado by the CID in Colombo;
- calling on the authorities to ensure that they are not tortured or ill-treated, and that they are allowed immediate and unrestricted access to their families, lawyers of their choice and any medical treatment they may require;

- calling on the authorities to release them immediately, unless they are to be charged with recognisably criminal offences;

APPEALS TO:

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

E-mail: igp@police.lk
Fax: +94 11 2390433
Salutation: Dear Inspector General

Gotabaya Rajapaksa
Secretary, Ministry of Defence,
15/5 Baladaksha Mawatha, Colombo 3
Sri Lanka

Fax: +94 11 2446 300
+94 11 2541 529
Salutation: Dear Secretary of Defence

COPIES TO:

Mahinda Samarasinghe
Minister of Disaster Management and Human Rights,
383, Department of Meteorology
Buddhaloka Mawatha, Colombo 7
Sri Lanka

Fax: +94 11 2681978
+94 11 2881982
Salutation: Dear Minister

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 28 September 2007.