

Case LKA 060704
Torture/Illegal arrest/Assault, harassment and pressure

The International Secretariat of OMCT requests your **URGENT** intervention in the following situation in **Sri Lanka**.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Asian Human Rights Commission (AHRC), a member of the OMCT network, of the unlawful arrest and the torture of three men by police officers of the Badureliya police station, Sri Lanka.

According to the information received, on 27 June 2004, **J.S. Chaminda, B.W.L. Ajith Kumara** and **Ananda Baas** were on their way home in a three-wheeler belonging to B.W.L. Ajith Kumara, when they were stopped by seven police officers from the Badureliya police station. Officer In Charge (O.I.C.) Hettiarachi, Police Constable (P.C.) Ananda and five other officers dragged the three men from their vehicle and started assaulting them. While doing so, they kept on asking for the whereabouts of a certain Ananda Wijekoon.

After assaulting the three men severely, it is reported that the officers put the men into the rear of the police jeep and were taken to the Badureliya police station. At the police station they were put into a cell. At about 5:00 pm they were taken to the official residence of the District Medical Officer (DMO), Badureliya Government Hospital. According to the same information, the DMO allegedly issued medical certificates regarding the health of the three victims without conducting proper examinations in order to please the police. The DMO also reportedly issued a false report stating that B.W.L. Ajith Kumara was drunk at the time of the arrest.

On that same day, June 27, four of the police officers that assaulted and arrested J.S. Chaminda, B.W.L. Ajith Kumara and Ananda Baas, also went to the residence of Ananda Wijekoon and assaulted his wife, M. K. Gnanawathi, and his son Roshan, who were at home at that time.

At about 10:00 am the next day, 28 June 2004, J.S. Chaminda and Ananda Baas were released on police bail and no charges were filed against them. However, B.W.L. Ajith Kumara was charged with driving under the influence of alcohol and was produced at noon before the Matugama Magistrate's court.

Before B.W.L. Ajith Kumara was produced in court, the police demanded that he plead guilty to the charges. He was threatened with the permanent confiscation of his three-wheeler, which was currently held by the police, unless he agreed to plead guilty. The police also said that if he did not agree, he would face further difficulties in the future. Due to these threats B.W.L. Ajith Kumara admitted in court to driving under the influence of alcohol. He was made to pay a fine and was subsequently released.

OMCT expresses its grave concern over this event. OMCT remains worried about the continuing problem of police violence and intimidation in Sri Lanka and calls the government

to fight with it by ending impunity. OMCT would like to recall Sri Lanka, as a state party, that under article 2 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment “Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”.

Action requested

Please write to the authorities in Sri Lanka urging them to:

- i. Take all necessary measures to ensure the physical and psychological integrity of the victims;
- ii. Order a thorough and impartial investigation into the circumstances of this event in order to bring those responsible to trial and apply the penal and/or administrative sanctions as provided by law;
- iii. Guarantee that adequate reparation is provided to the victims;
- iv. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

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Please also write to the embassies of Sri Lanka in your respective country.

Geneva, July 6th, 2004

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.