



World Organisation Against Torture
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Open Letter to His Excellency Mahindra Rajapakse, Prime Minister of Sri Lanka

Geneva, August 17th, 2004

Concerning the death of Mr. Appo Vithanalagae Gamini

Your Excellency,

The International Secretariat of the World Organisation Against Torture (OMCT), the world's largest network of NGOs fighting against torture, has been informed by the Asian Human Rights Commission (AHRC), a member of the SOS-torture network, of the death of Mr. **Appo Vithanalagae Gamini**, after he was assaulted by a prison official.

According to the information received, Mr. Gamini, 36 years old, father of three children, was charged with possession and sale of illicit liquor by the Ratnapura Magistrate court (case no. 12125). Due to the fact that he was unable to pay the fine of Rs. 22,500 for the said offence, Mr. Gamini was arrested on a warrant issued by the Ratnapura Magistrate on 14 July 2004, and taken to the Kuruvita prison.

On 16 July 2004, when Mrs. Pillapitya Manamperigae Amaravathi, Mr. Gamini's wife, went to see him at the Kuruvita prison, he told her that he was assaulted by a prison officer named Mr. Seneviratna. He asked her to get him released as soon as possible. When she returned home, she informed several people of her husband's situation and was able to collect a sum of money amounting to about Rs 5,000, in order to attempt to get him out of prison.

Mrs. Amaravathi went back to the prison on 19 July 2004 to see her husband but was informed that he had been transferred to the Welikada prison. She then returned home without seeing him. On 21 July 2004, Mrs. Amaravathi sent Mr. Somasiri who had known her husband since childhood to visit him at Welikada prison. According to Mr. Somasiri, he saw Mr. Gamini at about 4:30pm. The latter could neither sit, nor walk by himself. Two prison officials held him up and assisted him when he was brought in. Mr. Somasiri also stated that Mr. Gamini was unable to talk.

On the following day, Mrs. Amaravathi filed a motion before the Magistrate court through an attorney-at-law, offering to pay Rs 5,000 of the fine and requesting that her husband be released on bail. The Magistrate accepted the motion and released Mr. Gamini on bail after ordering him to be brought to the court on 23 July. Mr. Gamini was reportedly unable to walk and was helped by two prison guards. Mrs. Amaravathi tried to talk to her husband, however, she also found that he was unable to talk. Immediately after his release she took him to the Ratnapura General hospital for treatment.

Mrs. Amaravathi said she visited her husband in the hospital everyday. Her last visit was on the morning of 26 July 2004. On that day after coming back from the hospital, a messenger came at about 7am to tell her that her husband had died in hospital. The next day, on 27 July, the post-mortem was held and it was established that Mr. Gamini died due to the assault he endured in prison. The Magistrate court ordered the Kuruvita police to conduct an investigation, which is presently ongoing, however, no one has yet been arrested by the police.

While OMCT welcomes the court's decision to order the police to conduct an investigation, it wishes to express its deepest concern over the death of Mr. Appo Vithanalagae Gamini and urges the authorities of Sri Lanka to ensure that the ongoing investigation is thorough and impartial, in order to bring those responsible to trial and apply the penal and/or administrative sanctions as provided by law. Moreover, OMCT calls upon the authorities to ensure that adequate compensation is provided to the victim's family.

Thank you for your careful consideration in this matter.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping, stylized strokes that form a cursive-like shape.

Eric Sottas
Director