

Case LKA 190204.1
Death threats / Pressure and harassment

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

New information

The International Secretariat of OMCT has been informed by the Asian Human Rights Commission (AHRC), a member of the OMCT network, of the continuing pressure and harassment of **Mr. Koralaliyanage Palitha Tissa Kumara** (who has recently been released on bail) and his family to withdraw their complaints of torture against the police.

According to the information received, on 4th July 2004, police constable Nishantha, (probably from the Wellipena Police Station) allegedly came to Mr. Tissa Kumara's home and told him and his wife to withdraw their complaints against the police, or they would not live very long.

The victim and his family have been reportedly continuously threatened and Mr. Tissa Kumara was even offered money to withdraw his case. On 16 June 2004, a socially important person, who carried a message from the police, allegedly visited Mr. Tissa Kumara: he would receive 500,000 rupees (USD 922) if he withdraws his complaints. In a separate incident, Kumara received a message, also conveyed through a third party, that his wife and their child would be crushed to death by a vehicle if the complaint against the perpetrator, Sub inspector (SI) Silva, were not withdrawn.

According to the same information, local monks have also pressurized Kumara and politicians to withdraw the case pending in the Supreme Court regarding torture, illegal arrest and detention happened on February 2004.

A fundamental rights case is pending in the Supreme Court regarding the torture, illegal arrest and detention of Mr. Tissa Kumara. At the preliminary hearing, the state counsel, appearing for the attorney general, said that he was satisfied that the allegation by the victim was true and that a special investigation unit (SIU) is conducting an inquiry to prosecute the perpetrator under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Act, or Act 22 of 1994. Later the SIU obtained permission from the magistrate to record statements from all of the police officers attached to the Wellipena police station. However, the alleged perpetrator, SI Silva, still continues to work at the police station.

OMCT welcomes that the case is currently under investigation and proceedings. Nevertheless, OMCT remains worried about these events and more widely about the continuing problem of police violence and intimidation in Sri Lanka and calls the government to fight it with 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".

Reminder of the situation

According to the information received, Mr. Tissa Kumara, a well-known artist, was arrested on the morning of 3 February 2004 for giving food to a person who is currently accused of serious crimes. S.I. Silva allegedly severely tortured Mr. Tissa Kumara with a cricket post (wicket) on the neck, back, ears, head, hands, buttocks, ankles and knees, causing over forty injuries, most of which was serious

and clearly visible. His right hand was handcuffed to the iron rails of the police cell and S.I. Silva pulled him up and down with it many times, injuring the victim's wrist severely. S.I. Silva also hit the victim's chin several times with a pistol. S.I. Silva also forced a tuberculosis patient, who was under police custody at the time, to spit into Mr. Tissa Kumara's mouth, saying to him that he would die within two months of the disease. While he was under police custody for three days, Mr. Tissa Kumara vomited often, and he cannot stand and has serious injuries on the left side of the head, affecting his ability to sleep.

Mr. Tissa Kumara was produced before a Magistrate only after a lawyer, Mr. Tissa Almeida, came to the police station on his behalf. Before being taken to the Magistrate, Mr. Tissa Kumara was forced to place his thumbprint on a grenade given to him by S. I. Silva. According to the victim, the grenade looked new and the police unpacked it and forced him to place his fingerprint on it.

After being produced before the Magistrate on a special request made by his defence lawyer, Mr. Tissa Kumara was produced before the Colombo Judicial Medical Officer (J.M.O.) on 12 February 2004. According to Mr. Tissa Kumara, six doctors examined him and took X-rays and photographs of his injuries. He was then taken back to the Remand Prison, where he was reportedly not being provided with adequate medical assistance.

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 Mr. Koralaliyanage Palitha Tissa Kumara;
- ii. Provide protection for the victim and his family as complainants and put an immediate end to the harassment and pressure to which Mr. Koralaliyanage Palitha Tissa Kumara and his family are being subjected;
- iii. Order a thorough and impartial investigation into the circumstances of these events in order to bring those responsible to trial and apply the penal and/or administrative sanctions as provided by law;
- iv. Guarantee that Mr. Koralaliyanage Palitha Tissa Kumara be provided with adequate reparation;
- v. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Addresses

- Ms. Chandrika Bandaranaike Kumaratunga, President, Democratic Socialist Republic of Sri Lanka, Presidential Secretariat, Colombo-1, Sri Lanka, Fax: +94 11 2 333 703
- Hon. Mr. Ranil Wickremasinghe, Prime Minister, Cambridge Place, Colombo 7, SRI LANKA, Fax: +94 11 2 682905 / 575454, E-mail: secpm@sltnet.lk or bradmanw@slt.lk
- Hon. Mr. K. C. Kamalasabesan, Attorney General, Attorney General's Department, Colombo 12, SRI LANKA, Fax: +94 11 2 436 421, Email: attorney@sri.lanka.net or counsel@sri.lanka.net
- Mr. Ranjith Abeysuriya PC, Chairman National Police Commission, 69-1 Ward Place, Colombo 7, SRI LANKA, Fax: +94 11 2 669 128 / 691 926, Fax HOME: +94 11 2 674148, E-mail: polcom@sltnet.lk
- Inspector General of Police (IGP), New Secretariat, Colombo 1, SRI LANKA, Fax: +94 11 2 381394/ 446174

- Dr. Radhika Coomaraswamy, Chairperson, National Human Rights Commission of Sri Lanka, No. 36, Kynsey Road, Colombo 8, SRI LANKA, Tel: +94 11 2 694 925 / 673 806, Fax: +94 11 2 694 924 / 696 470, E-mail: sechrc@sltnet.lk
- Mr. Shavindra Fernando, Senior State Counsel, Torture Perpetrators Investigation Unit, Attorney General's Department, Colombo 12, SRI LANKA, Tel/Fax: +94 11 2 327 765, Email: Prsec@visual.lk or savifdo@yahoo.co.uk
- Ambassador Prasad Kariyawasam, Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations in Geneva, Rue de Moillebeau 56, Case postale 436, 1211 Genève 19, Tel. : +41 22 / 919 12 50, Fax : +41 22 / 734 90 84, E-mail : mission.srilanka@itu.int

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

Geneva, July 9th, 2004

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