

**Case LKA 210704**  
**Arbitrary arrest/Assault**

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 illegal arrest and assault of 48 year-old Mrs. M. Piyawathi by the Baduraliya Police.

According to the information received, on 31 May 2004, Mrs. Piyawathi was taken into police custody along with her 22 year-old daughter and 16 year-old son. The Baduraliya Police then charged her and her two children with obstructing police duty and Mrs. Piyawathi was remanded for 10 days while her children were released on bail.

According to Mrs. Piyawathi, the police harassed her because of an oral complaint she made to the Officer in Charge (OIC) of the Baduraliya Police Station about the police's involvement in the illicit manufacture of *Kasippu*, illicit liquor. She reported that a woman police constable from the Baduraliya police and a male constable from the Ingiriya police have been engaged in large-scale manufacturing of *Kasippu* with the help of relatives in the Baduraliya police area. Although Mrs. Piyawathi admits she also sold *Kasippu* for about four months, she stopped doing so about four months before this incident.

On 31 May 2004, three plain clothes men came to Mrs. Piyawathi's door and asked for a bottle of *Kasippu*. When she replied that she had none, the three men assaulted her by slapping her in the face, hitting hard on her hands, and kicking her in the chest. They searched her house and took Rs. 13,720 (about US\$ 137) and a gold ring. The men revealed themselves as officers from the Baduraliya Police and they took her and her two children into custody at the station Baduraliya Station. There, a government doctor examined Mrs. Piyawathi and gave her treatment for the contusions she suffered as a result of the police assault.

The Baduraliya Police charged her and her two children with obstructing police duty and brought them before the Matugama Magistrate courts. The magistrate ordered Mrs. Piyawathi to be remanded for 10 days but allowed her children to be released on bail. After she was released on bail from prison, Mrs. Piyawathi lodged a complaint about the incident with the National Human Rights Commission (NHRC) and the National Police Commission (NPC) demanding them to take immediate legal and disciplinary action against the OIC and the officers of the Baduraliya Police Station.

In the past the AHRC has reported several cases in which former illicit liquor sellers were punished by police officers after having given up such businesses. According to the information received, police officers often rely on bribes from individuals in the illicit liquor business as a source of extra income, and are often involved in such businesses directly.

**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 Mrs. M. Piyawathi and of her two children;
- 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 Mrs. M. Piyawathi be provided with adequate reparation;

- 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 :**

- Hon. Mr. Mahindra Rajapakse, Prime Minister, Cambridge Place, Colombo 7, SRI LANKA, Fax: +94 11 2 682905 / 575454, E-mail: [secpm@slt.net.lk](mailto:secpm@slt.net.lk) or [bradmanw@slt.lk](mailto: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](mailto:attorney@sri.lanka.net) or [counsel@sri.lanka.net](mailto: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@slt.net.lk](mailto:polcom@slt.net.lk)
- Mr. T. I. de Silva, 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@slt.net.lk](mailto:sechrc@slt.net.lk)
- 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](mailto:mission.srilanka@itu.int)

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

Geneva, July 21th, 2004

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