

Case LKA 260704
Arbitrary arrest/Torture

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, a member of the OMCT network, of the illegal arrest and torture of 26 year-old **Mr. Nanumuralage Roshan Jayaeera** by the Wariyapola police on 14 July 2004.

According to the information received, at about 9:00 a.m. on 14 July 2004, at the request of police Mr. Jayaeera reported to Wariyapola Police Station along with his wife and another person. When they arrived, an officer from the crimes branch, identifiable on sight by Mr. Jayaeera, brought Mr. Jayaeera to a room. The officer then slapped Mr. Jayaeera's face several times, pulled his hair, and questioned his whereabouts on 18-19 June 2004. After that, the officer closed the door to the room, removed Mr. Jayaeera's shirt and assaulted him with a belt. He then took Mr. Jayaeera out of the room and handed him over to police constable No. 9687 and another officer, who severely assaulted Mr. Jayaeera for about 15 minutes. Mr. Jayaeera was then ordered to sit on a bench in the police station until 4:30 p.m. when he was released to go home.

The following day, 15 July, Mr. Jayaweera reportedly returned to the Wariyapola Police Station and complained to the Officer in Charge (OIC) about his assault by the police on the previous day. However, the OIC ignored Mr. Jayaweera and the complaint was not recorded.

Later that day, Mr. Jayaweera, in severe pain due to the police assault, went to Kurunegala General Hospital for treatment. He was admitted to ward no. 35 for two days and then discharged. During Mr. Jayaweera's stay at Kurunegala, the police post at the hospital took his statement concerning the assault, and a Judicial Medical Officer (JMO) of the hospital examined him. However, to date there has been no serious action taken by the police to inquire into this matter.

According to information received, in Sri Lanka, even though there are clear rules and regulations addressing police conduct during investigations, the police often fail to respect these regulations and frequently use torture as a means of obtaining information. OMCT urges the Sri Lankan government to ensure that these rules of conduct are strictly followed at all police stations and to take genuine steps to halt the practice of torture by police. In addition, OMCT strongly insists that the Sri Lankan government ensures respect for the physical and psychological integrity of Mr. Jayaeera and orders an immediate, impartial and exhaustive investigation into this assault, identify the perpetrators, and bring them to justice. Finally, OMCT urges the Sri Lankan government to provide proper medical treatment to the victim as well as compensation.

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. Nanumuralage Roshan Jayaeera;
- 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 Mr. Nanumuralage Roshan Jayaeera 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@sltnet.lk or bradmanw@slt.lk
- Hon. Mr. K. C. Kamalabesana, 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
- 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@sltnet.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

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

Geneva, July 26th, 2004

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