

Case LKA 270104.1
Arbitrary arrest / Torture / Impunity

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

New information

The International Secretariat of OMCT has received updated information from the Asian Human Rights Commission, a member of the OMCT network, on the case of **Jayasekara Vithanage Saman Priyankara** who was tortured by officers of the Matale Police Station, Sri Lanka on January 2004 (case LKA 270104).

On the 7 July 2004, about 10 policemen reportedly entered Jayasekara Vithanage Saman Priyankara's house and took him out and severely beat him. While he was bleeding, he was forcibly taken by the said police officers to the Matale Police Station. Presently he is being kept there and his family fears for his life.

According to the information received, since he was tortured on January 2004 by officers from the Matale police station, Jayasekara Vithanage Saman Priyankara has been severely pressured during numerous occasions by the police officers attached to the said Police station to withdraw his allegations of torture during the past few months.

OMCT expresses its grave concern over these events. OMCT remains worried 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 from the Asian Human Rights Commission, a member of the OMCT network, on January 5th, 2004 at approximately 4:00 p.m., 32 year-old Jayasekara Vithanage Saman Priyankara was arbitrarily arrested and brought to the Matale Police Station by Sub Inspector (SI) Pananwala and four other officers.

At the police station, SI Pananwala started to beat him severely and ordered one officer to boil the water saying that he was going to make sure that the victim would not be able to have a normal sex life anymore. They poured the boiling water down his right leg from the hip downwards, burning his genitals. The victim cried in pain and pleaded with them not to do it. The victim received severe burn wounds, and the officers only gave him some oil to apply on the wounds.

The policemen then reportedly warned the victim not to report the incident to anyone and not to attempt to receive treatment at the hospital so that the medical report would not be used as unfavourable evidence against them in court. Jayasekara Vithanage Saman Priyankara was released from the police station at around noon on January 6th, 2004. He had since been admitted to ward No. 10, the accident ward in the Kandy Hospital.

After he was released, the police had continued to visit Jayasekara Vithanage Saman Priyankara's house to check whether he has taken any legal steps regarding the incident. They had already visited his house five times between January 6th and January 20th, 2004.

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 Jayasekara Vithanage Saman Priyankara;
- ii. Order the immediate release of Jayasekara Vithanage Saman Priyankara in the absence of legal charges, or, if such charges exist, bring him before an impartial and competent tribunal and guarantee his procedural rights at all times;
- iii. 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;
- iv. Guarantee that Jayasekara Vithanage Saman Priyankara 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@slt.net.lk or bradmanw@slt.lk

Hon. Mr. K. C. Kamalasinghe, 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

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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

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 8th, 2004

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