

Case LKA 270704
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 24 year-old Mr. Halneththi Susil Indrajith Silva by the Paiyagala police on 20 July 2004.

According to the information received, on 20 July 2004 as Mr. Silva smoked a cigarette in front of his house, a jeep full of Paiyagala police officers stopped and called in threatening voices for him to come to them, but instead Silva went inside the house. The police officers entered the house after Mr. Silva and dragged him out. They took him to the garden where the Officer in Charge (OIC) hit and kicked him, including in the genitals, and Mr. Silva fell to the ground screaming in pain. The other officers forced him to stand and began to mercilessly hit him with wooden sticks. After beating him for 5-6 minutes, the officers dragged Mr. Silva to the jeep and drove to the Paiyagala police station where they placed him in a cell.

The following afternoon, on 21 July 2004 at around 3:30 p.m., Mr. Silva was brought before the Kalutara Magistrate with false charges of possessing cannabis (marijuana). Mr. Silva's lawyer informed the Magistrate that Silva had been tortured by the Paiyagala police, and the Magistrate recorded Silva's statement and documented his wounds and contusions. The Magistrate remanded Silva and gave orders to prison officials that he should receive necessary medical treatment and that a JMO report on his health conditions should be submitted.

Mr. Halneththi Susil Indrajith Silva presently remains in Kalutara Remand Prison, and the incident has been reported to the National Human Rights Commission (NHRC). The International Secretariat of OMCT is gravely concerned for the physical and psychological integrity of Mr. Silva and calls on the authorities to order his release in the absence of legal charges that are consistent with international law and standards. Furthermore, OMCT urges the authorities to take immediate steps to halt this kind of police brutality, and calls on them to launch a prompt, thorough and impartial investigation into the circumstances of this event in order to find those responsible for any violations of human rights and to bring them to justice.

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. Halneththi Susil Indrajith Silva;
- ii. order his immediate release in the absence of legal charges that are consistent with international law and standards, or, if such charges exist, bring him before an impartial and competent tribunal and guarantee their 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 Mr. Halneththi Susil Indrajith Silva 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 :

- 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. Kamalabasanan, 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 27th, 2004

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