

**EXTERNAL**

**AI Index: ASA 37/26/95**

*This is a limited action. Please restrict appeals to 20 per Section.*

**EXTRA 143/95**

**Fear of "disappearance"**

**17 November 1995**

**SRI LANKA Muthukumarasamy Sasikumar, aged 17, tractor driver**

There are fears for the safety of Muthukumarasamy Sasikumar, a Tamil youth from Trincomalee in eastern Sri Lanka, who was reportedly arrested on 16 November 1995.

According to eye-witnesses, Muthukumarasamy Sasikumar was driving along Thirugnanasampanthar Street when he was stopped by two men in camouflage uniform travelling in a blue police bus. Muthukumarasamy Sasikumar was reportedly forced to get into the bus.

His relatives have made repeated inquiries at various places of detention in Trincomalee, including police headquarters, the Superintendent of Police's office, Harbour police station and Uppuveli police station. They also visited Plantain Point army camp and informed the local Human Rights Task Force office. All authorities deny he is in their custody.

#### **BACKGROUND INFORMATION**

There have been increasing reports of widespread arbitrary arrests of members of the Tamil community in the east and in the capital, Colombo against the background of ongoing fighting between the security forces and the Liberation Tigers of Tamil Eelam (LTTE) in the Jaffna peninsula.

Several waves of arrests in both the east and the capital Colombo are apparently connected with investigations into a number of attacks by the LTTE. In Trincomalee, for instance, two police officers and two people suspected of being informants of the security forces have been shot dead by a member of the LTTE over the last two weeks. Since then, there have been daily round-ups of young Tamil men in the town. Whereas most people arrested are released within 48 hours, an estimated 600 people are believed to be detained under the emergency regulations or Prevention of Terrorism Act. According to HRTF, as of 10 November, 630 people were detained.

Amnesty International is concerned that a number of safeguards to ensure the fundamental rights of those arrested and detained introduced in June/July are not being strictly implemented. For instance, under presidential directives issued on 18 July, the security forces have to issue an "arrest receipt" specifying the name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained. Where it is not possible to issue such a document, the arresting police officer has to make an entry in the information book as to the reasons why. If the arrest was carried out by the army, the nearest police station should be informed. The directives also specify that reasonable means of communicating with a relative or friend should be given to a detainee "to enable his whereabouts being known to his family".

On 4 September, an amendment to emergency regulations was introduced making the failure to inform the nearest police station of an arrest for the purpose of investigation within 24 hours an offence. If found guilty, the arresting officer can be sentenced to a maximum term of imprisonment of two years and a fine.

Amnesty International has welcomed these measures taken by the Government of Sri Lanka to ensure the safety of detainees. It has urged that all necessary steps are taken to ensure that they are rigorously implemented and that officers who violate procedures should be disciplined or prosecuted as appropriate.

In early September, Amnesty International wrote to several officials, including President Chandrika Bandaranaike Kumaratunga, expressing concern about a re-emerging pattern of "disappearances". It submitted a list of 40 cases reported between mid-April and early August: two from Amparai, eight from Batticaloa, 15 from Colombo, one from Kalutara, two from Mullaitivu, one from Pollonaruwa, one from Vavuniya and ten from Trincomalee, urging that they be thoroughly and impartially investigated. Investigations by the Criminal Investigation Department of the police in Colombo have resulted in the arrest of several members of the security forces thought to be responsible for the "disappearance", torture and killing of at least 21 people. To Amnesty International's knowledge the cases reported from other parts of the country have not been investigated.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:**

- expressing concern at reports of widespread arbitrary arrests of Tamil people in the east and in Colombo apparently solely on the basis of their ethnic origin;
- expressing concern that the arrest of Muthukumarasamy Sasikumar appears not to have been acknowledged and saying that there are fears for his safety;
- urging that the government swiftly investigate the whereabouts and welfare of Muthukumarasamy Sasikumar and ensure that, if there are no recognisably criminal charges against him, he be immediately and unconditionally released;
- urging the government to ensure that the safeguards on arrest and detention recently introduced are fully implemented and that steps are taken to discipline officers who fail to enforce them.

**APPEALS TO:**

Her Excellency President Chandrika Bandaranaike Kumaratunga  
 Presidential Residence  
 "Temple Trees"  
 Colombo 3, Sri Lanka

**Faxes: + 94 1 33 37 03**

**Telegrams: President Kumaratunga, Colombo, Sri Lanka**

**Salutation: Your Excellency**

The Hon (Colonel) Anuruddha Ratwatte  
 Minister of Irrigation, Power & Energy and Deputy Minister of Defence  
 Ministry of Irrigation, Power & Energy  
 No. 500 T B Jayah Mawatha  
 Colombo 10, Sri Lanka

**Faxes: + 94 1 68 77 68 (dialling tone may change before it connects to fax)**

**Telegrams: Deputy Defence Minister, Colombo, Sri Lanka**

**Salutation: Dear Minister**

W G Rajaguru  
 Inspector General of Police  
 Police Headquarters  
 Colombo 1, Sri Lanka

**Faxes: + 94 1 43 89 15**

**Telegrams: Inspector General of Police, Colombo, Sri Lanka**

**Salutation: Dear Inspector General of Police**

**COPIES TO:** diplomatic representatives of Sri Lanka accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 21 December 1995.