

URGENT ACTION

THREE AT RISK IN SRI LANKAN PRISON

Sri Lankan brothers Balapuwaduge Sumith Suresh Kumara Mendis and Balapuwaduge Indika Prasath Mendis, asylum seekers deported from Australia in October 2009, are at risk of torture and of attack from other inmates at Negombo prison, on Sri Lanka's west coast. A third prisoner, Lasantha Wijeratne, is also at risk.

In 2009, the brothers were on the crew of a boat attempting to take Sri Lankans to Australia illegally, when they had a dispute with the boat's owner. Australian authorities then intercepted the vessel. The brothers applied for asylum in Australia, claiming persecution from politicians in Sri Lanka and threats from the boat's owner. However, their application was refused, and they were deported to Sri Lanka, arriving on 5 October 2009. Sri Lankan authorities handed them over to the Central Investigative Department (CID), who released Sumith Mendis but charged Indika Mendis with "organizing groups to be sent to Australia illegally." He was tortured in CID custody and received severe ear injuries. He spent eight months in Negombo prison until his release on bail on 12 July 2010.

In August 2010 the brothers were arrested, apparently on suspicion of again planning to migrate to Australia, and held by the CID at their headquarters in the capital, Colombo. Between 15 and 22 August, Sumith Mendis says he was tortured, including by being beaten and subjected to psychological torture. He did not receive medical care in CID custody. On 22 August, Indika and Sumith Mendis, along with Lasantha Wijeratne, another man also deported from Australia, were transferred to Negombo prison. Following a court order, Sumith Mendis and Lasantha Wijeratne (who also reports having been tortured in custody) were examined by a judicial medical officer, and the two were admitted to a public hospital on 1 September. It is not clear whether they are still in hospital or have returned to prison.

A CID officer visited Indika Mendis in prison and threatened him when he refused to make a statement without his lawyer's advice. All three men could face torture or other reprisal from the authorities. Sumith and Indika Mendis could also be in danger from other prisoners. The owner of the boat they sailed to Australia is now held in Negombo prison, and they feel that their lives are at risk from him and his supporters following their earlier dispute.

PLEASE WRITE IMMEDIATELY in English or your own language:

- calling on the authorities to ensure that Sumith and Indika Mendis and Lasantha Wijeratne are protected from other prisoners who may pose a threat to their safety, are not tortured or ill-treated, and that they are allowed unrestricted access to their family, lawyer, an independent court and any medical treatment they may require;
- urging the authorities to order an independent investigation into reports that Sumith and Indika Mendis and Lasantha Wijeratne have been tortured by the CID, and bring those responsible to justice;
- calling on the authorities to comply fully with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Sri Lanka is a state party.

PLEASE SEND APPEALS BEFORE 14 OCTOBER 2010 TO:

Mahinda Balasuriya
Inspector General of Police (IGP)
New Secretariat

Colombo 1, Sri Lanka
Fax: +94 11 2 440440
Email: igp@police.lk

Salutation: Dear Inspector General

Hon. D.E.W. Gunasekara
Minister of Rehabilitation & Prison
Reforms

No.35 A, Dr. N.M. Perera Mawatha,
Colombo 08, Sri Lanka
Salutation: Dear Minister

Mr.V.R.Silva,
Commissioner General of Prisons
Department of Prisons, No.150,
Baseline Road, Colombo 09, Sri Lanka.

Fax: +94 112695206
Email: prisons@sltnet.lk
Salutation: Dear Mr Silva

Also send copies to diplomatic representatives of Sri Lanka accredited to your country. Please check with your section office if sending appeals after the above date.

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