

URGENT ACTION

FORMER POLICE INVESTIGATOR JAILED WITH COVID-19

Shani Abeysekara, the former director of the Sri Lankan Criminal Investigations Department (CID) tested positive for COVID-19 on 24 November 2020. According to the Human Rights Commission of Sri Lanka, he was recently transferred to a remote prisoner treatment centre, reportedly against his wishes and without his family being informed of his health situation or whereabouts. Detained since 31 July 2020, his family believes that he is being targeted for exposing human rights abuses implicating top politicians. There is grave concern for his life, safety, health and wellbeing as he suffers from existing heart conditions and diabetes. Sri Lankan authorities must immediately provide him access to immediate and proper medical care, and regular access to his family members and independent monitors.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Commissioner General of Prisons

Mr. H.M.T.N Upuldeniya
Prison Headquarters,
No. 150 Baseline Road,
Colombo 09,
Sri Lanka
Fax: +94 112 695206
Email: prisons@slt.net.lk

Dear Mr. Upuldeniya

*I'm writing to express my grave concern for the life of detained former Director of the Criminal Investigations Department, **Gnendra Shani Abeysekara**, who has recently tested positive for COVID-19 while in your custody. It is distressing to learn that he was transferred to the Gallella military-run treatment facility against his will, without informing his family of his situation or whereabouts. I am worried that he is not receiving the care he requires, given his medical history.*

Already suffering from several serious health issues, including severe diabetes and heart disease, Mr. Abeysekara's vulnerability to the health risks of COVID-19 is heightened. Latest reports suggest that he was transferred to the Infectious Diseases Hospital on 27 November. If not done so already, he must be immediately given access to medical care at a hospital. I am further concerned for his safety, as his family believes he is being targeted for exposing human rights violations implicating top politicians. This issue is only compounded by the fact that his family and independent human rights observers have been denied access to him. I urge you to provide access to independent monitors, such as the Human Rights Commission of Sri Lanka, so that they may assess Mr Abeysekara's condition.

Failing to provide adequate medical care to prisoners is a violation of Sri Lanka's international human rights obligations. As a state party to the International Covenant on Economic, Social and Cultural Rights, Sri Lanka is legally obliged to respect, promote, protect and fulfil "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." Adequate healthcare and safety of prisoners must be guaranteed at all times.

I urge you to ensure that Shani Abeysekara is granted prompt, regular and quality access to medical care at a hospital with best treatment, and that he is given unrestricted access to his family members and independent monitors regularly. If contact visits are restricted due to COVID-19 preventive measures, they must be replaced with other means of contact, for example, by phone, emails or video calls.

Yours sincerely,

ADDITIONAL INFORMATION

Shani Abeysekera, the former director of the Criminal Investigations Department (CID) of the Sri Lanka Police, oversaw the investigations into a number of emblematic human rights cases. These included the case of the forcibly disappeared cartoonist Prageeth Ekneligoda, the assault on journalist Upali Tennekoon, the murder of journalist Lasantha Wickrematunge and the disappearance of 11 youth (the 'Navy 11'). Current members of the government and their close associates, including president Gotabaya Rajapaksa, were implicated in some of these investigations.

Days after Gotabaya Rajapaksa won the Presidential elections in November 2019, Shani Abeysekera was demoted by the National Police Commission to serve as the personal assistant to the Deputy Inspector General of Police (DIG) to the Southern Province, without any prior disciplinary action or investigation. He is seeking redress for his transfer in a fundamental rights petition before the Supreme Court, alleging that he was removed from the post after the last Presidential election and transferred without a valid reason.

The current Government has accused Abeysekera of carrying out a political agenda. On 31 July 2020, the Colombo Crimes Division (CCD) arrested Abeysekera over allegations of concealing evidence in a weapons case involving the former DIG made by a Police Sub-Inspector. However, media reports indicate that the Police Sub-Inspector later claimed before a Magistrate court that officers of the (CCD) had threatened to arrest him unless he made a false statement implicating Abeysekera of fabricating evidence. His bail application is scheduled for hearing at the Gampaha High Court on 7 December 2020.

On 25 November, media reported that Abeysekera was tested for COVID-19 while being remanded at the Mahara Prison in Western Province and has been transferred to a military-supervised remote treatment centre at Gallella in the North Central Province, without his consent or without information about his whereabouts or health situation shared with his family. The Magistrates' Court in Gampaha had previously ordered him to be kept in isolation while in prison for safety of his life, given that he contributed to the investigation and conviction of multiple criminal cases. The Human Rights Commission of Sri Lanka has written twice to the Commissioner General of Prisons, expressing concerns for his health as well as potential threat to his life, urging the need for hospital care.

[Media reports suggested](#) that Abeysekera was removed from isolation at the Mahara prison hospital where he was being treated for diabetes and heart disease and was put together with other prisoners against his wishes, before being relocated against his will to an army-run COVID-19 treatment facility in Gallella, Polonnaruwa. On 27 November, it was reported that he was transferred to the Infectious Diseases Hospital. Before he was tested for COVID-19, his wife had written to several senior officers including the Chief Justice, Attorney General and the Police Chief warning of risk of him being assassinated in remand custody and calling for the safety of his life.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Sinhala
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 27 January 2021
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Gnendra Shani Abeysekera (He/Him/His)