

EXTERNAL (for general distribution)

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UA 01/92 "Disappearance"/Unacknowledged detention 2 January 1992

SRI LANKA: Markandu Mahadevan Kumar (alias Shankar)

On 18 December 1991 around 7.30pm, Markandu Mahadevan Kumar, also known as Shankar, member of the Eelam People's Revolutionary Liberation Front (EPRLF), was reportedly arrested from his residence in Madampitiya Road, Kotahena, Colombo by a group of seven or eight armed men in civilian clothes. At the time of the arrest, a member of the group reportedly identified himself as belonging to the Cinnamon Gardens police. However, when inquiries were made at the Cinnamon Gardens police station, officers there denied any involvement. The group of armed men were apparently travelling in a jeep without numberplates and were accompanied by an informer who identified Shankar from a shop on the other side of the road. A few days later this informer was seen at Tirukkivil, Amparai district, where Shankar is from, suggesting that members of the security forces in that area may have been responsible for his arrest.

Despite many appeals to the authorities, including the National Intelligence Bureau, the Criminal Investigation Department and the Ministry of Defence, no information has so far been forthcoming about his whereabouts.

It is believed that Shankar may have been arrested in connection with his activities for the EPRLF. He travels regularly to the east of Sri Lanka on behalf of the party to assess the situation there. According to one source, the security forces may want to interrogate him about arms hidden at the time the EPRLF left Sri Lanka in early 1990.

BACKGROUND INFORMATION

The EPRLF is one of the Tamil armed groups which, during the presence of the Indian Peace Keeping Force (IPKF) in the northeast of Sri Lanka, had allied with them against the Liberation Tigers of Tamil Eelam (LTTE), the main armed opposition group fighting for a separate state in that area. It had control over the Northeast Provincial Council at the time.

Following the withdrawal of the IPKF in early 1990, fighting broke out between the LTTE (which was having talks with the Sri Lanka government) and the so-called Tamil National Army (TNA), which had been established using forced conscription by the EPRLF, aided by Indian forces and EPRLF cadres. Thousands of members and supporters of the EPRLF and its allies fled to India. Many of the weapons distributed to the TNA were reportedly hidden before leaving.

After the outbreak of the fighting in the northeast in June 1990 between the LTTE and the Sri Lanka security forces, several of the other armed Tamil groups

opposing the LTTE such as the Tamil Eelam Liberation Organization (TELO) and the People's Liberation Organization of Tamil Eelam (PLOTE) joined the security forces. However, most members of the EPRLF did not take up arms. Others reportedly formed the Eelam People's Democratic Party (EPDP) and joined the security forces.

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On 12 December 1991, the Sri Lanka government announced that 30 of the 32 recommendations for the effective prevention and investigation of extrajudicial executions, "disappearances" and torture made by Amnesty International in a report in September 1991 are to be implemented. The recommendations which were accepted included those urging that all vehicles used by the security forces should have number-plates displayed at all times and that the Human Rights Task Force, a body recently set up by the government to keep a central register of all people in detention, should be informed by the arresting agency immediately of any arrest with or without warrant. The circumstances of the arrest and subsequent "disappearance" of Shankar demonstrate the need for a speedy and effective implementation of these recommendations.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern about the reported arrest and subsequent "disappearance" of Shankar;

- urging that an immediate investigation be conducted into his "disappearance" to determine his place of detention;

- seeking assurances that if he is in custody, he be humanely treated and granted immediate and regular access to relatives and a lawyer.

APPEALS TO

1) His Excellency President R Premadasa
Presidential Secretariat
Republic Square
Colombo 1
Sri Lanka

Dear President

Telegrams: President Premadasa, Colombo, Sri Lanka
Telexes: 22650 PRESEC CE
Faxes: + 94 1 44 6657

2) The Hon D.B. Wijetunga
Prime Minister and Minister of State for Defence
Ministry of Defence
Republic Square
Colombo 2, Sri Lanka

Dear Minister

Telegrams: Prime Minister, Colombo, Sri Lanka
Telexes: 22229 MINDEF CE
Faxes: + 94 1 44 6091

3) Justice J F A Soza
Chairman
Human Rights Task Force
75 Norris Canal Road
Colombo 10, Sri Lanka

Dear Justice Soza

4) Justice H A G de Silva
Chairperson
Presidential Commission of Inquiry into Involuntary Removal of Persons
Room No. 2-115, BMICH
Buddhaloka Mawatha
Colombo 7, Sri Lanka

Dear Justice de Silva

COPIES TO: diplomatic representatives of Sri Lanka in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 13 February 1992.