

EXTERNAL

AI Index: ASA 37/06/98

UA 78/98

Fear for safety / Fear of torture /  
"Disappearance"

11 March 1998

SRI LANKA

Subramaniam Tharmabalasingham, aged 22  
Kathirgamathamby Sentilkumar, aged 23  
Ponnampalam Thavarajah, aged 40  
Arumugam Mylvaganam, aged 35

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There are serious concerns for the safety of the four above-named men who "disappeared" after being taken into custody in January and February 1998.

Enquiries by the local offices of the Human Rights Commission and the International Committee of the Red Cross in addition to appeals made on their behalf to the President of Sri Lanka by local Members of Parliament have failed to reveal the whereabouts or the fate of the men.

Subramaniam Tharmabalasingham, originally from Nedunkeni village, Vavuniya, and Kathirgamathamby Sentilkumar, originally from Jaffna, were taken into custody at Poomthoddam Camp, Vavuniya district, at around 11 pm on 23 January by individuals believed to be members of the security forces. Both men were residents at the camp, one of several centres for persons displaced by the ongoing civil conflict in Sri Lanka.

Ponnampalam Thavarajah and Arumugam Mylvaganam were detained on 5 February by uniformed soldiers near Maha Oya, Batticaloa district. The pair had made a journey to the area from their homes in Kovilporativu, Southeast Batticaloa, in order to collect firewood. They were travelling in a bullock-drawn cart with two other men who ran away when the others were detained. The authorities have denied they are in their custody.

#### BACKGROUND INFORMATION

"Disappearances" of large numbers of people in the North and East of Sri Lanka have been reported for years in the context of the ongoing conflict between the Liberation Tamil Tigers of Eelam and government forces. Many of those who have "disappeared" in military custody are feared to have died after being tortured, or to have been extrajudicially executed; their bodies subsequently disposed of in secret.

Amnesty International has repeatedly urged the Sri Lankan authorities to amend government legislation, particularly the Prevention of Terrorism Act and Emergency Regulations, which allow such violations to occur without redress.

It has also urged that those responsible for "disappearances" be brought to justice without exception.

In 1997 the organization recorded approximately 80 cases of "disappearance" in the districts of Jaffna, Mannar, Kilinochchi and Batticaloa. The United Nations Working Group on Enforced or Involuntary Disappearances stated, in its latest report to the United Nations Commission on Human Rights, that it was "alarmed at the recent re-emergence of the systematic practice of enforced disappearance in Sri Lanka." It also noted that it is the country with the highest number of disappearances reported to have occurred in 1997.

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

- expressing serious concern for the safety of Subramaniam Tharmabalasingham and Kathirgamathamby Sentilkumar, who have not been seen since their detention on 23 January 1998, and for the safety of Ponnampalam Thavarajah and Arumugam Mylvaganam, who have not been seen since their detention on 5 February 1998;
- urging that the government provide immediate information about their whereabouts and the reason for their arrests;
- urging that, if they are in detention, they be promptly charged with a recognizably criminal offence, or immediately released, and that steps are taken in the meantime to guarantee their physical integrity and to allow them immediate access to their families, legal counsel, and medical care;
- urging that those responsible for their "disappearances" be brought to justice.

**APPEALS TO:**

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

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

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

**Salutation: Your Excellency**

The Hon (General) Anuruddha Ratwatte  
 Deputy Minister of Defence  
 Ministry of Defence  
 15/5 Baladaksha Mawatha  
 Colombo 3, Sri Lanka

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

**Faxes: + 94 1 54 15 29 / 68 77 68**

**Salutation: Dear Minister**

R K Chandrananda de Silva  
 Secretary  
 Ministry of Defence  
 No 15/5 Baladaksha Mawatha  
 Colombo 3, Sri Lanka

**Telegrams: Secretary Defence Ministry, Colombo, Sri Lanka**

**Faxes: + 94 1 54 15 29**

**Salutation: Dear Secretary**

Lt-General Rohan Daluwatte  
 Army Commander  
 Army Headquarters  
 Flagstaff Street  
 Colombo 1, Sri Lanka

**Telegrams: Army Commander, Colombo, Sri Lanka**

**Salutation: Dear Army Commander**

**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 22 April 1998