

EXTERNAL (for general distribution)

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UA 177/95 "Disappearance" / Fear of Extrajudicial Execution 20 July 1995

SRI LANKA Marsilin Michael Colin  
Iyavu Shanmuganathan, aged 26  
Krishnapillai Thuruparan, aged 27

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There are fears for the safety of three young Tamil men detained by the security forces in the capital Colombo between 4 June and 14 June 1995. Amnesty International fears that they may have been killed in custody and their bodies disposed of in secret, a fear heightened by recent reports of similar abductions and killings.

On 4 June, Marsilin Michael Colin of Grandpass, Colombo, was arrested while he was waiting for a bus near St Anthony's church, Kochchikade, Colombo. His relatives made inquiries at various police stations in Colombo but failed to establish his whereabouts. A member of parliament raised his "disappearance" with the Secretary to the President. Relatives also informed the Human Rights Task Force (HRTF) and the International Committee of the Red Cross.

Iyavu Shanmuganathan, a resident of Ragama, north of Colombo, and Krishnapillai Thuruparan were arrested on 14 June at about 7am while having breakfast in a cafe in Kotahena. They were both employed at a video shop nearby. They were reportedly arrested by members of the Special Task Force (STF), a police commando unit. Relatives made inquiries at Kotahena police station but officers denied that any persons of those names had been arrested by them. The police reportedly advised one relative to visit the mortuary at Colombo General Hospital. The relative did so but failed to find Iyavu Shanmuganathan. Further inquiries were made at Ganemulla and Gonahena STF camps and at Grandpass and Maradana police station, but no information was given as to their whereabouts.

#### BACKGROUND INFORMATION

Since the resumption in mid-April of hostilities in the northeast of Sri Lanka between the security forces and members of the Liberation Tigers of Tamil Eelam, the main armed opposition group, there have been continuing reports of arbitrary arrests of hundreds of Tamil people, particularly in the east of the country and in the capital, Colombo. Amnesty International has also received reports of "disappearances" and extrajudicial executions.

While acknowledging that the security forces have to date refrained from resorting to systematic extrajudicial executions and "disappearances", as frequently reported on a large scale in the past, Amnesty International has urged the government to take effective measures to prevent further human rights violations.

In the period late May to late June 1995, at least 16 bodies were found in the vicinity of Colombo, thought to be of Tamils taken into custody and subsequently "disappeared". Although so far only one of the bodies has been identified by name and one other has been identified as a Tamil by a religious tattoo on his arm, information available so far suggests that at least some of them were held prisoner and then killed by strangulation or drowning.

On 29 June 1995, the President of Sri Lanka ordered an investigation into the discovery of eleven bodies in Bolgoda lake, south of Colombo, to be carried out by the police's Criminal Investigation Department. The results of the

investigation are not yet known, although details of post-mortem examinations of the bodies show that several of the victims had their hands and feet tied and were thrown into the water alive. According to the doctor carrying out post-mortems on eight of the bodies, all were males aged between 25 and 35. The eight reportedly showed signs of starvation and two of strangulation; six had been thrown in the water alive with their hands and feet tied together.

Numerous checkpoints have been established in Colombo and surrounding areas since the resumption of hostilities. It is unlikely that any vehicle transporting prisoners would have been able to get past these checkpoints unless they were driven by authorized persons. The body of one young man was found 55 miles away from the place of his arrest.

In mid-June 1995, the government announced it would reinstate the powers of the HRTF, an independent body set up by the previous government to monitor and safeguard the welfare of detainees (see UA 103/95, ASA 37/07/95, 28 April 1995, and UA 139/95, ASA 37/13/95, 15 June 1995). At the same time, the President issued directives to the heads of the security forces to safeguard the rights of detainees, including the issuing of "arrest receipts" with the name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained. Amnesty International has welcomed these measures and has urged that all necessary steps be taken to ensure strict implementation. However, the organization has expressed concern about some aspects of the new measures. For example, whereas current Emergency Regulations (ERs) lay the onus of issuing such receipts on the arresting authority, the presidential directives require them to be issued only "upon request". Moreover, the ERs state that the HRTF should be notified of arrest "*forthwith, and in [any] case not later than forty-eight hours*"; the directives, however, state that the HRTF should be informed "*as soon as possible and in any case within four days of such arrest*".

Amnesty International is concerned at continuing reports of arbitrary arrest and "disappearance". It believes that the immediate issuing of "arrest receipts" and prompt notification of the HRTF are essential first steps to preventing further "disappearances" and extrajudicial executions.

To date, Amnesty International has asked the HRTF to investigate twelve reports of "disappearance": five from Colombo, four from Trincomalee, three from Batticaloa and one from Vavuniya. It is alleged that in none of these cases was an "arrest receipt" issued.

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

- calling for a full, impartial investigation to establish the whereabouts of Marsilin Michael Colin, Iyavu Shanmuganathan and Krishnapillai Thuruparan and asking to be informed of the results;
- seeking assurances that, if in detention, they are being treated humanely in accordance with international standards;
- expressing concern that "arrest receipts" are often not issued by the arresting authorities; urging that every effort be made to ensure that these are issued in all cases and that the HRTF is promptly informed, as important steps to prevent further "disappearances" and extrajudicial executions in custody.

**APPEALS TO:**

Her Excellency President Chandrika Bandaranaike Kumaratunga  
Presidential Residence

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Colombo 3, Sri Lanka

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

**Salutation: Your Excellency**

The Hon (Colonel) Anuruddha Ratwatte

Deputy Minister of Defence and of Irrigation, Power & Energy

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)**

**Telex: 803 22229**

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

**Salutation: Dear Minister**

Lt-General Gerry de Silva

Army Commander

Army Headquarters

Flagstaff Street

Colombo 1, Sri Lanka

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

**Salutation: Dear Army Commander**

**COPIES OF YOUR APPEALS 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 31 August 1995.