

PUBLIC

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UA 110/08 Ill-treatment/ Fear of Torture/ Medical concern/ Arbitrary detention

SRI LANKA **Vadivel Jasikaran (m), writer and publisher**
Valarmathi Jasikaran (f), his wife

Writer and publisher Vadivel Jasikaran and his wife Valarmathi Jasikaran have been held without charge by the police Terrorist Investigation Division (TID), in the capital, Colombo, since 6 March. They are at risk of torture or other ill-treatment. According to local sources Valarmathi Jasikaran has not received the regular medical attention she requires following a stomach operation.

Vadivel and Valarmathi Jasikaran were detained by the TID on 6 March. The TID reportedly issued their relatives with documents that stated that they had been arrested for "terrorist related activities". However, no order has been issued for their detention, and they have not been brought before a court. Valarmathi Jasikaran had undergone a stomach operation some months before her arrest but was reportedly suffering complications just before her arrest, resulting in regular vomiting. According to eyewitnesses, she had to be carried into the TID van. While she has been in custody, she is thought to have only seen a doctor once. She is not receiving the regular medical attention she needs, including regular monitoring of her condition and tests to determine whether further treatment is needed.

Vadivel Jasikaran has sustained unexplained injuries to his hands and arms in TID detention in Colombo and there are fears that he has been ill-treated.

Vadivel and Valarmathi Jasikaran are possibly being held under the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations No. 7 2006, which are incompatible with international human rights law and standards, and have been used to intimidate and harass political opponents. The Emergency Regulations, issued by the President, introduce broad-based and vaguely defined "terrorism" offences which, among other things, have been used to silence critical media and generally violate freedom of expression in Sri Lanka, including through detention without charge or trial, which could under these Regulations last up to 18 months. Such detention is clearly arbitrary, in violation of Article 9(1) of the International Covenant on Civil and Political Rights, to which Sri Lanka is a state party.

BACKGROUND INFORMATION

Amnesty International is alarmed by a number of recent attacks on and other violations of the human rights of media workers, which follow patterns outlined in its recent report 'Sri Lanka: Silencing Dissent' (AI Index: ASA 37/001/2008, February 2008). Journalists and other media workers have also been detained for long periods of time without charge on a number of recent occasions (see UA 88/08, ASA 37/016/2008, 4 April 2008). In October 2007, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, stated following a visit to Sri Lanka that, "Under the Emergency Regulations, most of the safeguards against torture... either do not apply or are simply disregarded, which leads to a situation in which torture becomes a routine practice in the context of counter-terrorism operations. The non-applicability of important legal safeguards in the context of counter-terrorism measures, as well as excessively prolonged police detention, opens the door for abuse."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- calling on the authorities to release Vadivel Jasikaran and his wife Valarmathi immediately, unless they are charged with a recognizably criminal offence and remanded by an independent court, as they are held without charge and without a detention order by the Terrorist Investigation Division in Colombo;
- expressing concern at reports that Valarmathi Jasikaran has not received required medical treatment for a stomach condition;
- calling on the authorities to ensure that Vadivel Jasikaran and his wife Valarmathi are not tortured or ill-treated, and that they are allowed immediate and unrestricted access to their family, a lawyer of their choice, an independent court and any specialist medical treatment they may require;
- urging the authorities to launch an independent investigation into reports that Vadivel Jasikaran has been ill-treated in police detention and ensure that if verified, the perpetrators are brought to justice;
- calling on the authorities to put an immediate end to all torture and other ill-treatment, and fully comply with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Sri Lanka is a state party.

APPEALS TO:

His Excellency the President Mahinda Rajapaksa
Presidential Secretariat
Colombo 1
Sri Lanka
Fax: + 94 11 2446657
Salutation: Your Excellency

Hon. Sarath N. Silva
Chief Justice
Supreme Court of Sri Lanka
Superior Courts Complex
Colombo 12
Sri Lanka
Fax: + 94 1 435446
Salutation: Dear Chief Justice

COPIES TO:

Mr. Victor Perera
Inspector General of Police
Sri Lanka Police
Headquarters
101/1 Kew Road
Colombo 2
Sri Lanka
E-mail: igp@police.lk, police@police.lk
Salutation: Dear Inspector General

and 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 6 June 2008.