

**SRI LANKA/SENEGALThambirajah Kamalathan, aged 19**

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There are serious concerns for Thambirajah Kamalathan, a Tamil man from Chunnakam, Jaffna, who was subjected to torture for several days following his arrest by police on 15 July 1998 in the capital, Colombo.

Two witnesses saw Thambirajah Kamalathan being assaulted with a rod at Pettah police station. Chili powder was reportedly rubbed into his eyes and his genitals were squeezed. After two or three days he had difficulty walking. One of his legs was apparently swollen below the knee. He was transferred to the custody of the Terrorist Investigation Department on 21 July and is reported to be held at the 6th Floor, police headquarters in Colombo. His relatives have so far not been allowed to visit him there.

Thambirajah Kamalathan was one of 192 Sri Lankan asylum seekers whose boat was intercepted by the Senegalese navy on 24 February off the coast of Senegal. Soon afterwards they were all returned to Sri Lanka, where they were arrested and held in detention for several weeks. After he was released on bail on 17 March, Thambirajah Kamalathan returned to his home in Jaffna. He arrived in Colombo on 13 July with permission from the Ministry of Defence to attend a court hearing scheduled for 31 July.

**BACKGROUND INFORMATION**

For years, torture has been one of the most widespread human rights violations in Sri Lanka. This has been ascertained by many testimonies obtained by Amnesty International from victims of torture, by medical certificates corroborating these testimonies, by judgements of the Supreme Court in fundamental rights cases as well as by recent reports from government inquiry commissions.

There have been widespread reports of torture since the resumption of the conflict in April 1995 between the security forces and the Liberation Tigers of Tamil Eelam (LTTE), fighting for an independent state of Tamil "Eelam" in the north and east. In Colombo, members of the Tamil community are at risk of arbitrary arrest and detention. Large numbers of Tamils are regularly arrested there during cordon and search operations, particularly following attacks by the LTTE. Though most of those arrested in these round-ups are released once their identity has been checked, those suspected of having links with LTTE are held for longer periods and risk being subjected to torture. Young Tamil men originally from the north or east of the country are especially at risk.

Sri Lanka acceded to the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1994, and torture has since been made a criminal offence. However, under current security legislation, the security forces have been given broad powers of arrest and detention. These wide powers have contributed to the prevalence of human rights violations including torture. In addition, torture has been facilitated by widespread impunity of the perpetrators. To date, no member of the security forces has been brought to justice for committing torture.

Senegal is party to the UN Convention relating to the Status of Refugees and the CAT, both of which enshrine the fundamental principle of *non refoulement*. In particular, the CAT states that "[n]o State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture".

Implicit in the obligation to abide by the principle of *non refoulement* is the necessity to implement the adequate procedures to identify people who may be at risk of human rights violations if returned to their home country. At the time of writing, Amnesty International was in the process of ascertaining whether the Senegalese authorities acted in conformity with the country's obligations under international law.

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

- expressing concern that Thambirajah Kamalathasan was reportedly tortured at Pettah Police Station in Colombo following his arrest on 15 July 1998;
- urging the authorities to undertake a full and immediate investigation into this case, as well as other reports of any form of torture or ill-treatment by law enforcement officials, and take the necessary steps to bring the perpetrators to justice;
- urging the authorities to grant Thambirajah Kamalathasan access to any medical treatment he may require, to his family and a lawyer;
- reminding the authorities of their commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment".

**APPEALS TO:**

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**

Inspector General of Police W B Rajaguru  
 Police Headquarters, New Secretariat, Colombo 1, SRI LANKA

**Telegrams: Inspector General of Police, Colombo, Sri Lanka**

**Faxes: + 94 1 43 89 15**

**Salutation: Dear Inspector General**

**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 17 September 1998.

***"No one shall be subjected to torture or to cruel, inhuman or degrading treatment."***