

UA 329/2001

Fear of f**CANADAManickavasagam Suresh (m), aged 45**

It is feared that Canadian authorities may return a Tamil man, Manickavasagam Suresh, to Sri Lanka, where he would be at grave risk of torture. The Supreme Court of Canada is expected to rule in his appeal in early January 2002. If the Court rules against him he will be at risk of immediate deportation.

Manickavasagam Suresh is alleged to be a member of the Liberation Tigers of Tamil Eelam (LTTE), the main armed opposition group fighting for autonomy in the north and east of Sri Lanka. Amnesty International has documented numerous incidences of the Sri Lankan security forces torturing people in their custody, particularly suspected LTTE members. There are also continuing and frequent reports of arbitrary arrests, torture, "disappearances" and extrajudicial executions during the ongoing armed conflict between security forces and the LTTE.

The Canadian authorities recognised Manickavasagam Suresh as a refugee in 1991, but arrested and detained him, pending deportation, as a suspected member of "an organization that had committed terrorist acts." He was released in March 1998 under stringent conditions, while appealing his deportation. The upcoming Supreme Court ruling will almost certainly be the final decision in his case.

Amnesty International believes that nobody should be forcibly returned to a country where they might be at risk of serious human rights violations. Amnesty International recognises that states have a right to take measures to protect their own security: nonetheless, the protection against forcible return to a country where one might face torture is absolute and binding under international human rights law.

Canada is a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under Article 3, no person may be returned to another state where "there are substantial grounds for believing he would be in danger of being subjected to torture".

The Canadian government is also bound by the internationally-recognized principle of *non-refoulement*, which prohibits states from returning people against their will to countries where they risk serious human rights violations.

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

- urging the authorities not to forcibly return Manickavasagam Suresh to Sri Lanka, and expressing deep concern that, if returned, he would be at risk of torture and other serious human rights violations;
- pointing out that Canada is bound by the Convention against Torture, and urging them not to put Manickavasagam Suresh at risk of torture, regardless of the accusations against him;
- noting that the Canadian government is bound by the internationally-recognized principle of *non-refoulement*, which prohibits states from forcibly returning people to countries where they risk serious human rights violations.

APPEALS TO:Prime Minister

The Right Hon. Jean Joseph Jacques Chrétien, P.C., M.P.

Langevin Building 80 Wellington Street
Ottawa, Ontario
K1A 0A2
Canada

Fax: + 613 941-6900

E-Mail: pm@pm.gc.ca

Salutation:Dear Prime Minister

Minister of Citizenship and Immigration

The Hon. Elinor Caplan, P.C., M.P.

365 Laurier Street West Jean Edmonds Tower South, 21st Floor
Ottawa, Ontario

K1A 1L1

Canada

Fax: + 613 957-2688/992-0887

E-Mail:Caplan.E@parl.gc.ca

Salutation:Dear Minister

COPIES TO: diplomatic representatives of Canada accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 3 February 2002.