

EXTERNAL

AI Index: ASA 37/06/96

This is a limited action. Please restrict appeals to 30 per Section

UA 86/96

"Disappearance"

28 March 1996

SRI LANKA Kanapathipillai Satheesh Kumar, aged 29

Kanapathipillai Satheesh Kumar, a Tamil from Jaffna, who had recently returned to Sri Lanka from Saudi Arabia, has "disappeared". He was arrested by members of the army with one other person around midnight on 7 March 1996 at 133/2 Armour Street, Colombo 12. The other person, who was initially also reported "disappeared", was traced in the custody of the Crime Detection Bureau (CDB) on 18 March. He is currently in detention at the 6th Floor, Police Headquarters. He has reportedly confirmed that he last saw Kanapathipillai Satheesh Kumar in army custody on 11 March.

Amnesty International, during a recent research visit to Sri Lanka, interviewed the relatives of Kanapathipillai Satheesh Kumar, who were also initially taken into military custody. The relatives confirmed that they last saw him when they were being driven in an army truck (registration: 61-5387) in Pettah, Colombo 11. They were later escorted back home by a Tamil-speaking officer who allegedly told them not to worry as Satheesh Kumar was only needed to make a statement and would be returned after two days.

The relatives have since made inquiries at various police stations and army camps near Colombo. They have also visited Magazine and Welikada prison but to date they have not been able to establish Satheesh Kumar's whereabouts. In addition, they have made complaints to the International Committee of the Red Cross and a member of parliament. The latter has reportedly appealed to the Human Rights Task Force (HRTF), the Secretary, Ministry of Defence, the Commander of the Army and the Inspector General of Police but has not received any responses so far. The President of Sri Lanka has reportedly responded to his appeal saying "action will be taken".

BACKGROUND INFORMATION

In mid-1995, the government reinstated the powers of the HRTF, an independent body set up by the previous government to monitor and safeguard the welfare of detainees. Shortly afterwards, the President issued directives to the heads of the security forces to safeguard the rights of detainees. Among the measures introduced was 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. In addition, the security forces have been directed to inform the HRTF of any arrest or detention "forthwith, and in any case not later than forty-eight hours from the time of such arrest or detention" and the place at which the person is being held.

Amnesty International has welcomed these measures and has urged that all necessary steps be taken to ensure strict implementation. However, when meeting with officials of the Ministry of Defence during a research trip to the country in early March 1996, the organization was told that the issuing of "arrest receipts" was "impractical". While appreciating that it may not be possible in some exceptional circumstances to issue such a document at the time of arrest, Amnesty International is urging that record is made of why it was not possible to issue such a document, as indeed is provided for in the presidential directives. In any case, Amnesty International believes there cannot be any excuse for not informing the HRTF within 48 hours of arrests

and detention. At the time of writing, 21 days have lapsed since the arrest of Kanapathipillai Satheesh Kumar and Amnesty International understands that the HRTF still has not been informed of his whereabouts.

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

- expressing concern about the "disappearance" of Kanapathipillai Satheesh Kumar since 7 March 1996 when he was arrested by the army at Armour Street, Colombo 12;
- urging that the government swiftly investigate the whereabouts and safety of Kanapathipillai Satheesh Kumar and ensure that, if there are no recognisably criminal charges against him, he be immediately and unconditionally released;
- urging the government to ensure that the safeguards on arrest and detention introduced in July 1995, particularly the need to inform the HRTF of any arrest and detention within 48 hours, are fully implemented and that steps are taken to discipline officers who fail to enforce them.

APPEALS TO:

Her Excellency President Chandrika Bandaranaike Kumaratunga
 Presidential Residence
 "Temple Trees"
 Colombo 3, Sri Lanka
Faxes: + 94 1 33 37 03
Telegrams: President Kumaratunga, Colombo, Sri Lanka
Salutation: Your Excellency

The Hon (General) Anuruddha Ratwatte
 Deputy Minister of Defence
 Ministry of Defence
 15/5 Baladaksha Mawatha
 Colombo 3, Sri Lanka
Faxes: + 94 1 54 15 29 or 68 77 68
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 TO: 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 10 May 1996.