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EXTERNAL (for general distribution)

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Death Threats/Fear of Torture

14 April 1993

SRI LANKA:

Tharmalingam Selvakumar and others

Amnesty International is concerned for the safety of Tharmalingam Selvakumar who has received death threats since he filed a petition in the Supreme Court of Sri Lanka alleging violation of his fundamental human rights to freedom from torture and arbitrary detention. He has cited both the Eelam People's Democratic Party (EPDP), a militant Tamil group which is allied with the Government of Sri Lanka, and the police as responsible for these violations.

Since filing the petition at the beginning of March 1993 he has come under pressure from the EPDP and the police to withdraw it: the EPDP have telephoned him several times and threatened to kill him if he pursues the case. The police have apparently threatened to bring false charges against him alleging that he has links with the Liberation Tigers of Tamil Eelam (LTTE), the secessionist group engaged in armed conflict with government forces in the northeast of the island.

Tharmalingam Selvakumar is a former sympathiser of the EPDP. On 1 January 1993 he was abducted from the Premil Sports Club at Kotahena, Colombo, where he was celebrating new year with some friends. According to his description of events, shortly before 10pm five or six armed men entered the sports club and came up to Tharmalingam Selvakumar's table; they forced him to go with them and beat him on his head when he struggled. He was fired at when he tried to escape, but was not hit. The abductors spoke in Tamil and claimed to be from the Criminal Investigation Department. However, Tharmalingam Selvakumar recognised one of them as a personal bodyguard of the EPDP leader. The abduction was witnessed by many people at the club and reported to the police later that night.

Tharmalingam Selvakumar was taken to the home of the EPDP leader in Colombo, where he was held until 6 January 1993. He says he was assaulted there on both 1 and 2 January 1993, sustaining injuries on his nose and forehead. He said that there were three cells at the back of the residence, which is at 121 Park Road, Colombo 5, which housed several Sinhalese and Tamil prisoners, some of whom had been tortured. The EPDP contacted his mother, who lives in Madras, India, demanding one million rupees from her to secure her son's release.

On 6 January 1993 Tharmalingam Selvakumar was handed to the custody of Kotahena police. A police officer offered to release him if he made a false statement to the effect that the injuries to his head and nose had resulted from a fall.

He refused. On 10 January he was taken to a doctor and asked to say that he had fallen. Again he refused, but the police officer told the doctor about a fall. He was held at Kotahena police station until 28 January 1993, when

he was released by a court as the police had no charges against him.

BACKGROUND INFORMATION

The Constitution of Sri Lanka enables people who believe their constitutionally guaranteed rights have been violated to file fundamental rights petitions in the Supreme Court. The Supreme Court can grant the victim compensation if it decides in their favour. Tharmalingam Selvakumar has cited the leader of the EPDP as the first respondent in his petition.

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To Amnesty International's knowledge, this is the first time a member of the EPDP has been cited as a respondent in a fundamental rights petition.

The EPDP assists the government in its operations against the LTTE and there have been reports of the EPDP detaining people for questioning in Colombo. The Inspector General of Police told Amnesty International representatives who visited Colombo in October 1992 that the EPDP has no authority to arrest and detain people, and that the police investigate any such complaints.

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

- expressing concern that Tharmalingam Selvakumar has received threats from the EPDP and the police which appear to be intended to prevent him pursuing a fundamental rights case in the Supreme Court;
- asking the authorities to investigate these threats and take action against those responsible;
- asking the authorities to ensure that Tharmalingam Selvakumar is free to use the human rights remedies available to him under the Constitution of Sri Lanka without harassment;
- asking the authorities to investigate Tharmalingam Selvakumar's allegation that further prisoners are held at the EPDP premises at 121 Park Road, Colombo 5, where they have been ill-treated, and to take action against those responsible if these allegations prove correct.

APPEALS TO

1) President Ranasinghe Premadasa
Presidential Secretariat
Republic Square
Colombo 1
Sri Lanka

Telegrams: President Premadasa, Colombo, Sri Lanka

Telexes: 22650 PRESEC CE

Faxes: + 94 1 446657

Salutation: Dear President

2) Ernest Perera
Inspector General of Police
Sri Lanka Police Headquarters
New Secretariat

Colombo 1
Sri Lanka

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

Salutation: Dear Inspector General

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 26 May 1993.