
amnesty international

£SRI LANKA

@Secret detention in Colombo. The case of Arulappu Jude Arulrajah

FEBRUARY 1994

AI INDEX: ASA 37/13/94

DISTR: SC/CO

Arulappu Jude Arulrajah was arrested on 2 October 1993 from his lodge at Bambalapitiya, Colombo. Amnesty International interviewed him during a recent visit to Sri Lanka and collected evidence suggesting he had been held in two unauthorised places of detention in Colombo until he was transferred to the custody of the Criminal Investigation Department (CID) on 15 December 1993¹. It also found that he had been tortured and ill-treated at his first place of detention which is thought to be an army camp located by the sea, off Galle Road, Kollupitiya, Colombo. During most of the two months he was held at this first place of detention, Arulappu Jude Arulrajah was blindfolded, with his hands and feet chained and he was kept in a darkened room usually naked. He was regularly beaten and on one occasion he was hung from a wooden pole suspended between two tables and his genitals cut, possible with a hacksaw.

In a recent response to representations made by Amnesty International about him, the Ministry of Defence stated that Arulappu Jude Arulrajah had only been arrested on 24 October 1993 and that he had been held at Panagoda Army Camp until 15 December when he was handed over to the CID for further investigation.

¹For full details on the unacknowledged detention of Arulappu Jude Arulrajah, see *Sri Lanka: Balancing human rights & security: abuse of arrest & detention powers in Colombo*, pages 10-12.

This case illustrates several concerns Amnesty International has about the continuing abuse of the already broad powers of arrest and detention given to the security forces under the Emergency (Miscellaneous Provisions and Powers) Regulations (ER) of 17 June 1993.

In its response, the Ministry of Defence acknowledged that Arulappu Jude Arulrajah had been held at Panagoda Army Camp from 24 October until 15 December 1993. Panagoda Army Camp does not appear on the list of authorised places of detention gazetted in June 1993 and therefore no detainees should be held there. It is a criminal offence under ER 19(8) to detain any person in such a place.

In addition, even if Panagoda Army Camp had been an authorized place of detention, Arulappu Jude Arulrajah should not have been taken there. According to ER 18(1), the army is required to hand over a suspect arrested in the south to the nearest police station within 24 hours. According to the information supplied by the Ministry of Defence itself, Arulappu Jude Arulrajah was not handed over to the police until 51 days after his arrest by the army. According to his own testimony, it was 75 days before he was transferred to police custody.

Amnesty International also understands that the detention of Arulappu Jude Arulrajah was never notified to the Human Rights Task Force (HRTF). Under the provisions of ER 18(7) the HRTF must be notified of an arrest "forthwith", using a form specified by the Defence Secretary. In this case, the HRTF apparently learned of the arrest from a relative in mid-December.

Amnesty International is calling for an end to secret and illegal detention of people in Sri Lanka.

To date, the Government has not responded to reports received by Amnesty International that people have been held at a secret place of detention located by the sea, off Galle Road, Kollupitiya, behind the Indian High Commission and the American Information Center, thought to be an army camp. Nor has it responded to reports that he was tortured in military custody during his period of illegal detention.

KEYWORDS: UNLAWFUL DETENTION1 / INCOMMUNICADO DETENTION / TORTURE/ILL-TREATMENT / RESTRAINTS / MILITARY / EMERGENCY LEGISLATION / MISSIONS / AI AND GOVERNMENTS /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM