

UA 233/00

Fear for

**SRI LANKA Mahanama Geeganage Chandrakumara
Mahanama Geeganage Samarapala] His parents
Pallathara Vidanegamage Pemawathie (f)]**

Police officers on trial for torturing a man in their custody are reportedly trying to intimidate him and his parents to stop them testifying.

Mahanama Geeganage Chandrakumara was allegedly tortured by officers at Tangalle police station in November 1990, who broke his teeth. Five officers are now on trial. Although police torture is reported almost every day, this is one of only a handful of cases now being tried by High Courts.

On 15 April, 11 days before the trial began, four armed men in plain clothes came to MG Chandrakumara's house and told him to go to Beliatta police station, where one of the accused is officer-in-charge. When he reported there on 19 April with his relatives, the officer-in-charge denied that he had been summoned.

The four men who had come to his house were outside the police station, and said they would kill him if he gave evidence at the trial. They were later seen walking into the police station. Nonetheless, M G Chandrakumara gave evidence at Hambantota High Court on 18 July. Senior police officers and the judge refused to take any action against the accused for interfering with a witness.

MG Chandrakumara's parents are due to give evidence on 29 August. Amnesty International is concerned that the family will face further intimidation in the run-up to the hearing.

BACKGROUND INFORMATION

No one has yet been convicted of torture in Sri Lanka, although the country incorporated the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) into national law in 1994, and made torture a crime punishable by seven to ten years' imprisonment and a fine.

Because this case involves offences committed before Sri Lanka adopted the CAT, the police officers have been charged under the Penal Code with abduction, unlawful detention, unlawful assembly, causing hurt and grievous hurt. The crime of grievous hurt carries a maximum of ten years' imprisonment and a fine.

Although the government has set up a Human Rights Commission and other mechanisms for preventing and investigating allegations of torture, torture continues to be reported almost daily. One reason why no one has yet been brought to justice for committing torture is that investigations have to be initiated by the police. Amnesty International believes that if they are to eradicate torture, the authorities must establish an independent authority to investigate allegations of torture by the police or other law enforcement officers, and that this authority must have the necessary powers and expertise to ensure that victims of torture can bring successful prosecutions.

Amnesty International is also concerned that members of the security forces charged with torture are allowed to remain in active service. At least two

of the police officers accused in this case are based at police stations near the victim and his family.

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

- expressing concern for the safety of Mahanama Geeganage Chandrakumara and his parents, who have been threatened with death if they give evidence in the trial before the Hambantota High Court of police officers charged with torturing M G Chandrakumara in 1990;
- urging the authorities to provide adequate protection to M G Chandrakumara and his parents, who are due to give evidence on 29 August;
- urging that members of the security forces charged with serious crimes such as torture and "disappearances" are suspended from duty while they are under investigation.

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 Lakshman Kodituwaku
Police Headquarters, New Secretariat, Colombo 1, SRI LANKA

Telegrams: Inspector General 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 25 September 2000.