

PUBLIC

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UA 13/06 Fear for safety/ possible "disappearance"

SRI LANKA Soosaithas K Marinthiran (m), aged 31, labourer
Sebastiampillai P Ruban (m), aged 24, bus conductor
Balakrishnan Rajeevmohan, age 21, labourer
Selvarajah Uthayarajah (m)

Soosaithas Marinthiran, Sebastiampillai Ruban, Balakrishnan Rajeevmohan and Selvarajah Uthayarajah have not been seen since being arrested in separate incidents in late December and early January on the Jaffna Peninsula in the far north of Sri Lanka. It is feared that they are at risk of "disappearance" and there are grave concerns for their safety.

Soosaithas Marinthiran, Sebastiampillai Ruban and Balakrishnan Rajeevmohan were reportedly arrested by security forces personnel at their homes in the town of Ilavalai during the nights of 8, 9 and 10 January respectively. According to witnesses who saw Soosaithas Marinthiran and Balakrishnan Rajeevmohan being taken away, on both occasions the Sinhala-speaking security forces personnel were being assisted by some people speaking Tamil. The witnesses claim that some of those involved in the arrest or abduction were wearing plain clothes and that some had their faces partially covered with black cloth. The group arrived in two army vehicles and one white van. The current whereabouts of the three men and the reasons for their arrest are unknown. Relatives of the men made inquiries about their arrest and apparent "disappearance" to the army camp under the command of 513 Brigade of the Sri Lankan army in Ilavalai, but the army denied the arrests. The relatives also made inquiries at the Ilavalai police station, but were unable to obtain information concerning the men's whereabouts.

Selvarajah Uthayarajah was reportedly arrested by army personnel on 26 December 2005, on the A9 Road near the village of Arasadi, in the Jaffna Peninsula. Two others were arrested with him. According to witnesses, the army personnel tied Selvarajah Uthayarajah and the two others to a coconut tree near the Meesalai army camp, which is under the command of the 55 brigade of the Sri Lankan army, and held them there for several hours. At around 6pm, they were taken into the camp. Following angry scenes involving local villagers, two of the detainees were released the next day, but, for reasons unknown to Amnesty International, Selvarajah Uthayarajah continued to be detained. When the *Grama Sevaka* (head of the village) of Arasadi and others inquired about Selvarajah Uthayarajah's detention, officials at Meesalai army camp told them that he would be released the following day. When he did not return home, relatives of Selvarajah Uthayarajah made further inquiries at the camp. They were told that he had been handed over to Vempiray army camp, which is situated about one and a half kilometres away from the Meesalai camp, and is under command of the Sri Lankan army's 52 Brigade. However, officials at the Vempiray army camp denied that he was there. Selvarajah Uthayarajah's relatives also inquired about his whereabouts at the police station in Chavakachcheri, the nearest large town, but were unable to obtain information about where he is detained.

According to regulations currently in force in Sri Lanka, anyone arrested by the army should be handed over within 24 hours to the police. This directive appears to have been ignored in the cases of these four men.

BACKGROUND INFORMATION

In February 2002, after two decades of conflict, the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) entered into a cease-fire agreement and proceeded to hold a series of peace talks.

These negotiations broke down in April 2003 and have stalled since then. Recently, amid fears of a return to war, both sides have agreed in principle to meet to discuss implementation of the cease-fire agreement but have not agreed on a venue or date for talks. Norway, which is facilitating the peace process, is sending its Special Envoy, Erik Solheim, to Sri Lanka on 23 January.

Tensions in northern Sri Lanka have escalated during the last couple of months as over 100 people, including around 40 civilians and over 60 security forces personnel, have been killed in shootings and landmine attacks. In response to the killing of security forces personnel, the security forces have conducted house-to-house searches and other operations in and around Jaffna, and at least ten people have been arrested and have “disappeared” during the past month, though the actual total may be higher. There are fears that a pattern of “disappearances” is emerging, in a similar way to the period in Jaffna in 1995 and 1996, when hundreds of Tamils “disappeared” during army operations in the area.

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

- urging the authorities to make public the whereabouts of the four men named above;
- calling for the authorities to adhere to directives requiring detainees arrested by the army to be handed over to the police within 24 hours of their arrest;
- calling upon the authorities to allow the four men access to their relatives, a lawyer and any medical treatment they may require;
- urging that they be immediately and unconditionally released unless they are to be charged with a recognizably criminal offence;
- expressing concern at reports that a pattern of “disappearances” appears to be emerging again in northern Sri Lanka, and calling on the authorities to put a halt to this practice immediately.

APPEALS TO:

President Mahinda Rajapakse
Presidential Secretariat, Colombo 1, Sri Lanka

Fax: + 94 11 2333703

Salutation: Dear President

Lt Gen Sarath Fonseka
Army Commander
Army Headquarters, Flagstaff Street, Colombo 1, Sri Lanka
Fax: + 94 11 2855018/ 2434862/ 2338653/ 2421374.

Salutation: Dear Lt General

Major General Asoka K Jayawardhana
Secretary, Ministry of Defence
15/5 Baladaksha Mawatha, Colombo 3, Sri Lanka

Fax: + 94 11 2446300; 2541529

Salutation: Dear Secretary of Defence

Mr Chandra Fernando
Inspector General of Police
Headquarters, New Secretariat, Colombo 1, Sri Lanka

Fax: + 94 11 2 438 915

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 23 February 2006.