

PUBLIC

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Further information on UA 216/98 (ASA 37/19/98, 6 August 1998) - Torture

SRI LANKAThambirajah Kamalathanan, aged 19

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Amnesty International has learned that Thambirajah Kamalathanan, who was tortured for several days following his arrest by police on 15 July 1998, appeared before the Colombo magistrate's court on 6 August and was remanded into judicial custody at Colombo Remand Prison the same day. Relatives were able to visit him there on 10 and 11 August.

According to the latest information Thambirajah Kamalathanan experienced pain all over his body and had difficulty walking for several days following his transfer to the Terrorist Investigation Department of the police headquarters in Colombo on 21 July. Here he was visited by delegates of the International Committee of the Red Cross, who provided him with treatment. He has also been administered painkillers by prison guards. He has not to date been visited by the Human Rights Commission of Sri Lanka.

No investigation into reports of his torture at Pettah police station after his arrest is known to have been initiated.

Thambirajah Kamalathanan was one of 192 Sri Lankan asylum seekers whose boat was intercepted by the Senegalese navy on 24 February off the coast of Senegal. Soon afterwards they were all returned to Sri Lanka where they were arrested and held in detention for several weeks.

Amnesty International is concerned that several governments involved in their return may have acted in breach of their obligations under international standards including the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the UN Convention relating to the Status of Refugees and its Statute. The government of Guinea Conakry apparently failed to provide them with access to a fair determination procedure and the government of Sri Lanka broke its undertakings that those returned would not be detained on arrival. The governments of Canada and the United States of America (who reportedly funded the chartering of the aeroplane) must also account for their role in the return operation.

Amnesty International is writing to relevant authorities of these governments to request specific information. It also intends to submit the case of Thambirajah Kamalathanan for examination to the Committee against Torture, as all these countries are party to the CAT. Article 3 of the CAT states that "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture".

**Thambirajah Kamalathanan is no longer believed to be at risk of torture although the organization will continue to closely monitor his situation and update the network as required. No more action is required by the Urgent Action Network. Many thanks to all who wrote appeals.**