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Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Sri Lanka: The absence of action regarding complaints of torture and ill-treatment

The ALRC and its sister organisation the Asian Human Rights Commission (AHRC) has submitted to the government of Sri Lanka in 2012 a total of 46 complaints relating to torture and ill-treatment. All these cases related to serious assaults on persons after arrest and during the period of detention at police stations. The victims in these cases and the date of the incidents are listed below:

1. Mr. Narahenpita Gamage Sisil Weerasinghe-(48) - Wattala Police - 30 December 2011
2. Mr. Muttiah Chandra Mohan (36) - Teldeniya Police - 6 April 2008
3. Mr. L. M. Jagath Kumara (22) - Thalathuoya Police Station - 10 February
4. Ms. Chandramohan Denusha - Ambakotte Tamil Vidyalaya - January 2012
5. Mr. Soriyamoorthy Givoshan (25) - Katugastota Police Station - 18 September 2009
6. Mr. Ramesh Kumar (29) - Terrorist Investigation Department (TID) - 9 August 2008
7. Mr. Mohamad Rasul (11) - Palanguthura Al-Fala School - 19 January
8. Mr. Kanahipadi Kankanamge Nalin (29) - Dodangoda Police Station - 20 November 2011
9. Mr. Ramasamy Prabakaran - Sri Lanka Police/Intelligence Services - 11 February, 2012
10. M. Nishantha Fernando Jayawardena - Panadura police - 4 June, 2010
11. Mr. Santhan Stanys Ramesh (33) - Kandy Terrorist Investigation Division (TID) 30 July 2011
12. Mr. A Navajeevan (27) - Kandy Terrorist Investigation Division (TID) Kandy – 9 August, 2008
13. Ms. Madurasinghe Arachchilage Chandrani Madurasinghe (42) - Chairman Udubaddawa Pradesheeya Saba - 20 January
14. Mr. JP Samson Kulatunga (62) - Marawila Police - 9 February, 2012
15. Mr. R D Wickramasinghe - Criminal Investigation Department - 26 June 2006
16. Mr. Surendra Rajan (30) - Terrorist Investigation Division (TID) - 26 August, 2009
17. Mr. Thankshanamoorthy Selvakumar (24)-Kandy Terrorist Investigation Division (TID) - 16 August 2008
18. Mr. Chandrasiri Dasanayaka - Wadduwa Police - 15 April 2012
19. Mr. N A Aruna Roshantha (42) - Chilaw Police - 24 March 2012
20. Mr. WA Pramal Meheran (29) - Thambuththegama Police Station - 3 July 2012
21. Mr. R M Chamara (17) - Pallama Police Station - July 4, 2012
22. Mr. Yapa Mudiyansele Chaminda Priyashantha (35) Vanathavilluwa Police Station - 5 July 2012
23. Name withheld - Kothmale Police Station - 6 July 2012
24. Shantha Wijesuriya - 9 July 2012

25. Mr. Mihindukulasuriya Anthony Vinisious Fernando (34) - Negombo Police Station – 9 August 2012
26. Mr. Dadallage Ajith Kusumsiri (38) - Angunapalassa Police Station - 13 August 2012
27. Mr. Don Prasanna Dilrukshana Aquinas Mallawaarachchi (22) - Pamunugama Police Station - 13 August 2012
28. Mr. Alexander Thayaparan (49) - August 15, 2012
29. Ms. K K Neesha Chaturangi (17) - August 15, 2012
30. Mr. Mahalingam Sasikumar (34) - August 17, 2012
31. Mr. Dilshan Suran Janz (27) - Negambo Police Station - August 21, 2012
32. Mr. Sivapalan Pradeepan (28) - 28 August 2012
33. Mr. G R Sampath Prasanna Piyadasa (37) - Rattota Police Station - August 29, 2012
34. Mr. Sundaram Sathies Kumar (34) - August 29, 2012
35. Mr. Gallalagama Arachchige Thilanka Niroshan Gamaarachchi (27) - Bandaragama Police Station. - August 30, 2012
36. Mr. Abasinghegedara Mahesh Niroshan Palamakumbura (19) - Bandaragama Police Station - August 30, 2012
37. Mr. Randunu Pathiranalage Susil Priyankara Seneviratne (27) - Thambuththegama Police Station - 31 August 2012
38. Mr. D P Anil Thushara (34) - Thambuththegama Police Station - August 31, 2012
39. Ms. Warnakulasuriya Tresa Dorin Marcus (45) - Pamunugama Police Station – 4 September 2012
40. Mr. Koggala Marakkalage Thushara Samanthilake (37) - Hungama Police Station – 11 September 2012
41. Mr. Thangaraja Ramesh Kumar (32) - 12 September 2012
42. Mr. Gunasundaram Jeyasundaram (57) - 2 November 2012
43. Ms. Muddara Pedilage Suneetha Sandamali - Saliya Wewa Police Station – 15 November 2012
44. Mr. T.A Erantha Srinath (27) - Giriulla Police Station - November 20, 2012
45. Mr. Porawakara Arachchilage Pramesh (34) - Thambuththegama Police Station – 21 November 2012
46. Mr. RHMPB Udangamuwa (27) - Peradeniya Police Station - 12 December 2012

The ALRC is not aware of any investigation into any of these cases under the CAT Act, No. 22 of 1994 which makes torture and ill-treatment a crime punishable by 7 years of rigorous imprisonment and a fine of Rs. 10,000/=. The ALRC is concerned that those investigations under the CAT Act, No. 22 of 1994 are no longer conducted and that no prosecutions have been filed under this Act during 2012. In fact, the prosecutions under this Act seem to have stopped from around 2009 or so. While the complaints relating to torture are increasing the investigations and prosecution into the cases under the relevant law, that is Act, No. 22 of 1994 has stopped.

The Committee Against Torture (CAT) in its recommendations in 2011 pointed out the practice of impunity relating to torture and ill-treatment that prevails in Sri Lanka. This practice of impunity has continued throughout 2012 and there does not seem to be any determination to implement the recommendations of the CAT Committee in Sri Lanka.

Today, in Sri Lanka there are no possibilities, for victims of torture to complain, expect an investigation that leads into a prosecution of perpetrators of torture.
