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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE,
IMPUNITY**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
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.

[7 February 2005]

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

THREATS AND INTIMIDATION TO THOSE WHO SEEK JUSTICE IN SRI LANKA

1. On 8 and 9 January 2004 D.G. Premathilaka was arrested and tortured by officers attached to the Katugastota police station, Sri Lanka for giving up his illicit liquor business - which is profitable for many police officers. Following this, Premathilaka lodged a complaint, the outcome of which is still ongoing. On 16 November 2004, officers from the same police station threatened Premathilaka demanding that he withdraw his complaint made against them. Following this Premathilaka lodged a second complaint with Sri Lankan authorities, including the Human Rights Commission of Sri Lanka.

2. Despite two complaints having been lodged against police officers from the Katugastota police station, a further incident of torture against Premathilaka has taken place. On 23 January 2005 at about 2am, Premathilaka was tortured by 12 police officers, including the Officer-in-Charge, from the Katugastota police station. The officers broke the lock of Premathilaka's front door and forced their way into the house. Claiming that a warrant had been issued for Premathilaka's arrest, the officers dragged him out of his house and into their jeep.

3. The following day Premathilaka's wife went to the police station. She could see that her husband's sarong was wet with blood and he complained to her about the brutal assault he had received. At 1pm on the same day, Premathilaka was presented before the Kandy Magistrate and a lawyer - appointed by the same police officers who had beaten him - appeared on his behalf. On January 25 Premathilaka had to appear before the Kandy Magistrate again, where he was charged with selling illicit liquor. He was not granted bail and remained in custody until February 8. The purpose of instituting new charges against Premathilaka and getting him remanded was to obstruct him from pursuing a further complaint against the police and getting proper medical treatment.

4. This is the reality of seeking justice in Sri Lanka today. Retaliations against those who lodge complaints against the police are on the increase and there is little done to rectify this situation by way of providing witness protection. Gerald Parera was killed only days before he was to give evidence in his own torture case against the police. When the perpetrators were finally arrested, it was revealed that they were the three police officers who are accused of torturing Gerald.

5. Torture victim Channa Prasanna Fernando, into whose case an inquiry was being conducted, was kidnapped and an attempt was made on his life, which he only narrowly avoided. While two cases against the perpetrators were then ongoing, there was a third attempt on Channa's life one night while he was sleeping. He was able to run away and is now in hiding.

6. In the case of Lalith Rajapakse, he was repeatedly threatened and intimidated. As a result, he is currently in hiding. His family, meanwhile, has received police protection, as has human rights activist ULF Joseph, after he was threatened for having helped Lalith.

7. Amarasinghe Morris Elmo De Silva, who was allegedly tortured by officers of the Jaela police station, was forced to flee the country due to threats to him and his wife because of a case against the perpetrators ongoing at the Negombo High Court.

8. As shown in the cases above, criminal behaviour by police officers, including threats and intimidation to complainants of police abuse, occurs with impunity in Sri Lanka. These officers

are allowed to continue in their posts with no disciplinary action taken against them. Not only does this encourage further criminal behaviour, but it denies any personal security for those who seek justice for crimes committed against them.

9. In light of the above, the Asian Legal Resource Centre urges the Commission to pressure the Government of Sri Lanka to

a. Investigate each of the cases mentioned above and have transferred any police officer involved in a pending case.

b. Take disciplinary/legal action against any police officer found to have threatened and intimidated a complainant of police abuse.

c. Have the Inspector General of Police make a list of officers who are accused of torture and subject them to psychological tests.

d. Provide witness protection to any victim, particularly of torture, who lodges a complaint against the police.
