

19th December, 2013

**Statement Condemning the Arrest and Unlawful Detention of Seven Tamil Youth,
and Calling for their Immediate Release**

We the undersigned, strongly condemn the arbitrary arrest and illegal detention of Raveendran Kajeepan (21), Alfred Piratheepan (30), Murukaiya Ashokkumar (35) and Nageswarasri Yarsan (22) from Jaffna, and the arrest and continued detention of three other youth* from Mannar, by the Terrorism Investigation Department (TID) between the 25th and 27th of November, 2013. It has become common practice for the Government to arrest and detain Tamil youth under the Prevention of Terrorism Act (PTA) coinciding with the time of *Mahaveerar Naal* (LTTE *Heroes Day*). In November 2012 too, four Tamil students from the University of Jaffna were arrested and detained under the PTA, and released intermittently over the course of 3 months.

*(*Families of these three youth did not want to reveal the identities of their sons for fear of reprisal. As, following their arrests, intelligence officers had visited the homes of those arrested and warned their families to not pursue any course of legal action, as this would prolong their detention.)*

The Jaffna Incident

On the 25th of November, at approximately 7pm, the four youth mentioned above had been engaged in a conversation near the Sooduvandhaan junction, on Naamagal Road, Tellippalai (approximately 30m away from their homes,). A cut-out of President Mahinda Rajapakse had been erected near this junction several months ago. Since then, the cut-out had toppled over and torn due to the number of heavy vehicles travelling along the Naamagal Road. Subsequently, some locals from the area had propped the cut-out against a nearby fence.

On the 25th of November, a passing patrol of four military personnel on bicycle, had stopped and inquired as to what the four youth were doing at the junction. Before the youth could respond, the patrol had pointed to the cut-out of the President and accused the four youth of damaging it. They had then proceeded to severely assault the youth. At this point, a crowd of locals, neighbours and relatives had gathered at the junction, where the *Grama Sevaka* too had arrived.

The *Grama Sevaka* had attempted to explain to the military personnel that the cut-out had already been

damaged, and that the four youth were not responsible for its condition. He had further stated that the youth would reinstall the cut-out, if the military would stop the assault. The military personnel had agreed to the *Grama Sevaka's* request. Thereafter, the crowd had borrowed hoes from a neighbouring house, and the four youth had restored the fallen cut-out to its original place.

Once the cut-out had been restored, the military personnel were seen speaking on their mobile phones. Soon after, they had assaulted the four youth again and forced the youth to remove the cut-out, whilst photographing them in the process. The military had then thrown the cut-out on to the street, further damaging it. Having then taken photographs of the damaged cut-out as well, the military had summoned the police and handed over the four youth to them.

The police had made no further inquiries, and merely handed over the youth to the TID. The four youth were then taken to the TID office in Vavuniya, and are currently being detained at the Boosa Detention Centre. They have not been produced before the Magistrate Court as yet.

Given the above details, the arrest and detention of the four Jaffna youth is clearly arbitrary and illegal. Furthermore, the unprovoked assault of the four youth by officers of the State, for no legitimate reason, amounts to torture and inhuman and degrading treatment, which is in clear violation of the International Convention Against Torture (ICAT), which Sri Lanka has acceded to in 1994.

Raveendran is a refrigeration technician, Piratheepan is a sales van driver at a business establishment, Ashokkumar assists his father in his masonry and Yarsan assists his father in his carpentry.

Mannar Incident

On 26th November, the Mannar police arrested a Tamil youth for allegedly graffiting '*Maaveerar Naal*' on a wall in Murunkan. On the 27th, the police arrested another two Tamil youth, claiming that they were acting on information provided by the youth arrested on the previous day. All three youth are also currently being detained at Boosa.

These three youth were produced before the Mannar Additional Magistrate on Friday 13th December, and have been remanded for a further 14 days. They will be produced in court next on the 27th of December.

In a separate incident, also on the 26th of November, Thiruchelvam Krishthiraja, a father of two, from Vaalkaipetrankandal, Murunkan, Mannar, was summoned to the Murunkan Police and subsequently arrested on alleged charges of being a former LTTE cadre. He was then handed over to the TID in Vavuniya, and is currently being held at the Boosa Detention Center. His family claims he is weak and ailing.

In light of the facts above, we are deeply concerned that these arrests are unfounded, and only serve to perpetuate the climate of fear and insecurity of the people of the North. The continued harassment and intimidation of Tamils by the security forces, reinforces our call to remove the excessive military presence and their interference in civilian affairs in the North. We also reiterate our call to repeal the repressive Prevention of Terrorism Act which facilitates the State to carry out such arbitrary and illegal arrests and detentions.

We therefore call on the Sri Lankan Government to:

- **Release with immediate effect all four youth arbitrarily arrested and detained from Jaffna**
- **Investigate into the Jaffna incident and hold all the officers responsible for the brutal assault and arrest of the four youth**
- **In the absence of clear evidence linking them to an alleged crime, release with immediate effect the remaining three detained youth from Mannar**
- **Ensure their right to equality before the law, freedom from arbitrary arrest and right to due process, which includes the right to legal assistance and visits by their family members**
- **Ensure the safety, and physical and mental welfare of the youth currently held in detention, including access to medical care**
- **Put an immediate halt to any further arrests under the PTA, acts of intimidation, harassment and reprisals carried out by the TID and the military**
- **Repeal the repressive PTA with immediate effect**

Signatures;

Individuals

1. Ainslie Joseph – Convenor, Christian Alliance for Social Action (CASA)
2. Amal de Chickera
3. Anton Marcus - Free Trade Zones & General Services Employees' Union

4. Ayeshea Perera
5. B. Gowthaman
6. B. Skanthakumar
7. Bhavani Fonseka
8. Buddhadasa Galappatty – Poet & Journalist
9. Chandraguptha Thenuwara - Artist/Senior Lecturer
10. Chulani Kodikara
11. Danesh Karunanayake
12. Deanne Uyangoda
13. Dhammika de Silva - United Socialists Party
14. Dharmasiri Lankapeli
15. Dilshy Banu
16. Dr. Dharmasena Pathiraja
17. Dr. Jehan Perera – National Peace Council (NPC)
18. Dr. Leonie Solomons
19. Dr. Paikiasothy Saravanamuttu - Executive Director, Centre for Policy Alternatives (CPA)
20. Dr. Ranil D. Guneratne – University of Colombo
21. Dr. Sapumal Bandara Dhanapala – Kandy
22. Dr. Zulfika Ismail
23. Emil van der Poorten
24. Fahad Farook
25. Gajen Mahendra
26. Gamini Viyangoda
27. Harean Hettiarachchi
28. Hasantha Gunaweera
29. Herman Kumara
30. Hilmy Ahamed
31. Jake Oorloff
32. Jehanki Anandha
33. Joe William - National Peace Council (NPC)
34. K. Guruparan - University of Jaffna
35. K.D.C. Kumarage – Attorney-at-Law & Co-Convener, Lawyers for Democracy

36. Kusal Perera – Journalist
37. L. Niranjan - Attorney-at-Law
38. M. H. Mohamed Hisham
39. M.A. Sumanthiran – MP, Tamil National Alliance (TNA)
40. Marisa de Silva
41. Melani Manel Perera - Journalist
42. Melisha Yapa
43. Minoli de Soysa – National Peace Council (NPC)
44. Mirak Raheem
45. N. Kodituwakku – Attorney-at-Law & Solicitor (England)
46. Nadie Kammallaweera
47. Nicola Perera
48. Nigel V. Nugawela
49. Nilantha Ilangamuwa – Journalist
50. Nilshan Fonseka
51. Nimalka Fernando
52. Nirmanusan Balasundaram - Human Rights Advocate / Independent Journalist
53. Nishandeny Ratnam - Attorney-at-Law
54. P.N. Singham
55. Paba Deshapriya
56. Philip Setunga
57. Prabu Deepan
58. Priya Thangarajah
59. Prof. Ajit Abeysekera - University of Sri Jayewardenepura
60. Prof. Jayantha Seneviratne – University of Kelaniya
61. Prof. Kumar David
62. R.M.B. Senanayake
63. Regina Ramalingam
64. Rev. Bro. Lazar
65. Rev. Fr. Elil Rajan
66. Rev. Fr. Emmanuel Sebamalai
67. Rev. Fr. Jeyabalan Croos

68. Rev. Fr. Reid Shelton Fernando
69. Rev. Fr. S.J. Emmanuel
70. Rev. Fr. S.V.B. Mangalarajah - Chairman, Justice and Peace Commission of the Catholic
Diocese of Jaffna
71. Rev. Fr. Sarath Iddamalgoda
72. Rev. Fr. Terrence Fernando
73. Rev. Jason J. Selvaraja - Senior Pastor, Assembly of God, Chavakachcheri
74. Rev. Sr. Deepa Fernando
75. Rev. Sr. Helen Fernando
76. Rev. Sr. Hilary
77. Rev. Sr. Jeyam
78. Rev. Sr. Laurine
79. Rev. Sr. Nichola
80. Rev. Sr. Noel Christine
81. Rev. Sr. Tharani
82. Ruki Fernando
83. S. M. Praveen
84. Sampath Samarakoon
85. Shreen Saroor
86. Siritunga Jayasuriya – United Socialists Party
87. Srinath Perera – Attorney-at-Law & General Secretary, Free Trade Union Centre
88. Sudarshana Gunawardana - Rights Now Collective
89. Sumanasiri Liyanage - Negombo
90. Sumathy Sivamohan
91. Sunanda Deshapriya
92. Sunil Jayasekera
93. T. Jayasingam - Eastern University of Sri Lanka
94. T. Mathuri - Attorney-at-Law
95. Thiruni Kelegama
96. Thiyagaraja Waradas
97. Thyagi Ruwanpathirana
98. Tony Senewiratne

99. Udaya Kalupathirana - INFORM Human Rights Documentation Center

100. Upul Wickramasinghe

101. W. Jayasiri

Organizations

102. Human Rights Office, Kandy

103. Mothers and Daughters of Lanka

104. Networking for Rights in Sri Lanka (NfR)

105. Women's Political Academy