



William's Desk

February 15, 2012

Ms. Eva Wanasundara
Attorney General
Attorney General's Department
Colombo 12
SRI LANKA
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Re: SRI LANKA: Abduction of a torture victim seeking judicial remedies from Supreme Court

Dear Ms. Eva Wanasundara,

Name of victim: Mr. Ramasamy Prabakaran, 42 year old, a Tamil businessman of Indian descent; owns Panama Traders, an electronics store at Majestic City Complex in Bambalapitiya

Alleged perpetrators: Seven armed men armed with assault rifles onboard a 'white van'.

Date and place of incident: At 3:30pm on February 11, 2012 close to his home in Canal Bank Road, Wellawatte

Prior to his abduction: On February 13, the Supreme Court (SC) was to hear his fundamental rights application in seeking judicial remedies due to torture and illegal detention of his person. In September 2011, he was released after 28 months in police custody where he was illegally arrested, tortured and detained since May 2009.

I would like to bring to your notice the abduction of Ramasamay Prabhakaran, 42, who was bundled into a white van by seven men armed with assault rifles and hand guns. This was two days before a fundamental rights case filed by him was to be taken up.

I am aware that prior to his abduction, there had been similar targeted attacks on torture victims in the past; firstly, Gerald Perera, who was killed a few days before he was to give evidence before the Negambo High Court; secondly, Sugath Nishantha Fernando, who also murdered as he was pursuing a fundamental rights application relating to torture of himself and his family by 11 police officers working in the Negambo area. To date, no credible inquiry has been carried out into this murder.

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I am deeply concerned by these targeted attacks on torture victims who had been pursuing redress before courts for violations of their fundamental rights were assassinated, allegedly by the persons against whom they were pursuing their complaints.

Recently, in the case of Fernando, the UN Human Rights Committee has already expressed in their views on the 17 October 2011 categorically stating that Sri Lanka has failed to provide redress for the violations of his rights.

I am of the opinion that the abduction of Prabhakaran is a direct affront to the Supreme Court of Sri Lanka. He was abducted to prevent him from obtaining possibilities of remedies from court, in the similar way it has been done in the murders of Perera and Fernando. They were torture victims who resorted to the courts for protection in their pursuit of justice.

What happened to Prabhakaran, Perera and Fernando, is a clear message to threatening all those victims or any persons who wish to come before the Supreme Court and other courts, to petition for court remedies; to place their grievances about the violations of their rights; to seek the intervention of the judiciary for their protection and for redress. This abduction and murders had a chilling effect on the administration of justice in Sri Lanka.

It is the duty of the judiciary itself to protect those who come before them seeking protection and justice. If the victims of violations desist from seeking justice due to the reprisals for doing so, the entire administration of justice relating to human rights will hardly be of any use. In the circumstances, it is not surprising that the number of applications filed before the Supreme Court on fundamental rights have declined.

The defeat of judicial intervention is always an objective of the executive who fails to protect the rights of the citizens. The objective of the executive is to defeat judicial interventions and attempt to reduce the judiciary to administrative functions. The attack on the juridical function has taken many forms, including far reaching constitutional changes, and the intimidation of witnesses is part of this strategy.

The foundation of law is the recognition of the juridical. If the recognition of the juridical is displaced by the administrative, then the very foundation of the law is undermined.

Yours sincerely,
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