

Tamil plantation youth recount brutal torture by Sri Lankan police

By Deepal Jayasekera
13 May 1999

Three of the six Tamil plantation youth who were arrested in the weeks following the May 31, 1998 bombing of a tea factory in Hatton have given a lawyer detailed accounts of their torture by Sri Lankan police.

Suppu Udayakumar and Pichchamuththu Chandran, both from the Strathdon Group estate, Eastern Division, Hatton; Arunasalam Yogeswaran of the St. Leyes Estate, Enfield Group, Dickoya; Solamuththu Loganathan from Kudaoya Estate; Ponnaiah Saravanakumar from Saumya Pura, Kotagala; and Samimuththu Benedict from Salan Kanda Estate were arrested in the first two weeks of June 1998 as "suspects" in the bombing of the Shannon tea factory. Eleven months later they remain in detention although no charges have been laid against them.

The claims that the six were involved in the bombing or are LTTE operatives are completely without foundation. Rather the six have been singled out because of their association with the Socialist Equality Party. Suppu Udayakumar was an SEP candidate in the May 1997 local government elections.

Most of the six were also arrested in late 1994 and early 1995 on the claim that they were LTTE supporters and held for various periods ranging up to almost a year. Their release was the product of an island-wide defense campaign waged by the Revolutionary Communist League, the forerunner of the Socialist Equality Party (SEP) of Sri Lanka, and its trade union, the Plantation and Industrial Workers Union.

Sri Lankan authorities are using the pretext of LTTE activity to intensify repression in the plantation districts, where there is increasing anger and social unrest over the deterioration in wages and living conditions that have resulted from the privatization of Sri Lanka's tea estates. In 1998 half a million tea and rubber plantation workers mounted a powerful strike, which continued in many areas even after the main plantation unions accepted an offer that fell far short of the workers' demands.

After their June 1998 arrests the six Hatton youth were detained for more than two months at the Subversive Investigation Division (SIS) at Malalasekera Mawatha, Colombo 7. On September 6, 1998 they were transferred to Bogambara remand prison in Kandy.

In statements given to Attorney-at-law P. Rathnavale, who interviewed them at the Bogambara prison on September 28, 1998, the Hatton youth charged that they have been subjected to severe torture, including savage beatings, being hung by their feet and having fiber tubers inserted in their rectums. All of the six have suffered grave physical harm. The mental state of one is such that he becomes agitated whenever he is in a dark room.

As a result of the torture, police were able to extract confessions from the six. But these confessions are all written in Sinhala, a language the youths do not understand. (The majority of the workers on Sri Lanka's tea estates are the descendants of Tamils from south India who were brought to the island, when it was ruled by the British, to serve as the plantation work force.)

The SEP is mounting a campaign for the immediate and unconditional

release of the six and has helped initiate a Fundamental Rights case before Sri Lanka's Supreme Court.

Here follows a detailed report of the Hatton youths' arrests and torture based on the accounts they gave Attorney-at-law Rathnavale of their ordeal.

Suppu Udayakumar was arrested by the Hatton Police on June 12, 1998 while he was at home. No reason was given for the arrest. The next day he was taken to the Kandy police station and was immediately assaulted by several police officers. He was stripped naked, hung upside down and beaten all over his body by SI (Sub Inspector) Rafaideen, Sgt. Tennakoon and SI Fonseka. He was then asked about the bomb explosion at the tea factory in Shannon Estate in Hatton and was ordered to confess to the bombing. He refused to do so. Another suspect, Pichchamuththu Chandran, who the police claimed had implicated Udayakumar, was then brought before him in an attempt to pressure him into signing a confession.

Udayakumar was later taken to the SP (Superintendent of Police) office in Kandy for "further inquiries." There he was subjected to more torture by ASP (Assistant Superintendent of Police) Mahesh Perera and PC (Police Constable) Nazar. Udayakumar said that he also saw Solaimalai Loganathan and Saminathan Benedict being assaulted by Sgt. Lokku Banda. Their hands were placed on a table and then their fingers were hit with batons.

Sgt. Tennakoon of the Kandy police placed Udayakumar's genitals inside the drawer of a table and closed the drawer, causing acute pain and injury to his testicles. Udayakumar also suffered a crack in his forehead due to blows to his head, but no medical treatment was provided.

On June 16 he was taken to the Special Investigation Division in Colombo, and subjected to another torture session. On the same day Udayakumar and the other five suspects were taken by PC Nazar to the Judicial Medical Officer's office by jeep and were examined by a female AJMO (Assistant Judicial Medical Officer). She directed Udayakumar to be x-rayed and took notes while he described his injuries and their history. After all the suspects were examined and official notes taken, PC Nazar spoke to the AJMO in private and returned to the jeep, triumphantly stating, "None of your complaints will be officially recorded."

On the next day, Udayakumar was asked to get under a chair and was then hit with batons by PC Soyza, IP (Inspector of Police) Piyadasa and OIC (Officer in Charge) Alfred de Alwis. PC Soyza, SP Lewangama and Sgt. Lokku Banda forced Udayakumar to place his genitals in a drawer and again closed it, causing excruciating pain and swelling of the penis.

As a result of continuous assaults and torture Udayakumar could not walk and felt enormous pain in the head. On July 9 the police arranged for him to be admitted to ward No. 42 of Colombo General Hospital. Thereafter he was transferred to ward No. 45 for five days. On discharge, he was asked to come to the clinic regularly, and it was recommended he undergo an operation. But he was never brought back to the clinic and no surgery was performed.

Udayakumar reports that as a result of the torture he suffers frequent swelling of the genitals, permanent impotence, constant headache, pain in the head and the skull, numbness in the left hand from the wrist up to the shoulder, and constant pain in and around the waist.

During his two months' stay at the SID, Udayakumar was always handcuffed and left inside a cubicle, because there was only one cell available at the facility. The other suspects were also kept handcuffed and were often made to sit under tables and chairs for long hours. Major Sunil of the Intelligence Bureau, and Mr. Mark, a delegate from the ICRC who visited them at the SID, witnessed this and promised to make a report to the authorities.

On September 3 Udayakumar was asked by SI Wimalasena and PC Piyal to place his signature on a typewritten paper. When he protested that he did not know the contents of the document, he was again assaulted and was not given breakfast or lunch that day. By this time he was mentally as well as physically tormented and demoralized, and therefore finally placed his signature on the typed paper, the language and contents of which he did not understand.

On September 4 he and the other five suspects were taken to Hatton to an Acting Magistrate. The jeep could not reach the village as the approach road was very narrow. The Acting Magistrate came up to the jeep and signed several papers without even looking at any of the suspects. Thereafter all suspects were taken to the Bogambara Prison at Kandy.

Udayakumar said that no detention order had been served on him or shown to him while he was in the custody of the Kandy police or in the SID in Colombo, nor was he ever informed of the reason for his arrest.

Pichchamuththu Chandran is a driver of a rental van. As requested by the police, he went to Hatton police station on June 5 and met SI Wijesekera, who informed him that he was under arrest. He was not told the reasons for the arrest.

Upon being taken to the Kandy police station the following day, SI Rafaideen, IP Seneviratne, SI Yatawara, Sgt. Tennakoon and SI Fonseka ordered him to lie down on a table, face downwards, and they hit him with clubs and polyvinyl chloride or S-lon pipes on his back, feet and soles. This is a common method of torture used by police and military officers. It causes severe pain to the victims, but leaves no scars or external injuries. Later they hung Chandran upside down from the ceiling and hit him again. SI Rafaideen squeezed his genitals, causing him great pain, and he was not given food for two days.

On June 12 Chandran was again assaulted by ASP Mahesh Perera, Sgt. Tennakoon and SI Rafaideen. They showed him a map and also wanted the names of his friends. Fearing the torture he might have to undergo, he gave the names of his friends Suppu Udayakumar, Loganathan, Saravanakumar, Yogeswaran and Benedict. He also signed a statement.

Chandran was taken to the SID in Colombo on June 16 along with the other suspects whom he had named as his friends, and who were apprehended by the police in Hatton. On the same day he was taken before the AJMO, to whom he complained of injuries caused by the police assault. The doctor recommended he be x-rayed and undergo treatment, neither of which was carried out.

While at the SID he was assaulted for several days. PC Soyza and Sgt. Gunaratne dipped him in a tank of water, dazing him.

On September 2 Chandran was asked by SI Wimalasena to sign a statement written in Sinhala, to which he protested. When he refused to sign he was assaulted mercilessly by SI Wimalasena and PC Nazar and he finally signed the statement, which he did not understand and which was not read out to him or explained.

As a result of assaults on his head in the police station in Kandy and at the SID at Malalasekera Mawatha he is now short of hearing in both ears. His fingers are numb and he suffers from constant pain in the skull and chest, as well as aches in the feet and legs. He finds breathing difficult.

Arunasalam Yogeswaran was arrested by a police team at 2.00 a.m. last

June 14 while he was at his sister's house in Maskeliya. He was not informed of the reason for the arrest.

As soon as he was taken into the police jeep he was blindfolded. On the way he was pushed out of the jeep at Naduthoddam junction, Maskeliya. There SI Fonseka assaulted him with a club or clubs and beat him with his fists. In all, Yogeswaran was taken out of the jeep and assaulted at three locations on the way to Kandy. This was witnessed by other suspects who were in the jeep.

On reaching the Kandy police station, Yogeswaran was beaten repeatedly over a period of five hours, from 10.00 a.m. until 3.00 p.m., by IP Seneviratne, SI Rafaideen and Sgt. Tennakoon. Yogeswaran's face was covered with a petrol bag, which left him gasping for breath. He had a burning sensation in his eyes and felt faint. Later he was taken to a water tank and his head was dipped into the water, making him struggle for air. SI Rafaideen assaulted him and squeezed his testicles, causing him immense pain.

The next morning he was again assaulted by Sgt. Tennakoon and ordered to sign a statement typed by a WPC (Woman Police Constable) and dictated by IP Yatawara. He signed the statement out of fear of further torture. Police claimed that he was involved in the bomb explosion at Shannon Estate, which he denied. On the same day he was taken to the Special Investigation Division (SID) at No. 32, Malalasekera Mawatha, Colombo.

On June 16, PC Nazar encountered Yogeswaran at 6.00 a.m. and hit him with clubs, causing bruises all over his body. PC Nazar then took him and the other five suspects to the JMO's office in Colombo where he was examined by a female doctor. He complained to the doctor that he was assaulted by police and showed his swollen face and feet and stated that he was unable to walk. She sympathetically examined him, made notes and recommended x-rays. However PC Nazar spoke to the doctor in private, and returned and told him and the other detainees that however much they complained nothing would be recorded. No effort was made to submit them for x-ray or any other treatment.

Yogeswaran was mercilessly assaulted the same night with batons by ASP Mahesh Perera, PC Gamini and PC Nazar. For three hours ASP Mahesh Perera touched various parts of his body with a burning cigarette or some other lit object.

Subsequently, Yogeswaran was repeatedly assaulted over the course of several days by PC Nazar, PC Gamini, Sgt. Lokku Banda and SI Wimalasena. Their favorite mode of torture was to force him to lie on the table, face downwards, and assault him with clubs and S-lon pipes, especially on the soles of the feet. At present, he suffers from severe foot pain and is unable to walk.

On June 16 he was assaulted and threatened by PC Nazar, Sgt. Lokku Banda and SI Wimalasena and asked to narrate a confession-like statement, which was tape-recorded.

On June 17 he was taken to Enfield Estate Dickoya by SI Wimalasena, PC Piyal and Sgt. Gunaratne. Upon his return, he was again assaulted from 9.00 p.m. to 3.00 a.m. by ASP Mahesh Perera, PC Nazar and SP Lewangamam, who placed his hand on the table and hit his fingers with sticks and S-lon pipes. He saw Samimuththu Benedict and Solaimalai Loganathan also being assaulted by these officers.

Mr. Mark, a representative from the ICRC, visited them while they were detained at the SID and took note of their sufferings.

On September 3 PC Piyal and SI Wimalasena inserted a stick in his anus which caused him terrible pain. They also applied Siddhalepa balm on his genitals, causing irritation. He was then ordered to sign a typewritten statement, which he did out of fear. He signed three papers with three varying signatures, as he was unable to remember his usual signature and his eyesight was blurred as a result of torture.

No detention order has been served on him or shown to him while either in Kandy police custody or at the SID. Yogeswaran has never been

informed of the reason for his arrest.

As a result of the torture in Kandy police station and at the SID, Yogeswaran said that he experienced serious aches and pains in the waist and spine and numbness in the wrist. His eyesight is impaired to the extent that he is unable to read. He experiences some pain in his legs and feet and he still bleeds in the anal region.

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