

SRI LANKAN GROUP WINS LANDMARK UN TORTURE RULING

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Washington, DC: In a landmark decision which could lead to greater protection for those detained in ethnic conflicts, the U.N. Human Rights Committee has called on the Sri Lankan government to cease using confessions extracted by torture. The Committee demanded that changes be made to the 1979 Prevention of Terrorism Act (PTA), which has been a mainstay of the government's war against the Liberation Tigers of Tamil Eelam (LTTE).

The decision, which was recently made public, was handed down in July by the 18-member Committee on the basis of a complaint from Nallaratnam Singarasa, a 24 year-old Tamil Sri Lankan who was sentenced to 55 years in jail in September 1995.

Mr. Singarasa has been represented before the U.N. by the Home for Human Rights (HHR), a leading Sri Lankan human rights organization and partner of the Advocacy Project. HHR officials are now pressing the government to respect the U.N. decision and release or retry Mr. Singarasa. The Committee also ruled that he should be compensated.

Mr. Singarasa was arrested in an army sweep in July 1993 and handed over to the police, who kept him for over two years before sending him to a court. During his detention, he was hung up, held under water, blind-folded, and badly beaten. He was also forced to sign a confession in Sinhalese that he could not understand.

The court of first instance ignored a medical certificate noting Mr. Singarasa's wounds, and sentenced him to 55 years in jail, solely on the basis of his confession, as allowed by the PTA. The appeals court then dismissed his appeal on the grounds that he had not challenged the police at the first trial. This ignored the fact that he was being returned to police custody, and so was unlikely to protest publicly.

The Home for Human Rights then appealed to the Sri Lankan Supreme Court. When this appeal was also rejected, all domestic legal remedies had been exhausted and HHR was free to take the case to the U.N. Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, which has been ratified by Sri Lanka. This allows Sri Lankans to lodge complaints against the government.

In ruling for Mr. Singarasa, the Committee found that a conviction based solely on a confession was incompatible with the Covenant, and that Mr Singarasa had been denied a fair trial. The Committee also criticized the 2-year delay in bringing him to trial. The use of torture has been outlawed by many international instruments, and by Sri Lankan law.

Francis Xavier, who founded the HHR 25 years ago, told the Advocacy Project that the ruling sets an important precedent for Sri Lanka, which has been torn by ethnic conflict since 1983. In

addition, he said, several other Sri Lankan human rights groups have sought HHR's advice about petitioning the U.N. on behalf of Tamil detainees.

The Home for Human Rights receives money from the U.N. fund for torture victims, and has helped about 3,500 victims since 1987. Mr. Xavier said that some had been raped and even had limbs chopped off.

In a reference to other contemporary conflicts, including Iraq, Mr. Xavier also said that interrogations should not be conducted by the same agency that is holding detainees.

- The Advocacy Project sent a Georgetown graduate student, Michael Keller, to work with the Home for Human Rights this summer. Read [Michael's blog](#).
- Read the [UN Human Rights Committee ruling](#)
- See the [text of the PTA visit](#)