
Narrative Report

January/April 2010

Centre for Human Rights and Development

During the given period A total of 117 cases were taken up by CHRDR out of which eight were fundamental rights applications 42 magistrate's Court cases 66 were High Court Cases (including 45 habeas corpus applications), and one Court of Appeal case.

Fundamental Rights Cases

- 1. Nachchen Rajenthiran (FR 557/09)**
- 2. Kaliyappan Manoharan (FR 558/09)**
- 3. Ramanathan Navadheepan (FR 559/09)**
- 4. Muniyandi Balasupiramaniam (FR 561/09)**

A total of 40 young men from the Ratwata estate in Ukuwela situated in the Matala district were arrested on August 18, 2008 on suspicion of having links with an LTTE suspect named 'Kannan' who has been living there for some time and suspected to have carried out a series of transformer blasts in Dambulla, Matala and Kandy areas.

They were all by the Kandy Police and were detained at the Kandy and Deldeniya police stations where they were severely tortured demanding them to accept they were behind the bombings which took place in the hill capital and surrounding areas. On December 12, 2008 they were produced before the Matala Magistrate and later some were released and some were sent to the Bogambara Prison. CHRDR visited the Bogambara prison on July 7, 2009 interviewed them personally and studied their cases. And thereafter, decided to take up cases on behalf of eight detainees, out which four cases are supported by ARD. **Fundamental Rights applications were filed at the Supreme Court, Colombo on behalf of them on August 8, 2009. On September 9, 2009 they case was taken up and given leave to proceed. Senior counsel Mr. A. Vinayagamoorthy and Ms. Vijayarani Velu are appearing on behalf of the victims.**

According to the detainees, the LTTE suspect 'Kannan' seem to have been friendly with all the people in the estate and the detainees too were friendly with him and were not aware of his links with the LTTE.

It is apt to mention these prisoners are innocent labourers living in utter poverty. They are the sole breadwinners of the family and currently their families are in a pathetic state without any financial support and their wives are doing odd jobs where they earn a measly income which is hardly enough to provide for the family. Currently some these prisoners are suffering from mental depression. The case is continuing

5. Krishnasamy Malarnesan SCFR/696/09

He was an employee of an IT company in Colombo and returned to his hometown in Matala on leave. He attended a birthday function, where he was arrested along with three of his friends, claiming his friends were involved in some terrorist activities. They were detained at the Matala police station. Thereafter, the three friends were released after inquiry but he was kept in detention. Later he was taken to his house escorted by police personnel where he was asked to take small piece of paper under his personnel computer monitor, during which a photo was taken. He identified that paper as a map of a transformer location and that particular map was used during the inquiry of the four of them and wondered how it got there? A calendar with LTTE leader's photo also was alleged to be found at his home, but Malarnesan states he has never seen it before. Later his mother and brothers were forced to sign a letter stating that he was involved in a transformer blast in Matala. After producing before the Magistrate he was sent to the Bogambara prison.

CHRDR filed a fundamental rights application on behalf of the victim on September 18, 2009. The case was taken up on October 5, 2009 and given leave proceed. The next date is

December 17, 2009. On that day he was indicted. However, the case is yet to be called in High Court. FR Case concluded.

6. Kanapathippillai Sureshkumar SCFR/682/09

He is a shop owner in Batticaloa, one day he was asked to report at the Akkaraipattu police station. And when he arrived there he was arrested and transferred to the Terrorist Investigations Department (TID) in Colombo and later to the Colombo Remand Prison (CRP). **Fundamental Rights Application was filed by CHR D on September 10, 2009. On October 8, 2009 it was given leave to proceed . He is currently released.**

7. Kanapathipillai Dharshini SCFR/714/09

Kanapathipillai Tharshini 32, arrived in Colombo from Jaffna for her marriage. She married her partner on December 8, 2003 at the Vishnu Temple in Modara. Her husband left to Canada and thereafter, he never returned nor she heard from him. After much discussion between the two families divorce was filed. On March 18, 2008 she was arrested on suspicion in Modara by the STF. They handed her over to TID and then as moved to Boosa. It is apt to mention that she was sent back and forth to TID and Boosa for some time. It was claimed that she had come from Vanni to carry out attacks in Colombo. On July 18, 2009 she was produced before the Colombo Magistrate (Case No. B/2182/08) and is detained at the Welikada Female ward. **CHR D filed fundamental rights application and the case was called on October 20, 2009 and date was given to mention whether the detainee could be indicted or released. The case is continuing**

8. Prabakaran Deepakar FR564/2009

He is from Batticaloa and was living in Hatton. He is a plantation laborer and soul bread winner of the family. He was arrested on suspicion and was put under immense physical torture to sign a confession. A case is continuing at the Magistrate's Court (B/44202/09) in Ingiriya. Mr.Saravanaraja and Ms. V.Vijayarani are appearing on behalf of the aggrieved. **CHR D filed fundamental Rights application on was filed on July 27, 2009. When the case was called on September 24, 2009 leave to proceed was given. The state counsel informed that the accused had already given a confession stating his involvement with the LTTE. However, he is released.**

Magistrate's Court Cases

1. Thiagarajan Prabhakaran B537/2008

He was a UN staff employed at the UN Department of Safety and Security as radio operator in the Vanni region. On February 30, 2008 he was returning to his home town, Batticaloa on leave for his wife's confinement. He was checked at both Omanthai checkpoint and Bus Stand check point and was allowed to go. But, while on his way to Batticaloa the bus he was travelling in was stopped at the Eera Periyakulam bus stand and during checking they found magazines and pistols in his bag. He was taken to the Eera Periyakulam Police station and underwent severe torture where they used chili powder to certain parts of his body and they pulled out the nails off his fingers and burnt him with cigarette butts. Currently, he is detained at the Anuradhapura prison. CHR D filed the motion to move for MLR (Medico Legal Report) at the Anuradhapura Magistrate's Court. He was indicted under Firearms Ordinance. **Currently he is released on bail and his case is heard at HC /2099/2010.**

2. Bogambara Prison Detainees (Medico Legal Report B/953/08, B/956/08, B/957/08)

CHRD retained Counsel Mr. Sivaram to file the motion to move for MLR (Medico Legal Report) at the Matale Magistrate's Court on November 9, 2009 for a nine detainees at the Bogambara prison. Fundamental Rights applications have been filed by CHRD on behalf of all these detainees. The motion is to be filed on behalf of the following, Veerasamy Subramaniam, Kaliyappan Manoharan, Nacchen Rajendiran, Ramanadhan Navadheepan, Krisnasamy Malernesan, Viswanathan Rameshkumar, Muthusamy Lavan, Pathmanathan Prakash, and Muniyandi Balasubramaniam.

3. Pereira Sarvanandha B/5297/08

He is a marine engineer aged 30, was abducted on 19/06/2008 in Colombo on his way to submit his medical report to join my crew when the company vessel docs at the Colombo Port. He was blindfolded and handcuffed and taken in a white van. He was taken out of the vehicle and was heavily beaten. Thereafter, they removed his blindfold and handcuffs and locked him up in a room. I realized he was detained somewhere in the harbor. Since he heard the vessel sounds and horns since he is familiar with these sounds as a marine engineer.

Thereafter some staff of the ICRC had visited the harbor, and there they found him and later my family members who did not know his whereabouts till then were informed via phone.

Later, once a week he was brought to the Grandpass police station blindfolded and handcuffed in order to see his family members and again taken back to harbor.

Following a month he was produced before the Magistrate's Court with Case No. B/5297/2008 and was remanded at the Colombo Remand Prison. Following four months he was moved to the Colombo New Magazine Prison. Currently he is detained at the Colombo New Magazine Prison

His case was considered a serious issue, as Mr. Sarvananda Pereira was one of the victims of the attack on Tamil prisoners by prison guards and fellow Sinhala prisoners at the New Magazine Prison, for which CHRD appeared on behalf of the victims. His case is taken up at two levels one for the attack in the prison and the other for illegal arrest.

4. Stanislaus Kovarthanan B/1927/08

He is from Trincomalee he was arrested by the Wellawatte Police, he was taken to an unidentified place through Kirullapone where he was tortured severely. Later he was taken to CID and there too he under went immense torture. Currently he is at the New Magazine Prison. CHRD is appearing on behalf of the victim.

5. Somasundaram Suseeladevi B/3283/2010

A teacher, displaced to Vavuniya from Kilinochchi, after being released from Camp she was arrested at the Colombo airport when she was fleeing to India. She was sent to TID and from there to Boosa. She was transferred to the Welikada Prison. CHRD appeared on behalf of her. Since there was no evidence against her she was released.

6. Sandiyo Alandilon B/25/2009

He is a surrendered himself at the Omanthai checkpoint; he was brought from Vavuniya detention camp to Boosa. After being produced to Court and order being given that the victim be sent to a rehabilitation camp, he is still detained at the Colombo Remand Prison. However, its been four months since the order was given, CHRD is discussing this matter with the Attorney General's Department, as to how one person who has been given the order to be sent to the rehabilitation camp, can be kept in remand and be produced before the Magistrate every 14 days. Bearing in mind

the rehabilitation period will be counted from the time the victim enters the camp. As in this case four months have passed since the order had been made by the Court.

7. Kanapathipillai Dharshini B/2182/08

Kanapathipillai Tharshini 32, arrived in Colombo from Jaffna for her marriage. She married her partner on December 8, 2003 at the Vishnu Temple in Modara. Her husband left to Canada and thereafter, he never returned nor she heard from him. After much discussion between the two families divorce was filed. On March 18, 2008 she was arrested on suspicion in Modara by the STF. They handed her over to TID and then as moved to Boosa. It is apt to mention that she was sent back and forth to TID and Boosa for some time. It was claimed that she had come from Vanni to carry out attacks in Colombo. On July 18, 2009 she was produced before the Colombo Magistrate (Case No. B/2182/08) and is detained at the Welikada Female ward. CHRD is discussing with the Attorney General's Department regarding expediting the case.

8. Suntharalingam Sritharan B/2514/2009

A three wheel owner aged 46, married and has two children; he is the sole breadwinner of his family and earns a living by taking passenger hires. He was arrested by Mr. Iqbal, Sub Inspector of the Wellawatte Police Station on 25.07.2009 and was detained at the Wellawatte Police Station. There, he was beaten by the sub inspector was asked to sign a police report for which no reason was given. Currently his three-wheeler and two mobile phones have been confiscated by the Wellawatte Police Station. He was produced before the JMO Kohuwala on 10.08.2009. Then on 12.08.2009 was produced before the Magistrate's Court Mt. Lavinia with the Case No. B/2514/2009. On the same day he was remanded at the New Magazine Prison. CHRD is discussing with the Attorney General's Department regarding expediting the case.

9. Rajadheepan Parameswary B/1672/2009

She is from Chettikulam, when she was returning from India, she was arrested in the Airport, with allegation of providing funds to the banned LTTE. She was sent to the CID for inquiries and later sent to the Welikada Prison. CHRD is discussing with the Attorney General's Department regarding expediting the case.

10. Mayilvaganam Annaletchumi B/7186/2009

Annaletchumi 30, was arrested in Kekirawa for the possession of C4 explosive, and was transferred to Colombo Crime Division (CCD). She is mother of three children aged 10, 6 and 3 respectively. Currently she is detained at the Welikada Prison, where her youngest child is also with her. Her other two children are living in pathetic conditions since their father is into illicit liquor business and the children are neglected. CHRD has moved for analyst report at the Magistrate's Court, in order to determine her chances for receiving bail. They are at risk of being exploited. CHRD is making preparations to file a fundamental rights application in the Supreme Court.

11. Rengaraj Kanagaraj AR/1146/2008

He was arrested in Kahawatte on suspicion of being member of the banned LTTE. Usually such terrorist suspicion cases will be filed under B report and since his case is filed under A Report, the Attorney General's Department has been informed in this regard by CHRD. When it filed under A Report, it determines the fact that is no substantial evidence against the victim.

12. Perinpam Thaveendran B/3240/2009

He was arrested for possessing a forged identification card and is detained under emergency. CHRD is making preparation to file a fundamental rights application on behalf of the victim, who is currently detained at the Colombo Remand Prison.

13. Sabaratnam Parameswaran B/7679/2009

He is a security guard and was arrested in Vavuniya based on the information received from some detainees. Although other detainees in this connection were indicted, he was neither indicted nor released and is languishing the Colombo Remand Prison. The B Report states that he possessed explosives. However, CHRD has moved for analyst report in the Magistrate's Court to determine further action.

14. Selvarasa Parameswaran B/7944/2009

He is a liquor shop owner and was arrested for having links with former ASP of Jaffna Mr. Luxman Cooray, who is detained for having links with the LTTE. Since there is no indication that his file was sent to the Attorney General's Department by the TID, therefore, CHRD had moved a motion in the Magistrate's Court requesting for the EER Number.

15. Rengiah Thangavelu B/164/2010

He was arrested by the Matala Police while returning from the liquor traven after consuming alcohol. The same day following the arrest the said person had died in police custody. The police states that he died due to heart failure, but there are suspicions it could be murder, since there are contradicting evidence form the witnesses produced by the police.

16. Gurunathapillai Nathan B/6993/2008

He was arrested by the STF in Batticaloa and underwent severe torture. Later he was handed over to the Police and there too he was tortured. He was tortured to accept that he had buried weapons in the garden of his mother's house. Due to unbearable torture he had to be admitted to the hospital for treatment. Thereafter he was sent to Boosa and currently he is detained at the Colombo Remand Prison. CHRD is making arrangements in order to expedite his inquiry.

17. Daniel Kamaladas B/6267/2008

He was arrested for purchasing phone sim for a woman, who in turn has given it to a person who with people having links with LTTE. A Fundamental Rights case in this connection is taking place in the Supreme Court.

18. Kanapathy Sivaganesh B/4802/2008

He had purchased phone sim to his girl friend (**Mary Angela Croos B/4802/2008**) who had lost the phone and had not informed to the company regarding disconnected her connection. However, there have been calls made to people having links with LTTE. The two were taken into custody. However, another person **Rasathurai Dayalan** too has been connected with the same case no. **B/4802/2008**. He along with another person were, being inquired by the Kotmale police, but the person accompanying him had taken cyanide and died on the spot.

19. Sellathamby Parameswaran B/191/2007

He was from Hatton and employed in Colombo. While he was in Colombo a lorry from Chilaw had parked in his home in Hatton which was usual since when large vehicles enter the town they register and get clearance from the Hatton Police. While the lorry was leaving Hatton, it was stopped and weapons were confiscated by the police. His entire family was taken into custody and when the victim informed and went returned to Hatton went to the police station he was arrested and his family members were released. A fundamental Rights application in this regard has been filed in the Supreme Court. He is currently detained at the Bohambara Police station.

20. Sachchithanandhan Madhivadhanan B/9570/2008

He is from Jaffna and was arrested on suspicion in Anuradhapura by the army and was tortured. Later he was transferred to Boosa and is currently detained at the New Magazine Prison. CHRDR is making arrangements in order to expedite his inquiry

21. Godwin Peiris B/4911/2009

He is from Negombo. He was arrested on suspicion for having links with a person from Killinochchi was residing there. He is currently detained at the Colombo remand Prison. CHRDR is making arrangements in order to expedite his inquiry.

22. Iyampillai Yogeswaran B/66/2008

He is shop owner in Jaffna, he was returning from after buying vegetables in the market, when he was stopped by the army at the checkpoint and was asked for his identity card. His bags were checked and explosives were found. He was taken into custody and his detained in the Jaffna prison. CHRDR is preparing bail application to be moved in the Court of Appeal

23. Sivapragasam Prasana B/9434/2008

He was arrested on suspicion of having links with the Nugegoda bomb blast in 2007. He had arrived from Jaffna a day before the incident in order to fly overseas. He was arrested by the Kirullapone Police during search operation. He was transferred to Boosa and he is currently detained at the Colombo Remand Prison. Preparations are being made to file Fundamental Rights application at the Supreme Court.

24. Rajapandiyan Raja B/9131/2009

Following the end of war, a vehicle containing weapons and equipments for suicide attacks was confiscated in Mannar by the Colombo Crime Division. The said person was taken into custody two others in this connection. However, the Mannar Police informed there was no such vehicle found in Mannar, but the victim is still detained at the Colombo Remand Prison. As no number was received from the Attorney General's Department, CHRDR moved motion in this connection at the Colombo Magistrate's Court.

25. Sellathamby Premananthan B/3603/2010

He is a native of Mannar and was arrested on suspicion. The case is currently taking place in the Colombo Magistrate's Court. He is detained at the Colombo Remand Prison.

26. Nadaraja Rajeswary B/6130/2009

She was arrested during the last stages of war in the battlefield, when she was injured. She was admitted in the Colombo General Hospital, under the purview of the Maradana Police. She was sent to the Welikada Female Ward. AS she had not received proper treatment for head injury, she was mentally affected. The case took place in the Maligakanda Magistrate's Court. There she was referred to Dr. Neil Fernando and thereafter was ordered to be sent to Angoda for treatment. Currently she is receiving treatment in Angoda.

27. Arumugam Nagularaj B/900/2006

A pastor from Mannar was arrested at Saliyapura when he was returning to Mannar from Colombo. He was handed over to TID and then moved to Boosa detention centre. After being produced before the Colombo Magistrate he was moved to Colombo Remand Prison. A fundamental rights application is filed in the Supreme Court. Although it was informed in the Supreme Court that the said person would be indicted, no indictment has taken place so far. CHRDR informed the Attorney General's Department in this regard. Currently he is in the Magazine Prison.

28. Yogananthan Sinthuja B/1968/2009

She surrendered to the army when she arrived from Vanni. She is a mother of two year old. She was detained at the Vavuniya Detention camp and thereafter sent to Boosa. Currently she is in the Welikada Female Ward. Although she is in remand with her child, she has not been indicted or sent for rehabilitation. TID has been informed through the Magistrates Court in this regard by the CHRD.

29. Anitha Anvar B/345/2009

She is from Mannar and was arrested by the Mannar Police for possession of explosive in her house. She was in Vavuniya when her house was searched. It is apt to mention her husband is a criminal who is being searched by the police. When her house was raided, her father was taken into custody and after she returned to Mannar, he was released. However, her husband could not be found. She is detained at the Vavuniya prison. CHRD is preparing a bail application.

30. Vaithiyanathan Parameswaran B/976/2008

He surrendered in Vavuniya and from there he was sent to Ambepussa detention camp. From there he was sent to Omanthai and from there to Joseph Camp in Vavuniya. Later he was taken to CID and from there he was transferred to Bohambara. A case in connection with bus explosion in Dambulla, was taking place there. The Court ordered for him to be sent to the rehabilitation camp. However, he is being taken Pampaimadu Detention Centre without being sent to rehabilitation camp. CHRD is taking action to inform the Magistrate regarding this irregularity.

31. Kanapathipillai Kuganesaraja B/25/2009

He surrendered arriving from Vavuniya and from there he was sent to Boosa. Then he was sent Colombo Remand Prison and there the Magistrate ordered rehabilitation. He is currently in the rehabilitation camp in Welikanda.

32. Subramaniam Roobakanthan B/9020/2009

He is from Jaffna he was arrested on suspicion and detained at the Jaffna prison. The case is continuing.

Court of Appeal Case

1. Shanmugam Anandaraj CA/265/2008

He was sentenced 15 years imprisonment for shooting and injuring an army officer. Now the case is being appealed by CHRD and is at the Court of Appeal. However, there four cases (**HC/43/2008, HC/48/2008, HC/44/2008, HC/47/2008**) going on in the high court in relation to his killing an army officer.

High Court Cases

1. Dehiwala Railway Station bomb blast case HC/9429/99

In July 1996, there was a bomb blast at the Railway Station, Dehiwala. In this connection, seven persons were arrested and indicted under the PTA. They are,

1. Anthoneypillai Robert Maxillan
2. Savarimuthu Loganathan
3. Thirumakal Maxilan
4. Sinnappu Selvarajah
5. Yogarajah Arokiyarajah
6. Prathaban
7. Suppiah Sritharan

The sixth accused, Mr. Prathaban was released soon after the inquiry. The remaining six were indicted on 1708 charges. Indictment was served in 1998 and trial commenced on August, 18, 1998 at the Colombo High Court. The Case No. is 9429/98.

Since then the case had dragged on till 2002 owing to calling dates and thereafter hearing commenced. In January 2003, the senior counsel ordered the case to be transferred to the Welikade Prison Courts and from October 10, 2003 the case was heard there. Later on June 1, 2004 the case was transferred to the High Court.

The CHR D retained lawyers to defend suspects who were indicted in this case. The fifth accused, Mr. Yogarajah Arokiyarajah requested the CHR D to retain a Senior Counsel to defend him at the High Court. The CHR D retained Mr. G. Jeyakumar, a senior counsel to defend in his case. On November 11, 2003, Mr. Arokiyarajah was acquitted of charges and released.

Subsequently three detainees Robert Maxillan, Thirumakal, wife of Mr. Maxillan and S. Selvarajah and Suppiah Sritharan applied for legal services. The CHR D retained Mr. G. Jeyakumar, senior counsel in this case.

During the trial on December 16, 2008 ASP was not present and it was postponed to January 20, 2009. On that day the ASP was once again absent in Court and the date was given for February 2, 2009. Since the State Counsel was not ready to conduct the trial, the date was moved to February 10, 2009. Trial conducted on that day Court moved for medical treatment of Mrs. R. Thirumakal.

And also the trial of the 2nd Accused was conducted and the next date was February 13, 2009. Thereafter it was postponed to March 6, 2009. On that day the translator gave evidence. On March 4, 2009 the translator was cross-examined by our Mr. K.S.Ratnavale. The accused was cross examined once again on May 26, 2009. The next date was given as July 9, 2009. On that day trial of one of witnesses against Thirumakal took place. Thereafter the case was postponed to September. On September it was merely a calling date and the case was postponed to October. On October 15, 16, & 19 the first witness of the third accused was cross examined.

During the given period the case was taken up five times.

It is apt to mention that the remaining accused in the case are now requesting CHR D's legal services.

Thirumakal Maxilan is a mother of a child and her husband is also an accused in the same case. When the couple was arrested, she was pregnant. Thirumakal delivered her child while in custody. After several years, the child was released on humanitarian grounds and she is looked after by her grandparents.

2. Town Hall bomb blast HC/891/02

Mr. Ragupathy Sharma and his wife Vasanthi Ragupathy Sharma were arrested by the officials of the terrorist investigation division on February 9, 2000 at his temple residence. Later he was implicated in the Town hall bomb blast case. Currently, Ms. Ragupathy Sharma is detained at the Welikade Female Prison; where as Mr. Ragupathy Sahrma is detained at the Kalutara Prionsn. Their children are looked after by a Hindu Orphanage in Batticaloa.

At present, the case against Mr. and Mrs. Sharma is heard at the High Court, Colombo. The CHRD has retained lawyer Mr. G. Jeyakumar to provide legal services to Mr. Ragupathy Sharma. Their two children are taken care of by the Ramakrishnan Mission orphanage in Batticaloa. Due to prolonged detention Ms. Vasanthi Ragupathy Sharma's health condition is deteriorating gradually more.

At present, the case against Mr. and Mrs. Sharma is heard at the High Court, Colombo. The CHRD has retained lawyer Mr.G.Jeyakumar to provide legal assistance to Mr. Ragupathy Sharma. During the given period the trial of the 3rd and 2nd accused took place. They are being cross examined by the prosecuting counsel. The next date was July 9, 2009 and thereafter the case was postponed to September. During the period there have been five calling dates. The second witness was taken for trial.

There case was taken up five times during the given period but it was merely calling dates.

3. Habeas corpus applications

In 2004, CHRD filed 45 habeas corpus cases at the Jaffna High Court on behalf of the disappeared in Navatkuli, Kaithady, Ariyalai, Pasaiyoor, Gurunagar of Jaffna peninsula. This was an outcome of a fact finding mission consisting of CHRD lawyers and OPFMD members that visited Jaffna in 2003, where 160 applications from families of the 'disappeared' during 1996/1997 were received. All 45 cases were granted leave to proceed at the Jaffna and Chavakachchery High Court.

It is apt to mention in 2007 the Magistrate of the Chavakachcheri Magistrate's Court stated that there was substantial evidence to prove security forces were behind many enforced disappearances which took place in 1996 in the Jaffna Peninsula.

During the given period the 45 habeas corpus the cases were transferred to the Anuradhapura High Court from the Jaffna High Court due to request made by the respondents. Initially first 23 cases were taken up and it is apt to mention, although transferring of cases proved advantageous for the respondents, families of the disappeared showed much interest and traveled to Anuradhapura despite the prevailing security situation. As only one respondent turned up for the hearing, the judge ordered to send notice to the others.

Names of the 45 applications (44 male & 1 female) are incorporated in the database of cases handled by ARD

4. Francis Ranjan Kirunasamy HC/84/99

He was arrested by the Mannar police in 1998 for shooting a police sub inspector there in 1996 (who escaped with injuries). He was identified through a questionable identification parade. It is apt to mention Mr. Ranjan had left the country to India in 1996. Thereafter, the police had raided his home and taken a album of his (which he is unable to prove); he was identified following this raid and the credibility of this identification parade doubtful. He was tortured severely, where he was burnt with cigarette butts. He was sentenced to 12 years imprisonment and soon after he appealed his case in 2005. In July 20, 2009 CHRD took up his case and retained senior counsel Dr. Ranjith Fernando for this purpose. When the case was taken up on October 5, 2009 in the Criminal Court No. 107 where Mr. Livera was the state counsel and justice Abrew was the judge, the prison

authorities did not produce him in courts. Judge under the impression that he is detained at the Kalutara prison asked to send notice to the Kalutara prison authorities. But later CHRD lawyer was asked to confirm his current detention place and notice was sent to produce him before the courts and the next date was given as October 12, 2009. On that day Dr. Ranjith Fernando explained that the accused was arrested in 1998 and was convicted in 2005 for sentence of 12 years. Therefore the victim had already spent 11 years in prison and according to the prison calculation, appealed the judge to reduce his sentence considering his remand period. The State Counsel objected to counting the remand period stating that it was a PTA case and he shot a sub inspector, so it is a crime deserving 20 years sentence, but he has been sentenced to 12 years alone. Judgment was passed that the sentence period should be counted from the date of conviction. The case was closed. According to the judgment in the Appeal Court (case no. CA231/2005), no date in the laid down case in the high court case was cancelled.

5. Deverasa Kirubakaran HC/2093/2010

He is from Mannar, was arrested in 2005 for possession of an explosive weapon and is indicted Offensive Weapons Act. His case is taken up in the Vavuniya High Court. CHRD is preparing for bail in the Vavuniya High Court.

6. Suntharapandiyan Nahenthiran HC/1288/2009

He is a native of Kandy but lives in Killinochchi. During the height of war he lost his wife and returned to Kandy with his two children. There he was called for inquiries by the Haguranketha Police Station. There he was arrested on suspicion and was transwere to the Kandy police stations. Later he was remanded at the Bohambara prison and after being indicted he is currently detained at the Jaffna Prison. His case is being taken up at the High Court Jaffna.

7. Perinpam Gangatharan HC/4443/2008

He was travelling to Hatton from Batticaloa. At the Colombo bus stand he was arrested stating the he was trying plant a bomb at the Colombo bus stand. He has been indicted (HC/4443/2008) and charged under Offensive Weapons Act. CHRD took up his case. Trials have been fixed for July

8. Sivarasa Nathan HC/1166/08

Mr. Sivarasa Nathan was arrested on suspicion. On January 7, 2009 the case was taken for trial and some of the witnesses were present but CHRD lawyer was unable to precede the trial as translation of the IBs was not ready. It was already ordered by the Court to the Registrar to provide the translation. State Counsel called the case to be removed from the trial list and be called once the translations were ready. CHRD lawyer objected and under took the responsibility of translating the document by him. Finally it was fixed for trial on February 9, 2009. On that day witnesses were not present at the Court and the trial was re-fixed for March 2, 2009. Once again, they were no present on the given date and it was postponed. When the case was called on March 31, 2009 the State Counsel was informed the Court that the file was sent to the AG's Department for translation but Mr. Remedious informed it was already informed to the Court that the document will be translated by him and therefore the trial date was fixed for May 18, 2009. On that day the translation were not ready and therefore, the case was postponed to June 1, 2009. Thereafter witness gave evidence and cross examination is taking place.

9. Ganeshamoorthy Jeyarooban HC/1170/08

The case was taken for trial and some of the witnesses were present but CHRDL lawyer was unable to precede the trial as translation of the IBs was not ready. It was already ordered by the Court to the Registrar to provide the translation. State Counsel called the case to be removed from the trial list and be called once the translations were ready. CHRDL lawyer objected and under took the responsibility of translating the document by him. Finally it was fixed for trial on March 2, 2009. Once again, they were no present on the given date and it was postponed to May 5, 2009. On that day the translations were not ready and it was postponed to June 5, 2009. Thereafter the case was called many a times they were merely calling dates.

10. Thurairajah Nihal Dunstan HC/906/2005

He was arrested in Jaffna in 2002 March; thereafter he was released on bail in October. Then again he was indicted in High Court, Jaffna and remanded in May 2005. He approached CHRDL for legal assistance. CHRDL has taken up the case and is continuing.

11. Ramanathan Rajeevan HC/1193/2009

He is from Jaffna he was arrested on suspicion and detained at the Jaffna prison, CHRDL appeared on behalf of him and the case is continuing

12. Mariyaseelan Jeevakumar HC/1172/2005

He is from Jaffna he was arrested on suspicion and detained at the Jaffna prison, CHRDL appeared on behalf of him at the Jaffna High Court, and bail was ordered.

13. Suntharampillai Rathikumar HC/1237/2009

He is from Jaffna; married and father of two. He is the sole bread winner of the family. He was arrested on suspicion and indicted. Trial is going on.

14. Kandiah Pavalamathy HC/1267/2009

She is from Jaffna he was arrested on suspicion and detained at the Jaffna prison, CHRDL appeared on behalf of him at the Jaffna High Court, The case is continuing.

15. Gunasegaram Sujeenthiran

He was caught in Hong Kong for fleeing the country and was deported. When he arrived at the airport he war arrested under Emergency. Since there have been no substantial evidence he was released from Boosa.

16. Mariyathas Neris Asti Nanthasuya HC/1146/08 – HC/37/09

As for her case at the Jaffna High Court, confession was rejected and released but her another case is heard at the High Court Hambanthota Case No. HC/37/09 and therefore she is currently detained at the Tangalle Prison.