

Sri Lanka Human Rights Defender's arrest March 13/14 2014
Case of Arrest for Balendran Jeyakumari and her daughter

Background

Balendran Jeyakukumari and her daughter Vithushaini (13 years old) are residents of No. 5 Musalumpitty, Pullium Pokkanai, Tharmapurum , Killinochchi- Indian housing scheme.

Jeyakumari was the mother of four children - three sons and one daughter. Her husband and two of the sons were killed in the war, the third son was disappeared after 2009, the only child who lives with her now is her daughter.

Both her daughter and herself are vociferous activist for the families of the disappeared. Despite severe intimidation during the time of British Prime Minister David Cameron's visit to Sri Lanka both mother and daughter allowed themselves to be film and told of their plight on camera in order to bring attention to the problem of disappearances in Sri Lanka.

Both the mother and daughter have been in the frontline of many protests organized by Mannar Citizens Committee and families that are looking for missing and disappeared members. She and her daughter have been featured in many video documentaries on disappeared including the Channel 4 that was released in Nov. 2013. Beside Jayakumari has been the leader of mobilizing the families in Killinochchi for various hearings, public protests and meetings.

Incident

On March 13 around 4 p.m military personnel surrounded the house of Jeyakumari. Eye witnesses say there were large number (eye witnesses say numbers range from 400-700 personnel) of them some in uniform some suspected to be CID. Jeyakumari had contacted a Tamil politician at the time and reported that her house had been surrounded by the army.

The army/CID had then questioned her, did not let anyone else contact her (when both politicians and friends called on her mobile phone, a man had answered or it had been cut off). The army/CID had been at her home until 10.30 p.m and then reportedly taken both mother and daughter to the Vavuniya police station. Police spokesperson Ajith Rohana stated to BBC Tamil yesterday night that a shooting incident took place in Tharmapurum on 13th morning and the suspect has escaped and they have identified a house where the suspect has been hiding and two women have been investigate. He also stated one of their police officers have been injured in the shooting incident.

There were no reports of anyone else being in Jeyakumari's house at the time of questioning.

On 14th Jeyakumari and her daughter were produced in the Killinochchi courts and

according to media reports the police had declared that Jeyakumari had been under the Prevention of Terrorism Act for harbouring a wanted person connected to the shooting incident. This is only in media reports and therefore unconfirmed as it is unclear if lawyers saw detention order and therefore it is not clear what exactly is written in the detention order) Later on the 14th the magistrate of the Killinochchi courts said that Jeyakumari is being detained under the detention order. A detention order allows for a suspect to be detained without charges for three months and can be renewed every three months.

Under the detention order the magistrate ordered that Jayakumari is to be sent to Boosa prison which is in the Southern province. The daughter was released to a probation officer and is said to be staying in the Kilinochchi hospital overnight for observation.

A lawyer Vijarani with K. Ratnavel assisting is looking after the interests of Jeyakumari. Her lawyers said before Jeyakumari came to the magistrate court that they have not been given access to Jeyakumari. It is unclear if the lawyers were able to talk to her in court.

Issues

Even if there was genuine suspicion on the part of the military that there was a person of interest in the shooting case in Jeyakumari's house the issue is why was there such a show of force military and why was the PTA used.

The shooting incident injured a policeman and therefore in regular criminal law would amount to attempted murder at worst. Second the police/military as far as reports go have not made any attempt to let people know who this person of interest is. If there is someone (or a group of people) who is armed and dangerous, clearly the citizens of the area are at risk and why have the police not made this public or taken any other measures to arrest the fugitive?

The criminal law of Sri Lanka is equipped to deal with the hiding of fugitive wanted by the law (if indeed this is the case) and if regular criminal law was used it is clear that Jeyakumari could have appealed for immediate bail until it was established that a) indeed there was "someone else" in her house b) that the "someone else" was involved in a crime c) she knew about the someone else's involvement in the crime and d) and with that knowledge willing and freely hid the someone else in her house.

Given the above issues the use of force and the use of the PTA indicate that it is possible that this arrest is political motivated in order to create fear in the families of the disappeared and intimidate them not speak out.

Asks

1) That Jayakumari be released from police custody immediately

2) That there is *continuous* monitoring by the US Government to prevent torture and ensure Jayakumar's well-being