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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
HUMAN RIGHTS COMMISSION OF SRI LANKA

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திகதி } 22/01/2018  
Date }

1. R. Dinesha Surangi, 06, Elagolla,  
Rangala- on behalf of T.P.G. Sarath  
Keerthiratne

**Complainant**

Vs.

HRCSL Application Case No:  
HRC/K/148/11/S/A/I

1. Officer In Charge (OIC), Police  
Station, Rangala  
2. Police Sergeant Wijesiri (17799),  
Police Station, Rangala

**Respondents**

**Context**

T.P.G. Sarath Keerthiratne, the husband of the Complainant was taken in to custody by the Rangala Police on 2011.10.16 where he had been purportedly tortured and treated degradingly. The victim's affidavit contains allegations about the following degrading treatment.

- A) Being slapped on his ears by the 2<sup>nd</sup> Respondent.
- B) Being forcefully pushed inside a detention cell, knocking his head upon the metal poles of the cell, resulting in a head injury (by 2<sup>nd</sup> Respondent), and fainting.
- C) Continuous bleeding on the head.
- D) Water being poured over his head from a tank in the kitchen.
- E) After he started shivering due to the pouring of water, he was made to wait near a fire-place at the kitchen.

**Observations**

A) There are three wounds found by the Judicial Medical Officer (JMO) during his examination of the victim; a contusion on the forehead, a contusion on the left side of

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இல. 14, உரி.உ.ப. இம்மே மனிதநேய ஆணைக்குழு - 04

the neck and another contusion on the right side of the neck. Further the JMO had concluded that the patient's history was compatible with his findings.

- B) The reply of the Respondents to the said allegations concerning the injuries was that the victim had jumped in to an adjacent stream (a water way) and tried to escape. He had thereafter been taken into custody after pursuing him. Since there was a bleeding wound on his forehead, the Respondents have placed an entry in the records.
- C) The aforesaid 'bleeding wound' seems to correspond to the allegation (B) stated above in victim's affidavit. Police also acknowledges the existence of an injury and claims that it was caused after the victim had jumped in to the stream.
- D) It is unimaginable that such a severe bleeding wound could have occurred in the way the Respondents have narrated it. Moreover, the objective scientific evidence of the JMO seems substantial here. He has found the said wound to be consistent with patient's history. Therefore, it seems to be more probable that the 2<sup>nd</sup> Respondent caused the wound in the way the victim narrates it rather than the way the 2<sup>nd</sup> Respondent narrates it.
- E) The JMO also finds contusions over the ears of the victim, which seems to correspond to victim's allegation (A) in the affidavit. He had further reported that a "conductive hearing loss" has been found on both the ears of the victim. However, he has stated that he cannot conclude with regard to the hearing loss since he needed to establish whether there was no prior ailment in the ears. Thereafter he had instructed the victim to come with an ENT report, but that the victim had not returned.
- F) However, the two injuries on either sides of the neck are undisputed and it seems they correspond to allegation (A) of the victim.
- G) Therefore, in conclusion, the observations elaborated above suggest that the said injuries were compatible with the affidavit of the victim, his history narrated before the JMO and JMO's opinion. Additionally the Respondents have also conceded that a bleeding injury was present on the victim's forehead.

## Conclusion

### I. Basis for the conclusion

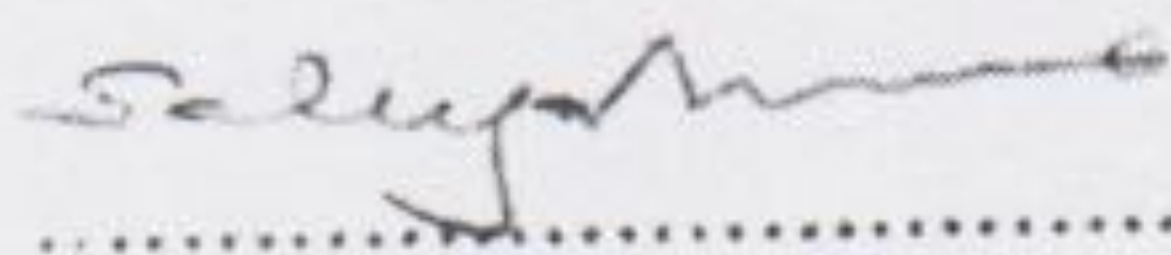
As per the observations and the applicability of the relevant laws,

- A) It is hereby concluded that the 2<sup>nd</sup> Respondent **has violated** the Fundamental Rights of the Complainant-victim guaranteed by Article 11 of the Constitution, by subjecting him to torture.

### II. Recommendation

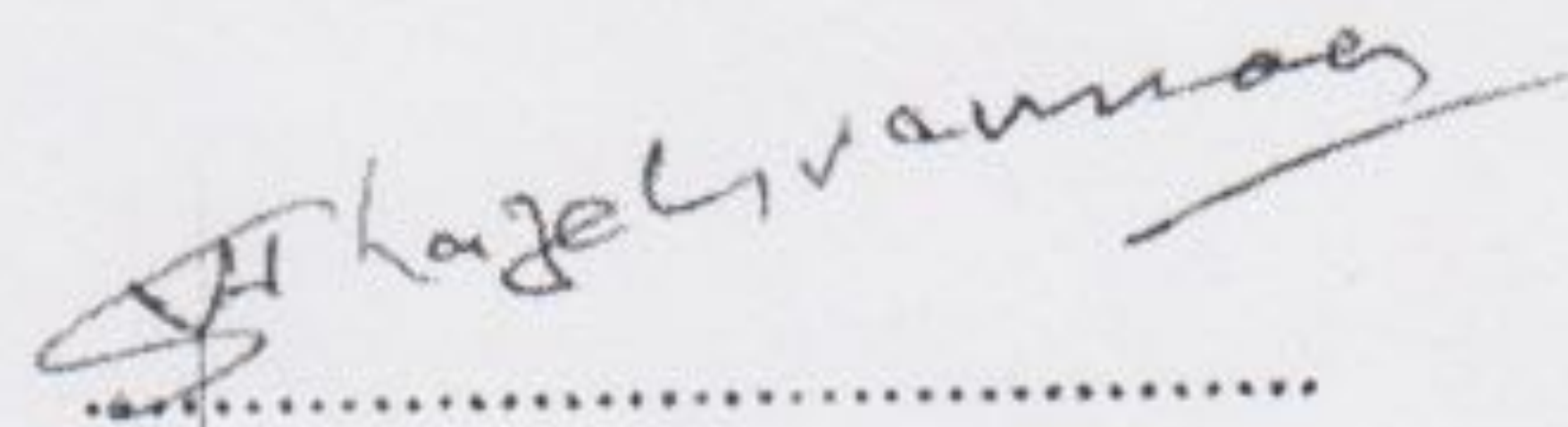
As per the conclusion/s above, we recommend the following:

- A) In terms of the provisions of Section 15 (6) of the HRC Act, a copy of the recommendation is hereby sent to the Inspector General of Police to investigate the allegation of torture with a view to instituting criminal proceedings, under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No 22 of 1994.
- B) In terms of the provisions in Section 11 (g) of the HRC Act, the Commission recommends the Sri Lanka Police and the 2<sup>nd</sup> Respondent pay the victim a sum of Rs.50,000/- each, totally Rs.100,000/-.



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Saliya Pieris PC,  
Commissioner  
Human Rights Commission of Sri Lanka

*Copy to- 1. Inspector General of Police*



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Ghazali Hussain  
Commissioner  
Human Rights Commission of Sri Lanka