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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Tamil Uzhagam, non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Incident of assault and torture of a prisoner*

Visited New Magazine on 24.04.2017 regarding the incident of assault and torture of a prisoner under ‘treatment’ in the Prison Hospital, Welikada.

Velayutham Varatharajan aged 43 is a convicted prisoner in the New Magazine Remand Prison pending his appeal case. He was suffering from viral fever for five days from 17.04.2017. Prisoners in the New Magazine Prison usually do not like to be admitted to the Prison Hospital due to the utter negligence, indifference and even incidents of torture in the past. However, on 22.04.2017 Varatharajan due to his extreme illness decided to admit himself in Prison Hospital (PH) which is located in the Welikada Prison compound. He was sent to PH around 9.00 am and was given medicine for his fever and placed in a bed in the ward.

He was feeling very ill and was sleeping due to his sickness and round 12.30 – 1.30 pm prison authorities had taken a count. Around 1.30 a prison officer called Saman came and noticed the political detainee in the bed section and he ordered the patient to move to the cell section where they normally placed long term prisoners, mentally ill patients and hard core criminals. However, the Prison administration also placed political prisoners together with the other criminals in this section. Varatharajan refused to be sent to that section and told the officer that, the doctor had made the admission and permitted him to stay in the normal section. He was in such bad shape that he couldn't even move. Hearing this the officer angrily scolded him in all kind of filthy words in Sinhala and commanded him to move to the cell section. When the patient refused again, the officer ordered him to kneel down till the officer in charge came. Varatharajan was very sick and was unable to kneel down and that was when this officer assaulted Varatharajan on his shoulder with the baton.

The Officer in Charge came there and he too scolded in filthy words and Varatharajan was forcibly taken to the cell section. He was put in the last cell room where there was very little ventilation and had no facilities to accommodate a patient under treatment. That cell had no bed, mat, sheet, pillow or even a paper to lie down on – just the bare floor.

Varatharajan is a heart patient and was under treatment for high blood pressure. He was not given any medicine after being put in the cell. He suffered for the whole night and next day on 23.04.2017 he was checked by the PH doctor around 10.00 am. Varatharajan begged the kind lady doctor to release him and send him back to Magazine Prison. But the doctor said, “she cannot do that because of the seriousness of his health condition”. But Varatharajan again begged of her and told that, he himself will take responsibility for the discharge from the hospital because he couldn't survive there anymore in this situation. Finally, the doctor took a blood test and allowed him to go back to the Magazine Prison. Although Varatharajan has not fully recovered, he has managed to come out of the dreadful Welikada Prison Hospital where not only the Tamil Prisoners but even the others are made to suffer, let alone being treated for their sickness. This Prison Hospital is completely under the Welikada Prison administration who are a law unto themselves. The “one star” Officer in Charge of the Prison hospital was heard to say that, even if the SP of Magazine Prison has to abide by the Welikada Prison rules when he comes here. Further, this prison hospital is fully manned by officials who are racially biased and some of the minor workers selected from the convicted criminals take orders from these officers to ill-treat the political prisoners who are sent for treatment.

The prison officials in charge of the hospital do not carry out the directions of the doctors serving there. Even when political prisoners are recommended to be sent to the National Hospital for specialized treatment, the prison officials are very selective and discriminatory. Political prisoners are usually not sent to the National Hospital on the grounds that, there is no scot(escort) facility on that day and even very serious patients are being denied treatment at National Hospital because of the racist tendency on the part of the prison hospital officers and Welikada prison officers. Only after a prolonged period a political prisoner will be sent to National Hospital but by that time the patient's health condition would deteriorate resulting in damage to vital limbs such as eyes, heart, bones, kidney, liver etc. For example: the death of Gajaweera in December 2016 by denial of immediate and urgent treatment. There is also grave suspicion that some deaths in prison hospital attributed to heart attack, organs failure etc may have actually been due to wilful neglect and indifference, and torture, assault and sadist tendencies based on racism practiced in the prisons.

All the time the prison hospital is ill- equipped in terms of medicines, drugs, infrastructure facilities such as beds and beddings and also acute shortage of qualified nursing staff. Workers chosen from the prison inmates carry out the work of nursing staff to which they are not only inadequate but also contribute to the suffering of the patients by their violent and inappropriate conduct.

Political detainees who are in prison do not wish to enter Prison Hospital due to such inhuman conditions in the hospital itself. Even though many appeals and demands have been addressed to the authorities including the Minister, Commissioner General of Prisons and others have fallen into deaf ears. It is time that an official investigation and inquiry be made into such humiliating and inhuman conditions prevailing in the prison hospitals. The same situation may also prevail in other prison hospitals too such as Kandy, Jaffna, Batticaloa, Mahara, Negombo, Vavuniya, Tangalle and Anuradhapura itself. Timely intervention by authorities could save the suffering and also the lives of many prisoners. The immediate appeal of the political prisoners are as follows:

1. Set up a separate hospital facility in the New Magazine Prison;
2. Ensure prompt and immediate transfers to National Hospital as advised by Medical Officers,
3. Provide proper medication and nursing facilities to the patients.

*Nambikkaiyin Veedu (Sri Lanka), Swiss Council of Eelam Tamils (SCET), Association Le Collectif La Paix au Sri Lanka, NGOs without consultative status, also share the views expressed in this statement.