

TORTURE

ASIAN AND GLOBAL PERSPECTIVES

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THE LOST CAUSE

*Impunity of torture despite anti-torture legislation
In the Philippines*

Death penalty for **GERALD'S** **MURDERERS**

Police officer Suresh Gunasena who was sentenced to death has challenged the Appeal Court decision and filed a case in the Supreme Court.

by PHILIP DISSANAYAKE

AFTER a prolonged hearing at the Negombo High Court, on 22 June 2015 Judge M.Z. M. Razeen found the two suspects guilty of murdering Mr Gerald Mervin Perera, a cook at the Colombo Dockyards, in November 2004. The two policemen have been sentenced to death. Mr. Gerald Mervin Perera, a father of three residing in Makewita, Wattala was shot dead while travelling by bus.

The policemen guilty of murder are Suresh Gunasena residing at Kadurupokuna, Tangalle, who was attached to the Crimes Branch of the Wattala Police Station and P R Ajit Nishantha residing in Wattala, Hunupitiya.

Gerald was arrested in a case of mistaken identity and severely tortured at the Wattala police station. He was in the intensive care unit for nineteen days. He filed a Fundamental Rights case against the police officers.



In reporting his decision Justice Mark Fernando ruled that Gerald's fundamental rights had been violated and he was awarded a compensation of nearly 15 lakhs. The Supreme Court ordered the Attorney General to file a case under the Convention against Torture Act of Sri Lanka, Act No. 22 of 1994.

Thus the Attorney General filed a case in 2003 against the two suspects mentioned above and six other police officers. While the case was being heard at the Negombo High Court and Gerald was to give evidence before the courts on 2 December 2004, he was shot dead while travelling to work by bus on 21 November 2004, by the two officers.

The lawyer who appeared on behalf of the accused had told them that the only way out of the case was to stop Gerald from giving evidence. Thus, Suresh Gunasena, along with a provincial council member, approached Gerald with a bribe of 3 lakhs and tried to influence him to withdraw the complaint. After several failed attempts they decided to simply murder him.

According to their lawyer, the other six police officers were released by the then Negombo High court judge. Gerald's wife, along with the Asian Human Rights Commission, Right to Life Human Rights Centre and Gampaha People's Committee and other human rights organisations challenged the decision and appealed. After a prolonged hearing the release of the first four defenders was cancelled and the Appeal Court decided to rehear the case.

Police officer Suresh Gunasena was sentenced to death and challenged the Appeal Court decision by filing a case in the Supreme Court. The Supreme Court confirmed the decision of the Appeal Court and ordered the hearing of the case against the suspects before December 2014, with the inclusion of Wattala OIC as a defendant.

However, six months have passed and the case continues at the Negombo High Court. The only comfort for human rights defenders is the verdict in the murder case, despite taking ten years to procure.

At this moment it is important to recognise the courage and sacrifice of Mrs. Padma Wickramaratne, Gerald's wife. Alone with her three children, she sought justice in an environment where threats, discouragement and economic hardship is commonplace. Fighting against torture takes tenacity and the support of many skilled advocates. And so we thank Mr. Basil Fernando, Director of the Asian Human Rights Commission; Raseek Sanjeeva, Attorney at Law; Ranjan Mendis, Attorney at Law; and the many other lawyers, and organisations who fight tirelessly for justice against torture. ■

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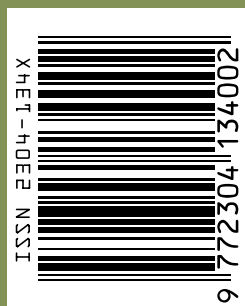
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