

SRI LANKA: Victims of rape continuously denied justice now live in fear

Asian Human Rights Commission

13 June 2012

Dear friends,

The Asian Human Rights Commission (AHRC) has received information that Ms. Sumanthika (31) and Prasanthi (19) of Ukuwela, Matale are sisters and lived with their parents at Matale (their names have been changed for security reasons). The two girls studied at a prestigious national school in Matale. Sumanthika was kidnapped and raped by her employer, the owner of Nataya Travel Air and Nataya Manpower company, Mangala Atampola. Sumanthika subsequently found that he had also raped her sister Prasanthi and forced her to have an abortion. The two victims have filed cases against Atampola and they are currently ongoing. However, their lives are at risk as he has considerable influence over the local law enforcement agencies.

CASE NARRATIVE:

Ms. Sumanthika (31) and Prasanthi (19) of Ukuwela, Matale are sisters and live with their parents at Matale (their names have been changed for security reasons). Their father was employed at the Lanka Porcelain as the supply manager at Matale. The two girls studied at a prestigious national school in Matale.

After her university entrance exam, Sumanthika, the eldest of the two sisters, followed a ticketing course in Kandy and then worked at Ceylinco travels in Colombo and Kurunegala for three years from 2000-2004. In 2005 January she joined the Nataya Travel Air and Nataya Manpower company belonging to Mangala Atampola. Sumanthika worked as a ticketing officer and then as the manager of the Nataya Travel air company. During the time of her service Sumanthika noticed that several people came to the office and complained against Mr Atampola for fraudulent transactions and she was further made to understand that there were court cases against him. For these reasons Sumanthika decided to leave the company given him notice in writing. However Mr Atampola wanted her to continue until he recruited someone else. He withheld her identification documents in the attempt to keep her.

On the 10th February 2005 Mr. Atampola had taken Sumanthika along with a few other staff members to Kurunegala for a sales promotion. When they returned, it was already late and Mr Atampola dropped everyone else before finally coming to Sumanthika's house in Matale. Her father was angry at her for being late and locked the gate so Mr Atampola had taken her to his house to provide accommodation that night. But rather than provide her with shelter he raped Sumanthika.

Since then Mr Atampola has forcefully kept Sumanthika at his house, promising her to marry her some day. When Sumanthika became pregnant for the first time, Mr Atampola has forced her to abort the fetus. When she became pregnant for the second time, she was assaulted and the expected baby of seven months was still born. Sumanthika made several attempts to escape from Mr. Atampola but was unsuccessful.

In 2008 when the Nataya company was closed Sumanthika had to find employment to earn money for Mr Atampola and she worked at a ticketing office in Negambo. As Mr Atampola could not find employment Sumanthika had to support him. When Mr Atampola met with a serious accident in 2010 Sumanthika, even though not the legal wife, had to look after him for eight months as was bedridden.

Prasanthi, the sister of Sumanthika used to visit Mr Attampola's house from time to time and stay with Sumanthika. On the 3 August 2011 Mr. Atampola was sentenced to one year of imprisonment by the Matale Magistrate's Court as he had 42 cases against him for financial fraud. Sumanthika, however, appealed in the high court in Kandy and Mr Attampola was granted bail on the 14th November 2011.

Prasanthi is now preparing to sit for the GCE O/L exam in August. On the 24th May 2012, Sumanthika was summoned by her school principal that Prasanthi had an abortion and that Mr Atampola had raped her in his house during 2008 when Prasanthi was just 15 years of age. Further, by that time the principal had informed the police. It seems the Prasanthi was threatened by Mr Atampola and in fear Prasanthi had not revealed this anyone. However since Prasanthi refused come to him, Mr Atampola has sent some nude photos of Prasanthi to the school. When she was questioned by the principal Pashile has revealed what happened to her in 2008. Further Mr. Attampola has attempted to abduct Prasanthi on several occasions.

The police officers of Matale police station has arrested Mr Attampola on the 28 May 2012 and produced in court and remanded at Raja Veediya Remand Prison. However, Sumanthika and Prasanthi fear that Mr Atampola, who has threatened them to kill them, would soon be released and would attempt to harm them. Sumanthika learned later that Mr Atampola had raped many girls and cheated many people but always manage to escape justice as he is influential politically and always pays bribes to the police.

The case regarding Prasanthi's rape, number B/863/12, was called in the Magistrate Court of Matale on the 5 May 2012. When the case was called the lawyer who appeared for the Sumanthika and Prasanthi objected to bail and requested that the defendant be re-remanded. According the Magistrate remanded the suspect until the next calling date and asked the victim to be present on that day.

While Sumanthika and Prasanthi were in the court premises several friends of Mr. Attampola approached them and threatened them kill if they proceed with the case. Presently both of them have left home and have found shelter with an institution providing humanitarian assistance.

Both the victims are severe threats to their lives. They feel that, like in other cases, they would not get justice due to the perpetrator's influence over the different officials at law enforcement agencies.

They appeal for the protection for the lives as victims and seek justice and compensation.

ADDITIONAL COMMENTS:

The Asian Human Rights Commission (AHRC) has reported innumerable cases where state law enforcement agencies have shown the breakdown of law in investigating crimes and bringing the suspected persons before the law so that they may be punished after successful criminal proceedings. The victims of crimes face enormous harassment, and on some occasions the witness and the victims have been killed by the perpetrators. The AHRC has continuously urged the state of Sri Lanka for the necessity of adopting a witness protection law and implementing a successful witness protection mechanism to verify the smooth running of rule of law system. The state of Sri Lanka is bound to implement the legal provisions of the International Covenant on Civil and Political Rights (ICCPR) as it has signed and ratified the convention. Nevertheless the lack of protection offered to those who are willing to take cases against criminals, abusive police officers and the state authorities, means that the law is under-used and this continues to be employed as a tool by the police to harass people. This not only takes a long-term toll on the victim and his or her family, but on society as a whole, by undermining civilian respect for the law and encouraging impunity.

Further state of Sri Lanka has sign and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However the state agencies have failed to implement the protective laws towards the women effectively.

SUGGESTED ACTION:

Please send a letter to the authorities listed below expressing your concern about this case and requesting an immediate investigation into the case of rape and the witness protection. The criminals as well as the police officers who are having lethargic approach to investigate the crimes must also try before the court of law for breaching the laws of the country and also should be subjected to internal investigations for the breach of the department orders as issued by the police department.

Please note that the AHRC has also written a separate letter to the Special Rapporteur on violence against women on this regard.