

July 7, 2017

**Mr. Ben Emmerson**

Special Rapporteur on the promotion and protection of human rights while countering terrorism

Sent via email: [srct@ohchr.org](mailto:srct@ohchr.org)

Dear Mr. Emmerson,

As legal director of the Canadian Centre for International Justice (CCIJ), I am writing to you on behalf of our client, Mr. Roy Samathanam, who was detained and tortured by the Sri Lankan Terrorist Investigation Division (TID) in 2007. Mr. Samathanam's case was recently the object of a successful complaint before the United Nations Human Rights Committee (annexed), which ordered Sri Lanka to provide him, *inter alia*, with effective remedies for his arbitrary arrest, ill-treatment, and inhumane detention. The Committee's deadline for Sri Lanka to comply with its decision expired on 13 May 2017 and we have yet to receive information or an acknowledgement from the Sri Lankan government on this matter.

Given your mandate's emphasis on: (1) receiving and exchanging information and communications from and with relevant individuals and organizations; (2) discussing possible areas of cooperation with Governments and all relevant actors; and (3) working in close coordination with other relevant bodies of the United Nations, such as the Human Rights Committee, we respectfully request that you consider Mr. Samathanam's case as part of your ongoing engagement with Sri Lanka, and especially during your upcoming visit from 10-14 July 2017.

Mr. Samathanam is an ethnic Tamil who obtained refugee status in Canada in 1990 and later became a Canadian citizen. In 2005, he returned to Sri Lanka to marry the woman who is now his wife. In 2007 officers of the TID arrested Mr. Samathanam, accusing him of being a member of the Liberation Tigers of Tamil Ealam (LTTE). Mr. Samathanam was detained at the TID's facility in Colombo pursuant to the Emergency Regulations in force at the time. During his detention, Mr. Samathanam was subjected to inhumane detention conditions, regular beatings, a lack of medical attention (Mr. Samathanam is diabetic), death threats, and rape threats to his wife. He was also forced to watch other detainees being tortured. Mr. Samathanam continues to suffer from the severe physical and psychological consequences of this treatment, including Post-Traumatic Stress Disorder, chronic pains, and irregular heartbeats. He is unable to work as a result of his condition.

The full facts in Mr. Samathanam's case are available in the Committee's decision, annexed to the present letter.

As Mr. Samathanam's case is emblematic of Sri Lanka's reticence to engage with the survivors of human rights violations committed as a systematic component of its counter terrorism policies, CCIJ respectfully requests that you discuss Mr. Samathanam's case with Sri Lankan officials during your upcoming visit to Sri Lanka, with a view to facilitating Sri Lanka's compliance with the Committee's decision. Indeed, such action on your part would comply with your mandate to work in close coordination with other relevant mechanisms of the United Nations. Moreover, the Centre respectfully requests that you consider Mr. Samathanam's case in your mission report and recommendations to Sri Lanka. CCIJ is convinced that this would have a positive impact on Sri Lanka's counter terrorism policies and, particularly, its respect for the right to redress of torture survivors.

I remain at your full disposal should you like to further discuss Mr. Samathanam's case. I look forward to hearing from you and wish you success in your upcoming visit to Sri Lanka.

Respectfully,



**Amanda Ghahremani**  
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Canadian Centre for International Justice  
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Annex:

**United National Human Rights Committee, Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No. 2412/2014**