

Indian prisoners in Sri Lanka's jails appeal for relief

Forty-three Indians languishing in Sri Lankan jails have approached an Indian human rights body to help them return to this country, but the Indian government can do little in the absence of a prisoner exchange treaty with the neighbouring country.

They have been convicted under Sri Lankan laws for offences related to drug trafficking and some have spent more than 16 years in jails.

'A large number of them are from Kerala and some are from Tamil Nadu. Several went to Sri Lanka for better employment and were arrested on drug trafficking charges,' Agni Subramaniam, executive director of the Manitham Human Rights Organisation, told IANS.

Indian life-term prisoners in the Welikada jail in Sri Lanka, held on drug trafficking charges, include the likes of Ali Muhammad Mustafa, 79, who can barely walk, and 75-year-old Kamatchi.

'There are 43 such prisoners in three Lankan jails,' Subramaniam said. They sent him a written petition last week for help.

While Pakistan and the Maldives took back their prisoners from Sri Lanka in February under bilateral agreements for exchange of prisoners, India does not have any such agreement with Sri Lanka, though the two sides are negotiating one.

'We can only think of taking them back once we have such an agreement in place with Sri Lanka,' a source in the Indian external affairs ministry said.

The sources pointed out that there have been occasions when India has intervened to get its prisoners released from Sri Lankan jails but these were mainly fishermen or those held for 'minor offences'. Most of those who have approached the human rights group are people held for 'very serious offences'.

But a rights activist said: 'Many of these people are not really drug traffickers. They were involved unknowingly, by being at the wrong place, due to circumstances.'

The Indian prisoners had earlier made repeated appeals to the Indian government and the Indian high commission in April 2007.

Referring to the appeal of R. Singarayar from Negombo jail, consulate official M.V. Namboodiri said in a note dated May 10 last year to the ministry, 'Singarayar and others presently lodged in Welikada prison were arrested on charges of drug trafficking. Due to the nature of the offence, the mission is not in a position to intervene in these cases.'

Drug trafficking in many countries draws the death penalty. In India it is punished with 20 years in jail. In Sri Lanka, it draws life imprisonment.

'They do not have lawyers to fight their cases or fight for rights due to prisoners. Fearing death they have just accepted their fate,' Subramaniam said.

'They are also afraid that Tamil prisoners from India will be the first victims of any ethnic riots that break out in Sri Lankan prisons, as it had happened in the 1980s,' he said.

In a telephonic conversation with Indian human rights activists, facilitated by a Tamil official in the Sri Lankan government, the prisoners have appealed for the release of Mustafa and Kamatchi on humanitarian grounds.

There are six women among the 43 prisoners. Jothi Lakshmi from Varaganeri near Tiruchirapally, Arockiya Mary from Tuticorin, M. Kanaga, Bibi Jan and Mahabooba from Tiruchirapally, apart from Kamatchi.

Thiyagarajan from Thanjavur has been in jail since 1999, like Ashraf, from Malappuram district of Kerala, who has also been in jail for 10 years.

There are at least seven prisoners from Ramanathapuram district in Tamil Nadu in Anuradhapuram jail.

Rights groups are urging the Indian government to act on behalf of these prisoners and get them back to India - even if they are sent to Indian jails.

'Since so many of them are from Kerala and Tamil Nadu, the state governments also need to urge the Indian and Sri Lankan authorities to at least move these Indian prisoners away from the conflict zone and rights violations at the earliest,' Subramaniam said.

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