



Supreme Court grants leave to proceed to case filed by CPA on the eviction of Tamils from Colombo

26th July 2007, Colombo, Sri Lanka: The Supreme Court granted leave to proceed to a fundamental rights application made by the Centre for Policy Alternatives (CPA) and its Executive Director, Dr. Paikiasothy Saravanamuttu on the mass scale eviction of Tamils from Colombo that took place on the 7th of June 2007. An interim order had already been issued by the Supreme Court on the 8th June on the same matter, under Article 12(1) and 14(1)(h). Further leave to proceed was granted based on Article 11, 13(1) and (2) of the Constitution.

The case will be heard on all grounds on the 28th November 2007.

The petitioners argued that evicting Tamils from Colombo is wrongful, unlawful and illegal and violates the fundamental rights of those persons who were so evicted. The case was filed by CPA in response to the mass eviction of Tamils that took place on the 7th June 2007. As reported in the media, the operation commenced in the early hours of the morning, police and army officers visited various lodges occupied predominantly by Tamils in Colombo and forcibly removing Tamils from these guesthouses. It was reported that people were given less than half an hour to pack all their belongings and board buses. Newspaper reports also raised the issue as to what the police considered as being a valid reason, given that a patient undergoing treatment and a woman who was to be married within a few days in Colombo were among those evicted. This move is directly attributed to the statement made by the IGP on the 1st June, claiming that Tamil people cannot remain in Colombo without a valid reason. Subsequent to the interim order, many of the people evicted were brought back by the police to their lodging houses. On 10th June Prime Minister Ratnasiri Wickremanayake expressed regrets to the hundreds of Tamils for their eviction from the city, saying it was a 'big mistake' by the government.

The petition held that the evictions violate the fundamental rights of those persons who were so evicted, guaranteed by Article 12 (1), 12(2), 13(1), 13(2) and 14(1)(h) of the Constitution. Article 11 provides no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 12 provides that all citizens are equal before the law and ensures that no citizen shall be discriminated against grounds specified in the Constitution. Articles 13 (1) and (2) provide protection from arbitrary arrest and detention. Article 14 (1)(h) provides for the freedom of movement and the right to choose his residence within Sri Lanka.

Two other petitions filed by evicted persons were also granted leave to proceed by the Supreme Court.