

A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015

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Dedication:

This report is dedicated to the survivors who trusted us enough to tell us about their darkest days in the hope of saving others from the same fate. At their lowest point, they still exhibited huge courage and selflessness. Sadly they have to live with the knowledge that those who abused them go free – and likely will never be punished – and yet they still chose to speak out.

Contents

- Executive Summary** 5
- Acknowledgements** 8
- I. Political Context** 9
- II. Methodology** 12
- III. Narrative** 15
- IV. Findings** 28
 - A. New Torture Cases** 28
 - 2014 Cases
 - 2015 Cases
 - B. Torture Sites, Commanders and Perpetrators** 47
 - Case Study 1: Joseph Camp
 - Case Study 2: Manik Farm
 - Case Study 3: Trincomalee Naval Dockyard Secret Site
 - C. Reprisals and Persecution** 84
 - Surveillance and Intimidation of Witnesses
 - Case Study 4: The Visit of David Cameron to Jaffna
 - The Extensive Use of Informers
 - Persecution & Torture of Family Members
- V. Conclusions** 120
- VI. Recommendations** 129
- Annexures**
 - Post Election Incidents Reported in Media
 - Timeline Political Statements on Accountability

100 Abductions 2009—2015



Note: This does not include "rehabilitation camp" or IDP camp torture. This is purely abductions in "white vans" or other vehicles.

Executive Summary

This report paints a disturbing picture of a multifaceted assault of terror still wreaked in 2015 on Tamil families by the security forces in the former conflict areas of Sri Lanka. The findings are based on the testimony of survivors of illegal state-organised abduction in “white vans” by the security forces. The most recent incident occurred in July 2015. The victims of these abductions experienced repeated sexual torture and/or torture and then fled the country. As a result they are victims who are not widely known about inside Sri Lanka even by human rights activists there who courageously assist victims of arbitrary detention and torture.

Increasingly the Tamil victims have not just suffered one isolated instance of abuse. Several have been detained on multiple occasions and/or their family members have been detained, disappeared or killed. Not to mention that a large number survived the final terrible months of the civil war in 2009, as well as decades of prior displacement and loss. Among the 180 cases documented in this report, the pattern is that the young are detained, tortured and raped, the elderly forced into debt to save them, while none can safely exercise even their most basic rights or feel safe. The on-going harassment and intimidation of the families in Sri Lanka of torture survivors who have fled abroad has continued unabated throughout 2015.

The structures of cruelty used for this ethnic persecution, political repression, extortion and revenge have not been dismantled six years after the war ended. There continues to be a thriving torture industry amounting to state run organised crime by sections of the security forces in Sri Lanka, seemingly unaffected by the change of politicians at the helm. Its continuation does not necessarily mean the security forces are out of the control of the politicians, rather that the politicians have simply not tried to curb them. Nor have international initiatives thus far, including the UN Investigation into Sri Lanka, been successful in stopping the on-going serious violations against Tamils by the security forces.

Impunity is so entrenched that ITJP has identified forty-one sites in Sri Lanka where victims state they were tortured after the war, as well as numerous alleged individual perpetrators of war crimes, rape, torture and execution. This is the result of painstaking research and cross-referencing new evidence from security force insiders with the testimony of survivors including some of the one hundred “white van” abductions we have documented that took place after the war ended.

We reveal the GPS coordinates for the secret naval intelligence detention facility in Trincomalee Naval Dockyard, and also possess names and photographs of torturers and guards who worked there. In Vavuniya, Joseph Camp was the base for military intelligence “white van” abduction teams and a site where multiple victims were tortured and sexually abused; we have multiple names and photographs of torturers who worked there, as well as other sites island wide. However the 41 sites we have identified represent only a fraction of the total number of torture sites in Sri Lanka because many witnesses have no idea where they were tortured, having been blindfolded when transferred there and out.

The victims cannot be looked at in isolation from their families, who continue to suffer reprisals even after one member is driven out of the country. More than a quarter of torture survivors interviewed abroad said a close relative back home had been subjected to physical violence, including beatings, torture, rape and in some cases killing, after they had fled the country. These violations occurred at the end of the war and continues to the present day.

The findings of this report should raise red flags about any domestic accountability process for Sri Lanka. Witness safety simply cannot be guaranteed at present. International organisations, including the United Nations, have offered technical assistance to the government on addressing human rights violations and accountability need to take cognisance of the findings of this report regarding ongoing violations by the security forces. The proposed UN involvement envisages consultations with law enforcement agencies that are not just responsible for past violations, but are alleged to be still committing crimes and attempting to silence witnesses.

The report is based on:

- 180 cases of post-war torture and/or sexual violence in Sri Lanka.
- From which ITJP has recorded 115 statements from witnesses and survivors. Of these, 100 are “white van” abduction survivors.
- These cases include eight accounts of torture and sexual abuse that occurred after 8 January 2015, and fourteen cases that occurred in 2014.
- 84 witnesses were asked about reprisals against their families.

Acknowledgements

We wish to acknowledge the contribution of our team of dedicated and stalwart interpreters, especially P, E, S and N. They cannot be named here for their protection and the protection of their family members in Sri Lanka. We know how much they have suffered in this process, losing a little of their innocence with every tale of horror they have to translate.

In addition there are many who have worked tirelessly to help us find witnesses; they know who they are and the enormous contribution they have been quietly making without expecting any public recognition. They have become good friends and we hope to continue to work with them. Among these, especially G, S, AA, AC and L. Others have helped us with research, especially B and K, and we thank them as well as all the international law experts who kindly gave up their holiday time to read drafts and make extremely useful comments that greatly improved the analysis.

We would also like to recognise the many strangers who have helped individual witnesses in different ways – fed them, looked after their children, interpreted for them, visited them in detention, offered help finding doctors or lawyers, supplied warm clothes, or who have just been a voice at the end of the phone to calm them when they panic. They extend a helping hand to someone at their most vulnerable time and they will not be forgotten.

Last but definitely not least, we thank our funders – the Sigrid Rausing Trust and the Open Society Foundation. Without their generosity and foresight we would have given up in utter frustration and despair.

I. Political Context

Total impunity for the wartime violations has enabled the Sri Lankan security forces to continue to commit crimes against humanity during peacetime.

On 8 January 2015, President Maithripala Sirisena was elected in Sri Lanka, heralding change after a decade of rule by the Rajapaksa family. The new coalition, which came to power thanks partly to the Tamil vote, pledged to root out financial corruption and restore rule of law.

Tragically as this report demonstrates, systematic and widespread crimes against humanity have not ceased with the change of government. The new coalition has made no attempt to take apart the structures of repression entrenched by the previous regime. As a result state-organised abductions, torture and sexual violence by the security forces have continued long after the change of government and as recently as July 2015.

Initially there was huge optimism that the new government would credibly address accountability for the past and end ongoing human rights abuses, even though the coalition contained leaders who denied that war crimes and post-war crimes against humanity or other serious violations of human rights had taken place¹. The new government quickly won international backing and achieved a postponement of the presentation to the Human Rights Council of the UN's investigation into "alleged serious violations and abuses of human rights and related crimes" from 2002-11 in Sri Lanka².

The change of government did improve the atmosphere in the south of the island, loosening controls over the media, NGO's and travel to the north. Even in the former conflict areas there was a little more public space and protests

¹ For an examination of the statements by the new government on accountability see Annexure II.

² OHCHR Investigation on Sri Lanka, accessed at <http://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>

took place on a scale that had not been seen for at least a decade. In a break with the past, the Special Rapporteur on Transitional Justice was allowed to visit Sri Lanka in March 2015 and the Working Group on Enforced and Involuntary Disappearances is due later this year.

In advance of the September 2015 session of the UN Human Rights Council in Geneva, Sri Lanka has said it will announce a plan for a mechanism to ensure accountability for past violations. Politicians have ruled out the idea of any justice process located outside the island, saying it is insulting to Sri Lankans³. Sections of civil society are calling for a hybrid mechanism with a strong international component based in Sri Lanka; others mistrust anything other than a completely independent international accountability mechanism. The failure of past initiatives, such as the International Independent Eminent Persons Group (IIGEP), shows how conflicts of interest and a total absence of witness protection undermined hybrid mechanisms.

The Sri Lankan government is currently discussing a US\$3m technical assistance plan for human rights with the UN Office of the High Commissioner for Human Rights, as well as assistance from ICRC on the issue of the disappeared. The OHCHR project envisages consultations prior to the setting up of a domestic accountability mechanism. The project targets government, conflict victims, law enforcement and the National Human Rights Commission⁴. Given law enforcement officers are the perpetrators of on-going crimes against humanity, this initiative raises some very obvious witness protection concerns.

So far the victims of the war have not yet been consulted during this process of transition, including the thousands driven outside the island after 2009⁵. Survivors of the war and victims of post-war violations say there is no tangible basis on which they, their families or the wider Tamil community could trust a domestic accountability mechanism established in this fashion, even with international oversight or technical assistance.

³ For example the Prime Minister said: "I said no International inquiry", Ranil Wickramasinghe's interview to Thanthi TV, 7 March 2015, *The Hindu*. For more information see Annexure II.

⁴ The outcome of the project is: "the development of an inclusive, participatory and transparent process, aimed at the establishment of credible effective mechanisms to address human rights violations and accountability to provide redress and effective remedies to victims and conflict affected groups in line with international standards."

⁵ TCSF et al, Joint Letter to OHCHR on OISL, 3 July 2015, accessed at <http://cl.ly/bqPV>

Meanwhile Sri Lanka faces parliamentary polls on 17 August 2015, in which former President Mahinda Rajapaksa will contest in the hope of returning to power, based on substantial support that he still commands among the Sinhala majority and in his party.

The OHCHR Investigation into Sri Lanka (OISL) will present its much-awaited findings at the September 2015 session of the Human Rights Council, shortly after the parliamentary elections. This session in Geneva will be key for Sri Lanka, with Sinhala nationalists hoping to bury the issue of war crimes once and for all. There is still little domestic enthusiasm in the south of the country for a justice process that would see senior military or political figures on trial for war crimes or crimes against humanity or other serious violations of human rights.

The international community will have failed the victims of this conflict if it does not push to address the ongoing impunity. Those responsible for war crimes and crimes against humanity during and since the end of the war should be held accountable, putting a stop to the on-going arbitrary detention, torture and sexual violence. Previous UN reports on Sri Lanka have estimated that 40,000, or even as many as 70,000, civilians may have been killed in the final phase of the civil war in 2008-9, the majority of them by government forces. The UN Panel of Experts said the conduct of the war challenged the entire regime of international humanitarian law and human rights law⁶.

⁶ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka. 31 March 2011.

II. Methodology

This report is based on 180 statements from witnesses, virtually all of whom were subjected to periods of detention and repeated torture and sexual violence inside Sri Lanka. This report also includes testimony from witnesses who are security force/government insiders who provided valuable eyewitness evidence about how “white van” abductions - as well as other abduction teams and detention camps - operated. Of these witnesses, 115 were interviewed by ITJP investigators; the remaining 65 witnesses supplied medical legal reports of examining international doctors and psychiatrists who are experts in assessing allegations of torture and/or detailed witness statements recorded by solicitors or investigators.

The witnesses were interviewed in five different countries with the assistance of qualified interpreters. The statements were taken in a secure environment by investigators having many years of experience of war crimes, conflict and post conflict zones, including Sri Lanka.

Witness protection was paramount with the confidentiality of witnesses and their families in Sri Lanka being protected.

Witnesses came through referrals as well as being sourced through networks of law firms, social workers, human rights activists, aid workers, doctors and other trusted contacts. The witnesses do not know who else testified. Some have refugee status; others had asylum applications pending at the time we met them.

Witnesses have permitted us to attach as exhibits to their statements their medical legal reports, photographs, records of interviews with government agencies, medical records and other evidence corroborating their testimony.

All witnesses interviewed by ITJP were asked if they had given statements to other human rights groups documenting torture or war crimes in an attempt to ensure the originality of the findings and where possible to avoid contamination of evidence.

Of the 115 witnesses we interviewed, the vast majority resulted in lengthy sworn statements, taken by our investigators. Most statements took on average three days to complete. In each case, the witnesses' credibility was carefully assessed. Each of them was considered to have provided credible evidence which was in most cases specifically corroborated by photographs, official documents, scars on their bodies, medical legal reports of experts in torture and sexual abuse survivors and security force and government insider witnesses. Their narratives were internally consistent and externally consistent when compared to other evidence, which in itself was found to be credible and corroborated.

Over and above the 115 witnesses we interviewed, we also interviewed a handful of other persons who alleged that they had been tortured and/or sexually abused by the security forces since the end of the war. Either because there was no corroborating evidence of their allegations or because we did not accept their credibility, we discounted their evidence and have not relied upon it for this report.

Witnesses who were survivors of the 2008-9 war were asked about their experiences to assess their general credibility and the level of unique evidence they might have pertaining to allegations of war crimes. In 54 of the cases we showed witnesses photographs depicting at least 100 alleged perpetrators (and their accomplices) of post-war abduction and torture. These photographs were mixed with general photographs of other members of the security forces, not identified as perpetrators. This investigative step was helpful in identifying a witness's credibility, placing them in a specific location, as well as on occasions matching perpetrators with victims.

This phase of our work was aimed at determining whether arbitrary detention, torture and sexual violence - which we submit constitute crimes against humanity and human rights violations - is still on-going. We also intended to identify locations and individuals involved in the sexual and non-sexual torture, as well as assessing the extent of reprisals against witnesses' families in Sri Lanka.

III. Narrative

180 cases of post-war torture: The findings in this report are based on 115 witness statements recorded by ITJP (and the corroboration thereof) of post-war torture and/or sexual violence against unarmed young Tamils detained by the security forces in Sri Lanka, including cases that occurred after 8 January 2015. In addition, we have considered statements and other supporting evidence (medical legal reports and/or photographs) regarding 65 other cases of torture and/or sexual violence that occurred post-war in Sri Lanka. These 65 statements did not contradict the 110 statements and indeed, were consistent with them.

An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-14

In March 2014, we documented on-going torture and sexual violence in Sri Lanka for a ground breaking report, *An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-14*⁷. It was based on 40 lengthy detailed sworn statements from Tamil survivors in the UK, all of whom stated they had been repeatedly tortured and sexually abused while detained by various branches of the security forces of the Government of Sri Lanka. All statements were found credible by our experienced international war crimes and sexual abuse investigators. Almost all of these sworn statements were corroborated by the physical scarring on the witnesses' bodies and other residual and permanent physical disabilities. Almost all of their accounts were corroborated by the examination of and resulting medical legal reports of international medical experts with a peer recognised special expertise in assessing the legitimacy of claims of refugees from many countries in the world, including Sri Lanka, of torture and/or sexual abuse. Several of their examinations and medical legal reports were done *pro bono*.

⁷ Available at www.stop-torture.com

Fifty percent of the abuse we documented in our 2014 Report had taken place within the previous year in Sri Lanka and one case in 2014. The report examined patterns of abduction, violence and extortion that targeted men and women suspected of some involvement with the Liberation Tigers of Tamil Eelam (LTTE), which was defeated in May 2009 after decades of civil war.

After a careful analysis of the facts presented by the survivors, the domestic law of Sri Lanka and International law, we concluded, amongst other things:

1. That these post-war violations by the security forces painted a chilling picture of the continuation of the three decade long conflict against the Tamil community with a purpose of sowing terror and destabilising those Tamil community members remaining behind⁸.
2. That the similarity of the torture, rape and sexual violence experienced by each of the witnesses indicated a pattern and that the practices of the security forces were systematic and institutionalised, not the least because ill-treatment and torture became the method of interrogation and were used to punish and humiliate detainees⁹.
3. That this widespread similarity over the five years since the end of the war in multiple security forces locations confirmed a well-organised pattern of systematic abuse on the part of the Sri Lankan government's security forces¹⁰.
4. The systematic and widespread use of torture, including rape and sexual violence, is part of a well-coordinated policy, devised and planned at the highest level of the Government of Sri Lanka and its security forces, which would constitute crimes against humanity¹¹.
5. That the continuation of abductions, arbitrary detentions, torture, rape and sexual violence perpetrated against Tamils for over five years since

8 An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-14, Page 62.

9 Ibid, Page 64.

10 Ibid, Page 64.

11 Ibid Page 69.

the end of the war had been furthered by the State, not only by their active involvement in the continuation of the system of mistreatment, but also by the failure of the Government of Sri Lanka to hold its security forces accountable, to investigate allegations and to bring to trial those responsible. Accordingly, the Government of Sri Lanka has failed in its domestic and international legal obligations and has created a climate of impunity such that those responsible for these violations behave as if they have the approval of the government at the highest levels¹². They are able to act in the knowledge that the government will not take appropriate measures to stop the abuse by bringing those responsible to justice through prosecution and the imposition of penalties commensurate to the offence.

6. That the failure of the Government of Sri Lanka to take adequate steps to prevent the continuation or repetition of these violations or to bring those responsible to justice was not a matter of a lack of capacity or will to do so. The only reasonable inference was that the highest levels of the government are complicit in these abuses and the climate of impunity that had been created¹³.
7. That domestic solutions such as Presidential Commissions of Inquiry in Sri Lanka, when dealing with allegations of serious violations of human rights committed against Tamils by the security forces, even when overseen by internationals, are an abject failure, thus unnecessarily exposing witnesses to danger should they testify¹⁴.
8. That there was no effective witness protection program in Sri Lanka. Even if a draft bill became law, one needs to be very cautious of domestic remedies. Witness protection requires more than a stated intent. Victims of the type of abuse set out in our 2014 report must be protected and must feel confident that there will be no retribution against them or their families. This is particularly so when the allegations are that the abuses were committed by the security forces. Protection and the trust

12 Ibid, Pages 66 and 67.

13 Ibid, Page 108.

14 Ibid, Page 107.

of witnesses will be hard to come by when those tasked to protect them are members of the security forces - on short term secondment or otherwise¹⁵.

9. That Sri Lanka needs an independent investigative and prosecutorial office given the complicity of the current Attorney General's office in the ongoing impunity in Sri Lanka.

Response to our 2014 Report

We are not alone in a number of our findings. The evidence presented in our 2014 report was cited on numerous occasions in the US State Department's 2014 report on Sri Lanka, which found, "widespread impunity persisted, particularly for cases of torture, sexual violence, corruption, human rights abuses, and attacks on media by police, military, and pro-government paramilitary forces"¹⁶.

The UN's Special Rapporteur on Conflict-Related Sexual Violence, Zainab Bangura, immediately raised the findings of our March 2014 report in person in a meeting with Sri Lanka's permanent representative to the United Nations at the time, Palitha Kohona¹⁷.

Ms Bangura then for the first time listed Sri Lanka as one of the post-conflict countries of concern in her March 2014 report to the UN Security Council. Her report for the Secretary General said:

"I urge the Government of Sri Lanka to ensure that such a transitional justice mechanism explicitly seek accountability for sexual violence crimes and that

¹⁵ Ibid, Page 108.

¹⁶ Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236650#wrapper>

¹⁷ "On Sri Lanka, ICP Asks UN's Bangura about Rapes, She Says Is "Worried," Raised to Kohona, YouTube, 24 April 2014, <https://www.youtube.com/watch?v=qSmiYAZjFDw>

*national authorities put in place the necessary services, remedies and reparations for survivors.*¹⁸

In response, the Sri Lankan representative at the UN debate on the report, Ms. Varuni Muthukumarana, First Secretary, Permanent Mission, asserted that her government had a firm policy on sexual violence and had taken action on reported cases of violence against women and girls. She went on to say the security forces were only accused in 5.6 per cent of the cases brought in the conflict period and 3.3 per cent in the post-conflict period. Since none of our 180 witnesses has reported the abuse they suffered to the authorities in Sri Lanka, these figures are meaningless given the authorities have created an atmosphere of total impunity for the perpetrators – and given the fact that the perpetrators *are* the authorities. Most Tamils, especially former LTTE members, would never dare bring a case against the security forces so this statistic, if accurate, is hardly surprising. In addition, when there are complaints of rape committed by security forces, including rape of children, activists on the ground report that there are no proceedings because the police, army or navy do not produce the relevant suspects for the victim to identify. As far as we are aware, there has only been one Tamil woman in the post-war period who complained to the courts of being raped by the security forces and she is not one of our witnesses¹⁹.

Instead of taking the allegations in our report and raised by the Special Rapporteur seriously and initiating a genuine investigation, the Government of Sri Lanka went on the offensive. In media interviews and articles on the Ministry of Defence website, the Sri Lankan government has alleged that medical experts who testify to the UK Home Office on Tamil asylum cases are being fooled, and that victims who are really just economic migrants tortured themselves or paid others to torture them to obtain asylum²⁰.

The country's deputy permanent representative to the UN, Major General Shavendra Silva, responded, despite allegations raised by the then UN High Commissioner for Human Rights, Navi Pillay, that he had committed war

18 "Conflict-related sexual violence, Report of the Secretary-General", 13 March 2014, UN Document Number S/2014/181, UN.

19 See page 85, Appendices, Section B, An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014, ITJP, March 2014.

20 Torture 'Clinics' in UK as Pathway to Asylum, 1 November 2014, Sri Lanka MOD website.

http://www.defence.lk/new.asp?fname=Torture_Clinics_in_UK_as_Pathway_to_Asylum_20141014_01

crimes while a top military commander in 2008-9²¹. Major General Silva told the United Nations Security Council in April 2014:

“Certain organisations are involved in propagating false reports against the Sri Lankan military of sexual violence. A recent report was authored by Ms Yasmin Sooka. That report made accusations, often with disturbing details, without providing sufficient details, such as to the time, place and the identity of victims, to enable investigations and prosecutions. Those accusations were subsequently repeated in further publications of various organisations, thereby contributing to forming an opinion that is propagated without evidence. None of those allegations have been substantiated by verifiable data in any of the documents. Significantly, no credible evidence has been directly brought to the attention of Government authorities by any of the parties. The Government has not been provided the evidence – which is claimed to be in the possession of the authors of these reports – in order to investigate and respond.”²²

Major General Shavendra Silva made the same request for the identities of victims to be handed over to his government at a closed-door meeting with diplomats in New York in May 2014, where Ms Sooka presented her findings. Given the evidence documented in this current report regarding reprisals and continuing persecution of victims’ families in Sri Lanka, handing over such evidence to the Sri Lankan authorities would be utterly irresponsible because it would undoubtedly lead to further abductions, torture, rape, murder and/or disappearances.

In addition, it would also be irresponsible of us to hand over the identities of our witnesses to those alleged to be the perpetrators of the violations. Several witnesses and security force insiders have clearly identified Major General Silva, and two other Major Generals, as being present at the frontline in the final days of the war when troops were involved in executing surrendered LTTE suspects and sexually violating them and/or sexually mutilating their corpses. One cannot but draw an inference of complicity and approval given that these top Sri Lankan military figures did nothing to prevent this behaviour or

21 UN body bars Sri Lanka diplomat Major General Shavendra Silva, 23 February 2012, BBC News Online, <http://www.bbc.co.uk/news/world-asia-17137224>

22 Statement by Ambassador Major General Shavendra Silva, Deputy Permanent Representative and Charge d’Affaires, UN Security Council Open Debate, “Women and peace and security”, 25th April 2014, New York. Also 7160th meeting, Friday, 25 April 2014, New York, UN Security Council, UN Document number S/PV.7160.

apprehend the perpetrators, while clearly having the legal obligation and power to do so.

General Jegath Jayasuriya was in overall command of army offensives against the LTTE in the Vanni. Several witnesses place General Jayasuriya and Major General Shavendra Silva at the Wadduvakal Bridge on 18 May 2009 accepting the “white flag” surrenders of the LTTE political wing leaders, who were subsequently executed in army custody²³. One security force witness says he saw the two generals walk across the bridge southwards with the LTTE leaders, who were killed shortly thereafter. Again the presence of the top leadership of the Sri Lankan military compels one to draw the inference that they were fully aware of the intended extra-judicial killings and indeed responsible for the unlawful execution of the LTTE political leadership. The leadership of the Sri Lankan military must be held accountable for perfidious conduct as those surrendering did so under the stated commitment to protection including the white flag they carried.

Further Corroboration of our March 2014 Findings by Independent International Bodies

The UN Secretary General’s 2015 report on conflict-related sexual violence found, “one of the major unaddressed issues is impunity for conflict-related sexual violence” in Sri Lanka. It went on to corroborate our findings by saying there were:

“...indications that abduction, arbitrary detention, torture, rape and other forms of sexual violence have increased in the post-war period. Notably, Tamil women and girls have reported sexual abuse in the context of the on-going militarization of their areas of residence. Allegations of sexual violence by the Sri Lankan security forces against members of the Tamil community in the closing months of the war and in the post-conflict period have been extensively documented, but rarely addressed. Testimony of women released from detention in 2014 indicates that acts of sexual torture were accompanied by

²³ For more details see ITJP’s report, <http://white-flags.org>

*racial insults and specifically directed against individuals perceived as having been linked to the Liberation Tigers of Tamil Eelam.*²⁴

It is also expected that the OHCHR investigation into Sri Lanka (OISL) mandated by a March 2014 resolution at the UN Human Rights Council will have examined the issue of conflict and post-conflict torture and sexual violence in some detail in its report due in September 2015.

In addition, the accounts of those of our witnesses who have completed their asylum procedures have been found credible by Immigration Tribunals and High Courts in the UK - as well as by immigration authorities and courts in France and Switzerland - and they have been granted asylum on the basis that they have been repeatedly tortured and sexually abused by the security forces while in their detention. This means their allegations regarding “white van” abductions or “rehabilitation camp” torture and/or sexual violence have been further corroborated by international legal bodies in countries where the rule of law prevails, unlike in Sri Lanka.

Lack of Action by the Authorities

Despite the findings expressed in our March 2014 Report, the findings of other international independent persons mentioned above, and the mounting evidence, neither the Rajapaksa government nor the Sirisena government has taken any effective steps to investigate, prevent, punish, or explicitly prohibit widespread and systematic torture and sexual violence targeting Tamils, and others, connected to the LTTE. This is in spite of acknowledgements by several figures in the new government that a “white van” culture of abduction and torture by the security forces did indeed exist, at least under the Rajapaksas.

There is only one on-going case pending in the courts pertaining to “white van” abductions of 10 Tamil school children for ransom in 2008-9, allegedly carried out by 9 naval officials based in Colombo Fort and Trincomalee Naval Base²⁵. As

²⁴ UNSC, Conflict-related sexual violence, S/2015/203, 23 March 2015.

²⁵ Sri Lanka Navy deployed White-Vans to abduct school children for ransom, 3 March 2015, Colombo Mirror, Accessed at <http://www.colombomirror.com/?p=2649#.VZWTQWAmVUQ>

the case study in this report on the secret site in Trincomalee Naval Dockyard demonstrates, that investigation into the navy should be far more wide reaching.

This Report

What is documented in this report is not only the torture and sexual violence towards victims who ultimately escaped the country, but the continuing persecution of their family members in Sri Lanka by the security forces afterwards. As recently as May 2015, a Tamil in exile, who gave a number of media interviews abroad about the final phase of the war, reported that his last remaining relative in Sri Lanka – his father - was beaten by the security forces and died as a result of his injuries.

We have taken statements from 8 cases of young Tamil men and women who were detained by the security forces and repeatedly tortured and sexually abused after the change of government. These new cases fit the same pattern of conduct by the security forces as occurred during 2014 and prior years. In two cases this was not the first time the victim had been detained and tortured by the security forces.

The evidence gathered here shows that the pattern of illegal state-organised abduction in “white vans” by the security forces, torture, sexual violence, and release on payment of a ransom, has continued well into 2015. Indeed, our latest survivor was detained and tortured in early July. This is despite the change of government after the 8 January 2015 presidential elections and all the political rhetoric of reconciliation.

Experienced international war crime and sexual abuse investigators have taken lengthy, detailed sworn statements from 75 new witnesses who are young Tamil men and women survivors of repeated torture and/or sexual torture committed by members of the Sri Lankan security forces between 2009-2015 while they were detained.

The focus of this phase of our work was not just about the continued pattern of sexual and non sexual torture which has been taking place after the war, but about trying to identify the locations of these crimes and perpetrators involved in torture and sexual violence in the post-war period and the extent of any reprisals against victims or their families. In addition, after the government changed in Sri Lanka in January 2015, we also looked for any changes in the system of repression that was rampant under the Rajapaksa brothers.

The new witnesses we have interviewed are now in a variety of geographical locations in Europe and Asia. Despite being in five different countries, the accounts they give of detention, repeated torture and sexual violence by the security forces are disturbingly similar and fit the patterns already analysed and established in our 2014 report. Once again, in most cases their sworn statements were corroborated by medical experts, by scarring on their bodies, physical disabilities and post-traumatic stress disorder consistent with the trauma they narrated in their statement; for those whose asylum cases have been completed, their account has been accepted by the tribunals and high courts of those countries.

We have added to these first hand survivor accounts by taking sworn statements from a number of Sinhalese security force or government insiders who have given first hand direct evidence which parallels the survivors' accounts of organised systematic "white van" abductions, illegal detention, torture and sexual violence, and in a number of cases, murder of unarmed former combatants and non-combatants in their custody and control. These insiders have provided photographs, telephone numbers, names and ranks of alleged perpetrators who committed torture, sexual violence and murder. Many of our survivors, when shown a photo line up, have identified their perpetrators, and/or identified others at the locations depicted. Some perpetrators have been identified by multiple witnesses.

In addition to the previous government's denial that these crimes against humanity occurred and the fact that no effective and proper investigation has commenced, it is also of great concern that the widespread and systemic torture and sexual abuse of Tamils in custody of the security forces continued

even after our report in March 2014, the commencement of OISL work in August 2014 and the UN Secretary General's Report in March 2015.

Where possible, we have avoided taking detailed statements from witnesses who have already testified at length to another international human rights group. It is worth noting that the UK charity, Freedom From Torture, has forensically documented more than 160 Sri Lankan post-war torture cases in the UK²⁶ apart from the patients it treats for trauma. In addition, Human Rights Watch also interviewed 75 Sri Lankan sexual violence survivors from various countries, including the UK, for their 2013 report, with the vast majority of cases occurring from 2009-2012²⁷. Alongside our 115 witness statements, we also have 65 medical legal reports from other survivors of post-war torture in the UK. Very few of these cases overlap, which indicates there are now hundreds, if not more, of Sri Lankan survivors of post-war torture in the UK alone²⁸.

The new witnesses who have given us statements generally report, as did the earlier witnesses, that they or their families have been obliged to find ways to pay large ransoms in order for the witnesses to escape illegal detention and torture and, in some cases, that their families have also had to pay bribes in order to avoid a similar fate. This should be of great concern to the security establishment since the new government in Sri Lanka has vowed to stamp out corruption. This amounts to state-sponsored organised crime, persecutory kidnapping, torture, and ransoming by the security forces as a means of terrorising and punishing Tamils with any presumed affiliation with the LTTE, and creating a climate of complete control and fear.

It is part of an on-going pattern of corruption by the Sri Lankan security forces and some government officials, which peaked in 2009 in Manik Farm where thousands of former LTTE cadres, supporters and their families supposedly detained in the name of national security, paid bribes to escape or be released. Thus it seems that the detention and torture had little to do with the witnesses being a threat to society or in need of rehabilitation. Among others, they paid

²⁶ Freedom From Torture blog, 24 September 2014, Accessed at <http://www.freedomfromtorture.org/news-blogs/8068>.

²⁷ "We will teach you a lesson", HRW, February 2013.

²⁸ We know the cases do not overlap because Freedom From Torture's cases all have one of their expert medical reports and we collect medical legal reports where available for each case we document.

money to the various wings of the Sri Lankan military, the police including CID and TID, Tamil paramilitary groups and Sri Lankan immigration officials who worked with human smugglers to hide the escapees in Vavuniya and Colombo or elsewhere in Sri Lanka, before obtaining legitimate or false passports and visas for them and escorting them safely through the passport control counters at the airport.

This sort of persecution is an extremely effective way of securing a global web of silence of victims, which ensures the crimes remain hidden, so that the long-standing culture of impunity in Sri Lanka continues unabated and others continue to be victimised. Long lasting peace can never exist in such a caustic climate of human indignation and abuse.

It is not just those on the island who are silenced. Thousands of Tamils have fled the island since the war ended for exile in Europe, North America, India, South East Asia and Australia. Many would like to speak openly about what they witnessed in 2008-9 and the aftermath of the war but are gagged by fear of what could happen to their close relatives back home or to them if they fail in their asylum applications and are returned. It is quite extraordinary that six years after the civil war ended, so few Tamil war survivors abroad have spoken out in public about what they saw.

Significantly, the continuing torture, sexual violence, intimidation and persecution documented in this report utterly undermines any trust in a domestic accountability mechanism to investigate war crimes and post-war crimes in Sri Lanka alleged to have been committed by members of the Sri Lankan government and its security forces. Indeed it appears that deterring witnesses and victims from coming forward regarding serious crimes and human rights abuses is one of the motivations behind the on-going surveillance and attacks. In this environment, a domestic accountability mechanism can have little hope of delivering truth, justice and ultimately reconciliation.

It is a testimony to their courage - and perhaps desperation too - that anyone has dared raise their voice to demand answers or justice. We feel privileged to have come into contact with young men and women who exude the most

extraordinary spirit of survival in the face of past and on-going human depravity.

IV. Findings

A. New Torture Cases

- “White van” abductions continue well into 2015.
- 115 cases of post-war torture documented; evidence regarding 65 additional cases.
- Survivors interviewed in 5 countries.
- Evidence from Sinhalese security force insiders or government officials.
- Accounts corroborated by forensic medical experts.
- Accounts corroborated by physical scarring and disabilities.

Muslim and Sinhalese Victims

It is worth noting that while the vast majority of victims of torture and sexual abuse in Sri Lanka are Tamils, there are also a few Muslims and Sinhalese among our witnesses. These were people the security forces suspected of assisting the LTTE in the past and they have been rigorously hunted down and punished extra judicially in the post-war period. For witness protection reasons, details of their cases cannot be given lest we identify them.

Child Victims

Some witnesses described being detained, tortured and/or sexually abused by the Sri Lankan security forces while under the age of 18 years. In addition, a large number said they had been forcibly recruited by the LTTE in the final phase of the war. At least 12 of the torture and sexual abuse survivors we have taken statements from joined the LTTE (under duress or voluntarily) while under the age of 18 years, some as young as 15 and 14.

2014 Arbitrary Detention, Torture and Sexual Violence Post-election: 14 Cases

We have statements from fourteen witnesses who were illegally detained and tortured during 2014, following exactly the same pattern as in previous years described in our earlier report²⁹. They all have physical scars. All but one of these witnesses has an expert medical legal report and/or psychiatric report to confirm they were tortured. In all but two cases, the witness reported that their torture involved sexual abuse.

Three of the witnesses had been detained and tortured on prior occasions. For one this was the third exposure to a period of torture; for two others this was the second exposure to a period of torture. Six of the 2014 cases involved former forced recruits to the LTTE – in two cases children.

Two of the new 2014 cases we documented involved people kept in detention for many years but the rest of the new 2014 cases were state-organised abductions, generally in vans or military vehicles, conducted by approximately 4-5 security force officers in plain clothes. The detainees were transported blindfolded and handcuffed to an unknown site where they were tortured in similar ways. Typically they were beaten and kicked, nearly asphyxiated inside a plastic bag soaked in petrol, had their heads held under water, burnt with cigarettes, beaten on the soles of the feet and elsewhere on their bodies with sticks and wires and/or branded with hot metal rods. All of them were sexually tortured in some manner including rape, buggery, forced felatio or otherwise.

Sexual torture is likely more prevalent than we are recording – stigma and shame makes it very traumatic for witnesses to reveal the details, especially in Sri Lankan Tamil culture. This woman raped in 2009 described the very public nature of the shame she endured as a rape survivor:

“Other army people and those who abducted me were laughing and made fun of me as I was walking back with my head down in shame. As I made that long and painful walk back to the hall, I could only manage to button the top two

²⁹ Available at www/stop-torture.com. In our March 2014 report we only documented one case of repeated torture and sexual abuse that had occurred in 2014 itself because of the time lag of several months between being detained, freed, escaping the country and reaching Europe and the cut-off date for the publication of our 2014 report.

Prolonged Suffering: a typical case

1983
Male is born.



1990 (aged 7)
Displaced.



1995 (aged 12)
Displaced.



2005 (aged 22)
Arrested.



2006 (aged 23)
Forcibly recruited by LTTE.



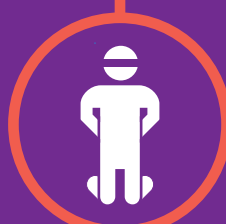
2011 (aged 28)
Deserted LTTE - tortured
by Sri Lankan security forces.

Hides in Sri Lanka and
goes abroad.



2012 (aged 29)
Rejected for asylum.

Tried to go to a 3rd country
but is arrested in transit
& returned to Sri Lanka.



2014 (aged 31)
Tortured and sexually
violated in Sri Lanka by
security forces.

His parents are visited by
security forces so feeling
guilty he tries to kill himself
and is hospitalised in UK.



buttons of my blouse. My breasts were exposed and even though I was so ashamed I could not mentally or physically button the rest. My entire lower skirt was soaked in blood. My long hair was totally dishevelled. To anyone, I looked like a young lady who had been raped”.

(Witness 110)

One witness described some of the very brutal sexual torture he endured in 2014 after he was abducted in a white van:

“They took my underwear off and made me lay on the floor on my back and they took a plastic pipe about 1.5 to 2 inches in diameter and forced it up my anus. They put it in and out 2-3 times. They took a wire about 1/4 inch in diameter. The one end was sharp. They forced it up my penis. I was screaming in pain. They pulled the wire out once. They took my penis and twisted like one would to wring out wet cloths. I was screaming in pain. They put petrol in a polythene bag and put it over my head. I lost consciousness.”

(Witness 77)

Another witness tortured in 2014 in Sri Lanka stated:

“I pleaded with him to please leave me but he did not listen. He pushed me on the floor on my back. He rubbed his penis on my penis. I could not stop him as I was weak and frightened. He made me to lie on my stomach and he inserted his penis in my anus. It caused me severe pain. I screamed. I pleaded with him to leave me. He continued to thrust his penis into my anus until he reached the point of ejaculation. He turned me over and ejaculated his sperm on my face.”

(Witness 36)

In several cases the Tamil victim is someone who has suffered at the hands of both the LTTE and the Sri Lankan security forces. During the final phase of the war the following witness was forcibly recruited by the LTTE and when he escaped, the LTTE had arrested his father and held him until the witness agreed to return. When he went back to the LTTE, the witness was kept with his ankles shackled and chained. After surrendering to the army the witness did not identify himself as an LTTE member because he had spent only a month with the organisation and that too against his will. He was later caught and

tortured in late 2014 in an unknown army camp in a remote jungle location, which he believes was in a Sinhalese area:

"They interrogated and tortured me in another room, not where I slept. I experienced sexual abuse from the guards and people working there and sometimes they poured water on me at night to disturb me. The guards and people working there wore green vests and trousers. The torturers and interrogators wore on the first occasion civilian clothes, but at the second interrogation one wore army uniform. At least 2-3 times per month I was interrogated. They accused me of being an LTTE member and failing to surrender to them and hiding, of trying to regroup the LTTE and asked if I knew anyone else was hiding like me. I told them I was forced to join but they didn't believe it. So they said why didn't you surrender or register. They showed me photos of other Tamils to identify. They were photos of young men. I didn't know them... I was kept alone in a small room, with no windows; it was dark. I heard the screaming of Tamil men from other cells."

(Witness 115)

The witness said his genitals were squeezed until he fainted. He also described being raped with objects, including a bottle and what he called "tools". In addition he states that a pipe was inserted into his anus with a piece of barbed wire inside it and then the pipe was removed, leaving the barbed wire inside. This witness has a medical legal report from an expert in assessing torture victims that corroborates his physical and mental symptoms and diagnoses him as suffering from PTSD and depression.

In a number of cases the sexual torture involved multiple perpetrators from the security forces being present at the same time, which indicates there is nothing clandestine or covert about the abuse. One witness described his torturers standing in a circle and making him kneel in front of each of them in turn. He was forced to take their penises in his mouth one by one and they would ejaculate in his mouth. Then in a group they took turns to rape him anally³⁰.

30 Witness Statement 64.

Post Presidential Election 2015 Cases

"This election came in Jan 2015. We were hoping for a big change to the Tamils after the change of power in Sri Lanka but it did not happen. They are telling they are not prepared to withdraw the troops from north and east. Nothing happened after the change of power. I was very frustrated and disappointed over this."

Witness 120

"They asked the same questions again and again and if I denied what they said, they beat me. They said, 'Are you giving information to LTTE or other media. The other media have sent you back here'. I was hit with a belt all over the body, with fists, and kicked. I was whipped with something like a wire or rope or cable, which they coiled in their hands to hold it tight... They touched me also in a sexual way but it wasn't as bad as 2009 when I was raped...they pushed me to the wall and were touching my breasts. They touched my stomach and genitals and put their hands there and pinched me. They would take my hand and put it on their penises."

Witness 119

"Sometimes I pass urine without knowing, I have chest pain, insomnia, headaches, I feel numb in the head, I get easily startled and scream. I don't want to go back to Sri Lanka. I will be arrested."

Witness 121

2015 Arbitrary Detention, Torture and Sexual Violence Post-election: 8 cases

The new Sri Lankan government led by President Sirisena has repeatedly warned people that they do not want the “white van culture” of their predecessors to return. The Prime Minister, Ranil Wickremesinghe, stated in a speech to the Sri Lankan parliament on 3 June 2015 that these abductions were a thing of the past:

“Today there are no white vans and as such we are happy that most people can express their views freely³¹”.

Several other politicians and officials in Sri Lanka have confirmed the past existence of “white van” abductions by the security forces. Among them are even some figures who were members of the Rajapaksa government when the crimes occurred. Like the Prime Minister, they give the impression that the practice has stopped, which is not the case:

The current State Minister of Defence Ruwan Wijeyawardene, claimed his government had put an end to “the white van culture” in Sri Lanka³².

The former President, Chandrika Kumaratunga, told an interviewer that if she had spoken out under the previous regime, both she and the interviewer would have been “white vanned”³³.

The former deputy Minister of Mass Media and Information and then deputy Minister of Highways under the Rajapaksa government, Mervyn de Silva, stated, “It is Gotabaya Rajapaksa who was behind the white van culture in the country”³⁴.

31 PM comes out all guns blazing, Sunday Observer, 7 June 2015, accessed at <http://www.sundayobserver.lk/2015/06/07/pol03.asp> . Also the current Prime Minister, Ranil Wickremesinghe observed that, “bringing Mahinda Rajapaksa into politics would mean the return of the “white van” culture to Sri Lanka”, Mahinda’s re-entry is revisit of white van culture”, Omlanka, 29 June 2015, accessed at <http://www.omlanka.net/news/2163-mahinda-s-re-entry-is-revisit-of-white-van-culture-ranil.html>

32 No more white van culture in Sri Lanka, Ruwan Wijeyawardene, Lankasrinews, 26 February 2015, Accessed at <http://www.lankasrinews.com/view.php?22Y0In2acd5YA34edKMMa020AmB4dd3fBm4203ogAO2e4AY5T3caclOoe3>

33 In a 75-minute television interview, Ms Kumaratunga said she could not and dared not disclose what she was revealing now because both the interviewer and she might have faced death after a notorious white van abduction”. Editorial: CBK Breaks Silence with a Bang, Daily Mirror, 6 February 2015, accessed at <https://thinkworth.wordpress.com/2015/02/07/cbks-disclosures/>

34 Video: Mervyn goes to CID against Gota and Basil, Daily Mirror, 17 January 2015, Accessed at <http://www.dailymirror.lk/61493/mervyn-goes-to-cid-against-gota-and-basil>

Media reports said a special police unit in Sri Lanka would investigate “white van” abductions under the previous regime³⁵. A former Sri Lankan police spokesman also talked of “the white van culture”³⁶.

MA Sumanthiran MP (TNA) said in parliament, “We are mercifully, only now, beginning to emerge from the shadows of the white-van culture.”³⁷

However, we have taken statements from 8 survivors who state that they were detained, tortured and sexual abused by the security forces in Sri Lanka in 2015 after the change of government on 8 January. Some were tortured and sexually abused as recently as June and July 2015. These 2015 incidents occurred in the north as well as in the capital. All of the witnesses abroad state that their families have been questioned or harassed after they left the country as a way of punishing the family members for the fact that one of them got away.

Two of the eight cases have corroborating medical legal reports. In two additional cases we have a letter from a doctor who has done an initial examination of scars arising from torture, such as cigarette burns. In two further cases we have taken photographs of extensive wounds that appear to be still healing, such as multiple lacerations and branding marks from hot irons across their backs and/or visible wound marks around the ankles or genitalia.

Though we have documented 8 new cases, from our past experience, we reasonably believe that there will be more cases coming to us given (a) the time it takes a survivor to reach a safe country, (b) we have not surveyed other countries, (c) some victims cannot leave Sri Lanka and are too frightened to speak out and (d) it is reasonable to assume that some victims are still in detention and being repeatedly tortured and sexually abused until such time as their families pay a large ransom.

The witnesses tortured in 2015 describe a familiar pattern of abduction in “white vans” as those referred to in our March 2014 report and the new

35 Police to investigate previous regime white van culture, Digatha News, no date, Accessed at <http://digathanews.com/police-to-investigate-previous-regime-white-van-culture/>

36 Ex-Police Spokesperson returns to tell his story, Deepal Warnakulasuriya, 1 March 2015, The Nation, accessed at <http://www.nation.lk/edition/feature-issues/item/38774-ex-police-spokesperson-returns-to-tell-his-story.html>

37 Speech made in Parliament by Hon. M.A. Sumanthiran M.P., 17 March 2015, accessed at <http://www.globalnewscentre.com/sri-lanka-hon-sumanthirans-speech-on-the-17th-of-march-video/#sthash.x5zlrGwz.dpuf>

statements we have taken from others since that report. In the following case this was the witness' second period of exposure to torture.

"There were 4-5 men in civil dress and speaking in Sinhala. They asked for my IC [National Identity Card] card and name. I gave them my IC card. They blindfolded and handcuffed me and stuffed a cloth in my mouth. In the back of the van one person held me. We drove for 45 minutes; first on a smooth then a bumpy one then a smooth road. They took off my blindfold in the room. It was a dark room and there was a pot with water in the corner of the room for drinking. There was no furniture. There was no window. I am unable to say what kind of building it was. For interrogation I was taken to another room. During the interrogation they introduced themselves as CID."

(Witness 116)

This witness was released from the unknown detention site on payment of a ransom of five lakh rupees (US\$4,000 approximately) to the security forces by his family. He was driven to a remote place while blindfolded, all the time fearing he was being taken for execution. The CID team did not bother to handcuff him on the way out because he could hardly walk after the torture. The witness arrived in the UK about a week after he was released. His wounds were inspected by a UK doctor while he was under police custody, who wrote a letter saying there were healing scars and soft tissue injuries and marks that appeared to be cigarette burns on his lower back. The witness's scars were also photographed while in UK police custody on arrival at the airport. Days after this witness fled Sri Lanka one of his parents was taken into custody by the security forces and questioned about his whereabouts. The surveillance and intelligence regime among the Sri Lankan security forces is still in tact and operating as a tool of continued oppression and collective punishment on grounds of ethnicity and political affiliation.

In May 2015 this young Tamil man was abducted in a white van and tortured in an unknown location by men who introduced themselves to him as military intelligence. The security forces had previously detained one of his siblings now abroad. In his case the pretext for abducting him was that he had briefly been a child soldier, forcibly recruited by the LTTE in the final months of the war

before he had managed to desert. In total of the 8 cases of torture in 2015, half had been forced to join the LTTE while children.

"I was beaten on the soles of my feet while lying face down on the bench with my hands tied in front. I was petrol bagged twice – it was a terrible burning sensation. I became unconscious. My head was submerged into water; when I was standing on the floor they dragged me on the floor and put me in the water. I became unconscious after the water torture... I was also sexually abused in the room where I was kept after the torture. They were drunk. They were in civilian clothes. Two men were involved. There were two incidents each with two men. They touched me on my private parts – they forced me to have anal and oral sex with them. They were using filthy words and said, 'Why did you join Prabakharan? He killed all these people'. While beating me they were using filthy words like 'son of a bitch and bastard'. I don't know how to say those things but they were talking about Tamils in a very bad way. They said 'Tamils are dogs, and Tamil women are bitches'."

(Witness 122)

The witness's family secured his freedom by paying a ransom to the Sri Lankan security forces through the Tamil paramilitary group, EPDP. Since this witness left Sri Lanka, his family has been questioned and asked to hand him over. As a result he no longer has direct contact with his parents.

Another former child soldier, forced by the LTTE to join them in the final phase of the conflict, similarly described being abducted in a white van by four men in plain clothes and taken to what he thought was an army camp:

"The interrogation room had table and couple of chairs. I saw pipes, rope and batons in the corner of the room. I was asked to sit on the chair. They asked me, 'You were in LTTE and we know about your family and you. You should tell us the truth otherwise you will have to face severe consequences'. When I said I wasn't in the LTTE they punched me in the face. Then they asked me which unit of the LTTE I was in? When I denied this, they beat me with pipes filled with sand till I became unconscious due to the beating. They removed my clothes and I was photographed at different angles completely naked."

(Witness 121)

This young and very traumatised Tamil witness was also abducted in the north of Sri Lanka well after the presidential elections:

"I was driven about 2-2.5 hours on a smooth and then bumpy road. They blindfolded and handcuffed me from the beginning. I have no idea where they took me but maybe towards Vavuniya. It was a building and I was kept in a room. I was blindfolded on the way in and out. I did not have a window in my room. The door was made of metal. It was like a cell. I didn't see anyone but I heard men speaking in Sinhala. I never heard any Tamils. The person who later interrogated me spoke broken Tamil. I was slapped, punched, kicked, beaten with sticks, wire, plastic pipes and cables, beaten on soles of feet, submerged in water, petrol bagged, burned with cigarettes, hung upside down and beaten, and my penis and testicles squeezed."

(Witness 102)

The above witness has an independent expert medical legal report that corroborates his account of being burned with cigarettes, branded and beaten on the soles of his feet. It further states that he suffers from PTSD and depression and is at a high risk of committing suicide if returned to Sri Lanka. Indeed the doctor found him too fragile to be questioned in court about his account.

Another witness, who has a medical legal report with scar map showing multiple cigarette burns and branding marks on his body, listed the torture he endured but was too distressed to go into the details of the sexual abuse he suffered:

"I was kicked, slapped, punched, beaten with batons and plastic pipes filled with sand, beaten on the sole of the feet, burnt with hot cigarettes butts, beaten with batons, my head was covered with a plastic bag sprayed with petrol, my head was submerged in water, and I was sexually assaulted".

(Witness 117)

His expert medical report, which differentiated between war injury scars and torture scars, stated, “the scars on the chest, back and thighs are typical of the events described by the claimant of being intentionally burnt and beaten”.

The sexual violence described by victims is brutal and often involves more than one perpetrator at a time:

“They squeezed my penis and testicles. One man raped me anally and I bled after. Two to three times the same man raped me anally in the cell. He wasn’t wearing uniform – civil dress. While I was made to lean down the same men inserted his penis into my mouth while in the cell. He forcibly opened my mouth.”

(Witness 121)

The anal rape reported by male survivors of 2015 abduction and detention also involved objects:

“On the second day they tortured me in the interrogation room again and they put a plastic bag soaked in petrol and another one covered in chilli powder over my head. When I became semi conscious they dragged me and put me back in my cell...The torture got worse, I was burned with cigarettes, sexually tortured, and they inserted a plastic pipe with a broken edge into my anus.”

(Witness 120)

It is disturbing that these cases occurring under the new government in Sri Lanka demonstrate the continuation of the practice of “white van” abductions by the security forces from 2009 until January 2015 under the Rajapaksa government. Four or five men in plain clothes abducted the witnesses as they were returning home, asked for their ID cards to ascertain whether they had found the correct man. They were blindfolded and handcuffed for the journey

in and out of the detention site, so they never saw the location in which they were held. They were driven for a couple of hours and kept in a windowless cell on their own, never encountering other detainees but often hearing voices screaming in Tamil. In interrogations they were asked about their involvement with the LTTE, even if that was only a few weeks as forced recruit or child soldier at the height of the war. They were forced to sign confessions in Sinhala – a language they could not understand and were fingerprinted and photographed. Release was secured after a relative paid the ransom to the officials holding him. The interrogators wore a mixture of army uniforms and plain clothes; sometimes they introduced themselves as CID, sometimes as members of other branches of the security forces. None of the perpetrators made any attempt to hide their own identities from their victims.

The connection between the security forces and the human smugglers who arranged false passports, exit from Sri Lanka and travel abroad, often through multiple transit countries, can be blatant, as in this case:

“...the TID [Terrorism Investigation Division] man told me how to get to Europe; he said to get me out of Sri Lanka. If I went back to Northern Sri Lanka he said he would arrest me again. They were all in it together. My father paid 25 lakhs just to get me out. The police, the agent, the TID officer all shared it.”

(Witness 119)

Two witnesses tortured in 2015 described the experience of transiting multiple countries with the agent as very frightening. Witness 120 said he was kept indoors, hidden in a room, by the agent for two months without knowing where he was. Witness 122 had a similar experience with the smuggler:

“The agent gave a contact number for emergencies so I contacted him and he asked me to wait in a place and after some hours he picked me up and took me to France and kept me there for many days and I was not allowed to contact anyone. He was very hard towards me. I was kept in a room in a house and not allowed to go out. I asked him many times where are we and where are we going. He threatened me that if I didn’t cooperate he would send me back to Sri Lanka.”

(Witness 122)

On arrival in the UK all but one of the witnesses was detained in the UK by immigration authorities; the one who had not been detained had arrived so recently that he was in the process of claiming asylum. These recent torture survivors describe the experience of being incarcerated again as deeply traumatising:

"Sometimes sounds of walkie-talkies or the sounds of boots trigger me. The police or guards in the detention centre reminded me of detention in Sri Lanka."

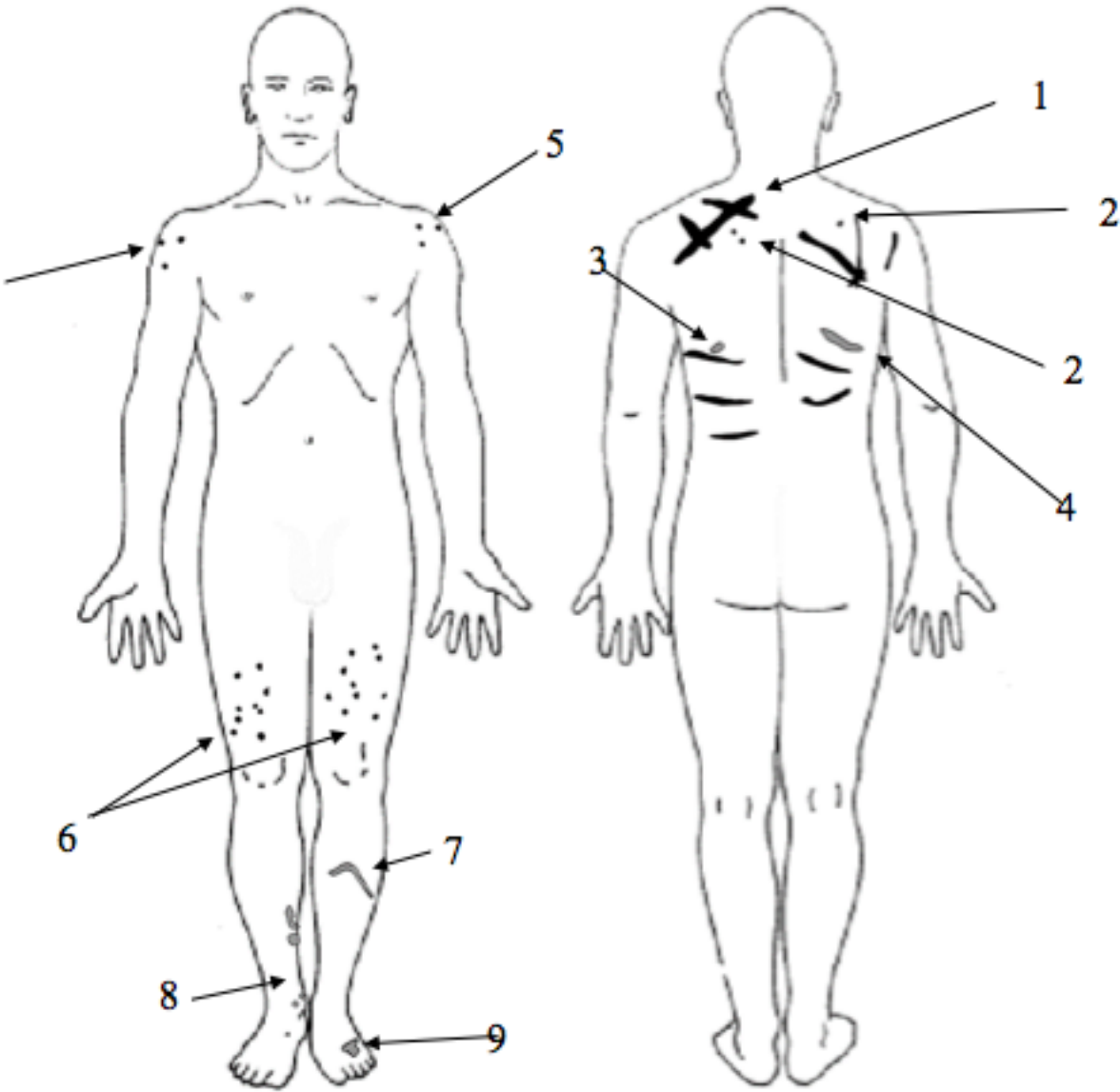
(Witness 120)

"I was taken into detention. At least it was a decent jail. It didn't look like a jail to me because the jails I have seen are all different... At night I am scared and I can't sleep. When it's dark I am frightened. I am mentally affected."

(Witness 119)

One witness (Witness 102) was immediately hospitalised and then detained by the UK police for five hours because he had no ID card. This experience severely disturbed him. He is suicidal, wakes in the night after nightmares, sweating, his pulse racing, shaking and breathless. In addition his medical records indicate he still has shrapnel in his chest from the war in 2009.

Typical torture scar map



"I am unable to sleep properly, eat, difficult to cope with day to day activities. I have these memories and horrible dreams about the torture and sexual abuse. I didn't even talk to my parents about what happened to me in detention. I told my brother in law everything. I have body pain and insomnia. I scream at night sometimes."

Witness 122

"I can't sleep properly, I have nightmares, I have flashbacks. I turn the lights on at night as I am frightened of the dark. I sleep a couple of hours – maximum two to three hours. I also have suicidal thoughts and have bleeding while passing stool...The people I stay with here are aware of my torture and detention. I have not told them this information in detail though."

Witness 120

Prolonged Suffering

Witnesses are still fleeing abroad from Sri Lanka six years after the end of the fighting. They have endured not only starvation, bombardment, displacement, injury, bereavement of close family members, loss of worldly possessions and unimaginable trauma in the final phase of the conflict in 2009, but also years of arbitrary detention after the war, with phases of extremely brutal torture and sexual violence and threats or attacks on family members. Their prolonged suffering is hard to imagine and their bravery in testifying is all the more admirable, especially when many are not safe themselves and fear for their close families back home.

Several witness have been abducted, detained and tortured on more than one occasion – some on three different occasions in different years. Some fled abroad after the first detention and torture but returned home later thinking they would be safe, only to be tortured once again. There are also sporadic reports by the witnesses of forced abortions and sterilisation after women were raped by the security forces and became pregnant.

Asylum

Witnesses in Europe and Australia have often suffered intensely during the asylum process. They are left in limbo for many years, unsure if they will obtain status. They will suffer repeated rejections that cause them to despair until the international authorities can accept, not only their accounts, but also that they remain at risk if returned to Sri Lanka and grant them asylum. In a number of cases they attempt suicide or even succeed³⁸. Freedom from Torture, which runs therapy groups for Tamils who make up their largest caseload, describes the challenges well:

³⁸ The life and awful death of a Tamil asylum seeker in Australia, Olier Laughland, The Guardian, 5 June 2014, accessed at <http://www.theguardian.com/world/2014/jun/05/the-life-and-awful-death-of-a-tamil-asylum-seeker-in-australia>

“They are trying to come to terms with the terrible things that have happened, battling the physical pain and emotional scars that are the legacy of their torture. The combination of trauma symptoms - flashbacks, nightmares, intrusive thoughts, panic – mean that each one of them has a battle to fight every day. They are constantly in a state of restless, sleepless anxiety about what may be happening to the people they love, whom they cannot reach or do anything to help. Every day is challenging. Sometimes life can seem almost unbearable.”³⁹

An increased practice in the UK of detaining asylum seekers on “fast track”⁴⁰ has caused great distress to those torture and sexual violence survivors from Sri Lanka who find themselves disbelieved at first instance by the authorities, sometimes because they are so traumatised they struggle to give coherent accounts. In detention they find it difficult to hire lawyers, collect evidence, obtain medical legal reports and receive counselling and other support. However, the UK courts have recently suspended this system⁴¹ pending a review of proper safeguards to protect victims of torture and trafficking.

This culture of disbelief is in spite of the UK government championing a global initiative to Prevent Sexual Violence in Conflict. There were 13 cases documented by Human Rights Watch in 2012 of Tamils in the UK who alleged they were tortured after being returned to Sri Lanka⁴². Media reports said a Tamil torture survivor in Switzerland was also returned to Sri Lanka in 2013 and detained on arrival, resulting in criticism that the immigration screening process there was also not thorough⁴³.

In addition we have taken statements from other witnesses who sought asylum after the war ended in Norway, Holland, Australia, France, Finland, Tanzania, another unknown African country, the UK and several in Switzerland who were

39 LEAVING SRI LANKA DIDN'T END THE SUFFERING OF OUR TAMIL GROUPS' MEMBERS, 12 February 2015, Accessed at <http://www.freedomfromtorture.org/fundraising-feature/8274>

40 For an explanation of the Detained Fast Track procedure see the website of Liberty, accessed at <https://www.liberty-human-rights.org.uk/human-rights/asylum-and-borders/fast-track-system>

41 100 asylum seekers to be released as detention system is suspended, Alan Travis, The Guardian, 2 July 2015, accessed at <http://www.theguardian.com/uk-news/2015/jul/02/asylum-seekers-release-fast-track-detention-ruling>

42 United Kingdom: Halt Deportation Flight to Sri Lanka, 15 September 2012, HRW, Accessed at <http://www.hrw.org/news/2012/09/15/united-kingdom-halt-deportation-flight-sri-lanka>

43 Deported Sri Lanka returns to Switzerland, Swissinfo.ch, 27 April 2015, Accessed at http://www.swissinfo.ch/eng/controversial-decision_deported-sri-lankan-returns-to-switzerland/41401130

rejected and then, when they returned to Sri Lanka, detained, tortured and/or sexually abused, and had to pay a ransom to escape abroad a second time.

In Asia, the situation for asylum seekers is even worse. In Thailand, Malaysia and India, Tamils face a very real risk of being rounded up by the local authorities and sent back to Sri Lanka before they have even made an asylum application. Registration with the local office of UNHCR does not seem to offer any protection whatsoever against forced return. One female Tamil torture and sexual violence survivor, hiding in Asia and unable to access medical care, described her life in this environment:

"I live in fear that I will be found by the police in this country and be sent home where all the physical and sexual abuse will start all over once again. I live with this fear all the time. I am longing to live in a peaceful environment. I live with recurring thoughts of ending my life. Perhaps it would have been better for me to have died in the war or on that day I swallowed something that I had hoped would kill me rather than to go through this agony that keeps disturbing my mind. Yet I have a desire to live, but I do not know how to."

(Witness Number Withheld for Protection Reasons)

B. Identified Torture Sites, Commanders & Perpetrators

- 41 known sites of torture in Sri Lanka.
- 15 survivors of torture at Joseph Camp interviewed, perpetrators & commanders identified.
- Manik Farm rape accounts.
- Secret torture site in Trincomalee Naval Dockyard, perpetrators & commanders identified.

Types of Detention Post-War

At the end of the war in May 2009, thousands of LTTE members surrendered to the security forces, many after hearing loudspeaker announcements saying even if they had been with the organisation for one hour they should hand themselves in. Some of those who surrendered as combatants had actually been forced by the LTTE to join in the final months, including many children. They were victims of the LTTE, but that was not how they were viewed by the Sri Lankan military. Many of them ended up spending more time in military-run “rehabilitation” than they had spent with the LTTE in the first place. Our witnesses, including our insider security forces and government insiders, state that these “rehabilitation” camps were places where multiple witnesses endured brutal torture and repeated sexual violence; a better name would be punishment camps.

A large number of people suspected of involvement with the LTTE were also identified by informers at the front-line during initial screening, or at Omanthai check point where they were processed, or in Manik Farm IDP camp. LTTE suspects were sent for “rehabilitation” to special camps but there was no transparency about how long they would be held, and no right of appeal for wrongful detention or proper safeguards to prevent torture⁴⁴. There was no procedure for determining who was a former combatant and who was a civilian, and the camps were clearly not being run as Prisoner Of War centres

⁴⁴ “Several former LTTE combatants released from rehabilitation centers reported torture or mistreatment as well as sexual abuse by government officials while in rehabilitation centers.” From Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014, accessed at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236650#wrapper>

either. A number of ITJP witnesses who were released from “rehabilitation” were also later abducted in “white vans” and tortured yet again.

Those LTTE members, forced recruits and supporters (including non-Tamils), who managed to hide in the civilian IDP camps or elsewhere were often picked up months or years later after being identified by an extensive network of Tamils working as informers for the security forces.

In addition, a substantial number of individuals accused of being connected with or supporters of the LTTE have been apprehended in “white vans” after being identified or returning to Sri Lanka from abroad, erroneously thinking it was safe to return after so many years, or else having been deported after failed asylum applications. The previous Sri Lankan government, meanwhile, told the UN Human Rights Committee in October 2014 in Geneva that, reference to “white vans” as a means of disappearances was a “sensationalised allegation”⁴⁵. It said:

“... the GoSL [Government of Sri Lanka] wishes to state that twenty one (21) criminal abductions using white colour vans have been reported in the six year period from January 2009 to August 2014. Each and every case reported has been investigated by the Police and 17 victims have been found and reunited with their families”⁴⁶.

We have documented 100 cases of abduction in “white vans” or other types of vehicles since the war ended. Not one of those cases has been investigated by the police – some were tortured and raped by police or branches of law enforcement. The victims are all outside the country, unable to reunite with their families; and their family members are often being targeted for abuse as a result.

45 112th Session of the Human Rights Committee, periodic review, accessed at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_AIS_LKA_18459_E.pdf

46 112 Session of the Human Rights Committee, Consideration of Sri Lanka’s Fifth Periodic Report under the International Covenant on Civil and Political Rights, 7-8 October 2014, accessed at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_AIS_LKA_18459_E.pdf

From our evidence, it is clear that torture and sexual violence took place near the frontline, in Manik Farm camp, in army or navy camps, in “rehabilitation” camps, in police stations and in a multitude of unknown camps – some of which could be army sites or captured LTTE camps.

Climate of Impunity for Sexual Violence During the End of the War

The treatment by the military of surrendering Tamil civilians and combatants at the end of the war set the tone for what was to come. One insider witness described seeing soldiers mutilating the corpses of Tamil women and men behind the frontline in a sexual way. Commanding officers did nothing to stop this sort of behaviour:

“What shocked me is that the clothing on all the bodies had either been fully removed or at least such that the private parts on all of them were exposed... I saw army soldiers continue to drink arrack and dance. They were dancing because they were very happy after the victory. They were kicking and stepping on the dead bodies of the LTTE fighters or civilians. There were officers there but they did not do anything... Two captains just stood there talking while their men were doing that. Some of the soldiers then came and stomped on some of the bodies with their boots then posed for photographs with a boot on a body and holding their rifle up posing like a hunter standing over a trophy with smiles on their faces. One girl had a stick about 4 feet long sticking into the air from her vagina. One of the soldiers yanked it out and rammed it into her vagina again. I saw one female with a fresh knife cut on her bare breast...I saw some of the men saying things like ‘bloody LTTE dogs’, ‘We teach you a good lesson’ - all the while using filthy sexual swear words.”

(Witness 69)

Videos and photographs have emerged online of mutilated naked and half-naked bodies, images sometimes sold by the same soldiers who took the pictures.

The same witness described how civilians who surrendered in May 2009 were taken along the A9 Highway to Omanthai checkpoint, via Kilinochchi Hospital:

“The Security Forces used the front of the Kilinochchi Hospital as a transit area for these civilians. The transit point was on the main road, about 200 metres from the hospital. The whole area of Kilinochchi was under Security Forces control at this time. I heard from many people in the camps that, whilst they were waiting outside Kilinochchi Hospital for transport to Vavuniya, loud noises could be heard coming from inside the hospital. These were female noises of pain and fear. Others told us that while they were waiting in front of the Kilinochchi Hospital for the bus to Omanthai, with some of them waiting overnight, they would hear these terrible noises throughout the night, including sexual noises.”

(Witness Number withheld for Witness Protection Reasons)

This is not the only account naming Kilinochchi Hospital as a site where sexual violence may have taken place, though we have yet to interview a survivor from this site.

Senior Military Leaders Fail to Act

Several insider witnesses saw soldiers mutilate bodies, but this one saw two Major-Generals take no action to stop the acts:

“I saw them mutilate the bodies with small sticks and stones being forced into their vaginas along with small knives. They used knives to cut their breasts. I saw many female cadres get captured and then killed and after that is when they would be stripped and bodies desecrated. I never saw a captured female cadre raped. As I said, these actions occurred on the 16-19 May on the north and south side of the bridge. While I witnessed these things on the south side, I was standing with Shavendra Silva and XXX. They looked and went back to their command centre. They said do not do these things but they did not take any action to identify or punish those who did. The actions of this nature were not deterred by the inaction of Shavendra Silva and XXX.”

(Witness 70)

The Forward Maintenance Area, just behind the frontline where LTTE suspects were taken after capture, was run by the now Commander of the Sri Lankan Army, Lt General Krishantha de Silva⁴⁷. The same security force insider witness told ITJP:

“During the war, General Krishantha de Silva did not command a regiment but he was very close to Gotabaya Rajapaksa. Gotabaya in the last days of the war would give orders to de Silva who would then pass them on to General Jayasuriya to be carried out. Though de Silva was stationed in Colombo I saw him on a number of occasions near and at the end of the war in army camps in Vavuniya and near Omanthai. He was not on the frontlines but in the secured area behind the frontlines and was in charge of the Forward Maintenance Area and was in charge of dealing with all the surrendees and captured former LTTE cadres.”

(Witness 70)

It is our understanding that the Forward Maintenance Area also included the “rehabilitation camps” and Manik Farm camp.

Allegations Against the then Secretary of Defence

When the ex-President’s brother, Gotabaya Rajapaksa, assumed office as Secretary of Defence he took over control of the Special Task Force (STF), previously under the control of the Inspector General of Police. Three witnesses, two of them insiders, testified that Gotabaya Rajapaksa used the STF to intimidate and silence any opposition, including several journalists who were not sufficiently sycophantic⁴⁸.

⁴⁷ In 2014, he was also appointed Deputy Chief of Mission at the Sri Lankan Embassy in Moscow.

⁴⁸ Security force insiders and other eyewitnesses have also testified that it was the STF that murdered the students at Trincomalee and massacred the ACF workers in Muttur prior to the final phase of the war.

In addition, another of our witnesses, a “white van” abductor, testified that his director received orders to threaten, torture and kill suspects directly from the former defence secretary, Gotabaya Rajapaksa:

“We reported directly to the Director. The Director reported directly to Gotabaya. The Director met on a weekly basis with Gotabaya to receive orders. These orders were very sensitive and secret and only entrusted to our small specially selected group. When the director returned from his weekly meetings, or otherwise, and had received instructions from Gotabaya, he would give those assignments to [me]. He would always say these were Gotabaya’s orders, or they were from the big man, which was another name for Gotabaya.”

(Witness 47)

This white van operator described his team’s “white van” victims, whom he said numbered several hundred:

“When we abducted people, they were taken to a number of secret locations that our group had in or near XX. They were then treated according to the instructions from Gotabaya. These included beatings, interrogations and physical torture. In all cases when a person was arrested/abducted by our group they were killed - either immediately or after a prolonged torture. Often persons would die during the torture... The youngest I can recall was a 15 year old Tamil boy sent by the LTTE and the oldest was 60 years old. They would include both men and women. On occasions, if we could not abduct the actual person, we would disappear a family member to send the same message.”

(Witness 47)

In two detention centres we know of, interrogators would boast that they worked directly under the Secretary of Defence, as this witness testified:

“The officers causing me to suffer told me there was no use in complaining because they were part of a special team that worked for the Secretary of Defence and they can do what they want. I cannot and will not say more at

this time because if the Government of Sri Lanka found out that I was providing evidence against the CID and the Secretary of Defence, harm would surely come to my family who are still in Sri Lanka.”

(Witness Number Withheld for Witness Protection Reasons)

In the Trincomalee Naval Dockyard secret site (see case study below) detainees were also told by guards that they were “under Gota’s surveillance”, by which they understood that this site was maintained by officers who reported directly to Gotabaya Rajapaksa, the then Secretary of Defence and President’s brother.

Perpetrators identified by Tamil Survivors and Security Force/Government Insiders

ITJP has collected the names and many of the ranks or locations of 62 people alleged by victims of torture and/or sexual abuse to have been involved in one or more of the following acts: abduction/kidnapping, illegal detention, torture (sexual and non-sexual), sexual abuse, extortion/ransoming and human smuggling.

Known Torture Sites

When we conducted our investigations for our 2014 report, only 12 of the 40 witnesses could identify the sites in which they were tortured. Several of the known sites were “rehabilitation” camps for suspected former LTTE members. The vast majority of witnesses had no idea where they were taken; great care was taken to blindfold them on the way in and out of the sites and to release them somewhere secluded after their families had paid a ransom to the security forces. This practice of blindfolding detainees to obscure the location where torture and sexual violence occurs has continued throughout 2014 and 2015.

ITJP now has a list of 41 known sites, identified by torture and sexual violence survivors now abroad, as the places where they were abused post-war. This list

is based on sworn testimony. This is by no means a comprehensive list – it reflects locations identified by the witnesses we have taken sworn statements from, or locations identified in the sworn statements of Sinhala insiders from the security forces or government, not the totality of the multitude of sites where torture took place in the post-war period. Many of the survivors were detained and tortured by the security forces in multiple locations. A number of people who underwent the “rehabilitation” process were also abducted in “white vans” after being released or in other detention places. The dates of detention are not given to protect the identity of the witnesses and security forces insiders. This list does not include the names of several well-known prisons, such as Boosa (Galle) and New Magazine Prison (Colombo) where our witnesses were also held and tortured.

Generally speaking, the known sites of torture of detainees by the security forces post-war that we have identified were:

Military camps: 15

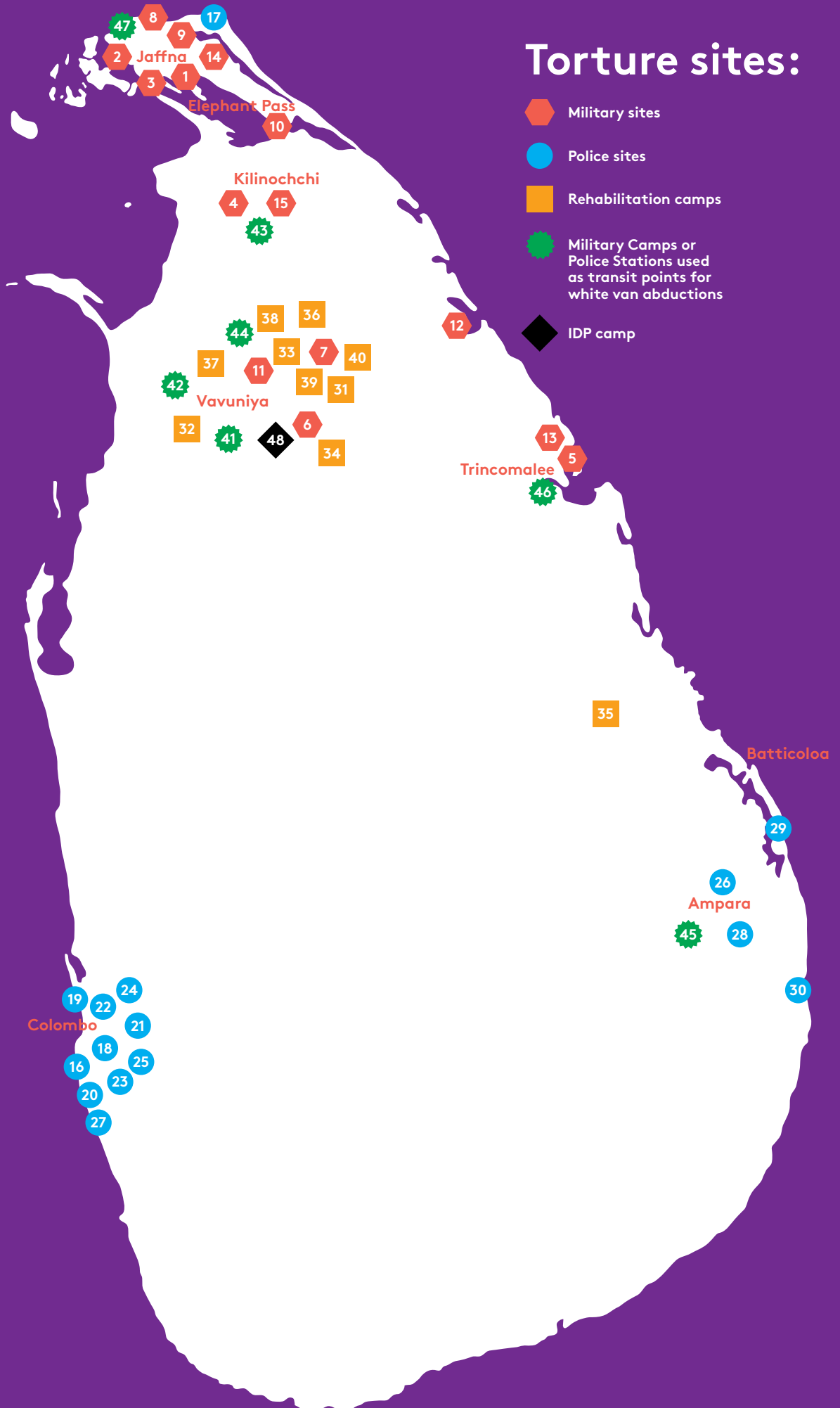
Police stations: 15

“Rehabilitation Camps”: 10

Manik Farm, which was referred to as an “IDP camp”, but was in reality an internment camp.

In addition, seven army or police camps have been identified as transit points for “white van” abductions.

Torture sites:



Military sites

- 1) Chavakachcheri Army Camp, Jaffna Peninsula¹
- 2) Uduvil Army Camp (near Uduvil Girls College), Jaffna Peninsula
- 3) Urelu Army Camp, Jaffna Peninsula
- 4) Kilinochchi Army Camp (in Ex LTTE police HQ²), Vanni
- 5) Orr's Hill Camp, Trincomalee
- 6) Veppankulam Army Camp³, Vavuniya District
- 7) Army Camp near Omanthai School, Vavuniya District⁴
- 8) Palali Army Camp, Jaffna Peninsula
- 9) Achchuveli Army Camp, Jaffna Peninsula
- 10) Iyakkachchi Army Camp, Elephant Pass
- 11) Joseph Camp, Vavuniya Town
- 12) Sampath Nuwara Camp, on the border of Trincomalee and Mullaitivu Districts
- 13) Trincomalee Naval Dockyard
- 14) Urumpirai Army Camp, Jaffna Peninsula
- 15) Camp near Paranthan Junction⁵

Police sites

- 16) TID/CID Headquarters ('Fourth Floor') and also a naval compound across the street⁶
- 17) Nelliady Police Station⁷
- 18) Borella CID Building
- 19) Colombo Harbour Police Station
- 20) Welawatte Police Station
- 21) Dematagoda TID office/ Police station

- 22) Kotahena Police Station
- 23) Bambalapitiya Police Station 2008
- 24) Hettiyawatte Police station
- 25) Nugegoda CID office
- 26) CID Offices in Amapara
- 27) Mt. Lavinia Police Station⁸
- 28) CID in Kalmunai Town, Ampara District
- 29) CID in Kaluwanchikudy on the Ampara/ Batticaloa border
- 30) Iniyabharathy's office in Thambiluvil, CID operated here

Rehabilitation sites⁹

- 31) Nellukkulam Technical College, Vavuniya District¹⁰
- 32) Pampaimadu, Vavuniya District
- 33) Poonthottam Cooperative Training School, Vavuniya District
- 34) Rambaikulam H/F Convent/ Girls' School, Vavuniya District
- 35) Welikanda/Senapura Camp, Eastern Sri Lanka
- 36) Kovilkulam Maha Vidalaya, Vavuniya District
- 37) Maradamadu, Vavuniya District
- 38) Dharmapuram Welfare Centre, Vavuniya District
- 39) Vellikkulam Muslim Girls College, Vavuniya District
- 40) Pothanichchur Muslim Maha Vidalaya Youth Rehabilitation and Training Centre, Vavuniya District.

Military Camps or Police Stations used as transit points for white van abductions

- 41) Thanthirimale Army Camp, Vavuniya District

- 42) Iranaipalai Army Camp, Vanni
- 43) Kanagapuram Army Camp, Vanni¹¹
- 44) Kurumankadu Camp, Vavuniya District
- 45) Ampara – a military building next to the terminal on Air Force Road
- 46) Plantain Point in Trincomalee
- 47) Tellipillai Police Station, Jaffna Peninsula

IDP camp

- 48) Manik Farm Camp

¹ 513 Brigade is stationed here according to <http://www.defseminar.lk/defseminar2012/news.php?id=112.php>. This ITJP witness describes the location: "At the entrance to the camp there were barriers that were raised for the truck to enter. There were sandbags on the sides of the entrance and barbed wire. Sentries were posted by the entrance. Metal sheets painted green covered part of the wall, with barbed wire on top. There seemed to be one main building, while the rest of the structures seemed covered with metal sheets - some painted, some not. The truck stopped in front of a building. I was told to get off. I got down using the one step at the back of the truck. The building was a single storey open building. There was no front door."

² This ITJP witness explains the location: "I was then taken to a camp in Kilinochchi Town. It had been a former LTTE camp. It was behind the former Police Head Office building."

³ This is described as an old school used as a detention centre in Puthukulam village. Same location cited by one of HRW's victims, 2013.

⁴ Media reports say a Major Panditharatne was the Commandant Officer-in-Charge (OIC) - Omanthai Detention Camp until June 2010. See http://www.sundaytimes.lk/110306/News/news_16.html; and <http://www.asiantribune.com/news/2011/03/04/sri-lanka-sightless-detainee-be-released-within-2-weeks-ag-sc-gives-undertaking>

⁵ An ITJP witness said: "I was abducted at the bus stop at Paranthan Junction and taken to an Army intelligence camp, 10 minutes from the bus stop. It is on 4th street. It was a former LTTE Camp".

⁶ An ITJP witness explained: "I was taken to another jail. It was like a dungeon. It was across the street from the 4th floor and we entered into the Navy compound. It was very hot, all cement, and the ceilings were not high enough to stand. It was dark."

⁷ The HRW (2013) report also has a witness whose husband was arrested by Mt. Lavinia police and then she was abducted and believes she was taken to Panagoda Army Camp where she alleged torture.

⁸ A list of some of the sites is available from the Government of Sri Lanka at: <http://bcgr.gov.lk/establishment.php#>

⁹ An ITJP witness described the location thus: "The college is nearly 6 kilometres west of Vavuniya beside the road to Mannar on the left hand side if going to Mannar. There was a sign on the gate saying Nellukkulam Technical College. Prior to the end of the war it was a college." Multiple ITJP witnesses and Witness GV in the HRW report were tortured here.

¹⁰ This is described by an ITJP witness as about 15 minutes driving from Kilinochchi Town police station. Kanagapuram Camp (also written Kanakapuram) is home to the 7 Sri Lanka Light Infantry according to <http://www.army.lk/detailed.php?NewsId=9564>.

Note on Iniya Bharathi's office in Thambiluvil in Ampara District, Eastern Sri Lanka

K Pushpakumar, known as Iniya Bharathi, is a Tamil paramilitary leader who was initially part of the Tamil Makkal Viduthalai Poolikal (TMVP) or Karuna Group, after Karuna split from the LTTE in April 2004. Later Iniya Bharathi joined Mahinda Rajapaksa's UPFA and became the President's Coordinator for Ampara District. Iniya Bharathi's office in Thambiluvil in Ampara District had torture cells in the basement where CID took people and tortured them, and in some cases killed them. Iniya Bharathi also had camps in Kaluwanchikudy on the Ampara/Batticaloa border and in Ampara Town. His paramilitary forces were protected by the Special Task Force (STF) and he worked closely with the CID, which was involved in accepting ransom for the release of detainees.

Iniya Bharathi is said by witnesses to have commanded a force of 200 men. With impunity from apprehension and prosecution, his group was involved in extortion, torture and murder, as well as the abduction of hundreds of ex-LTTE members, businessmen and contractors from 2005-7; these were mostly Tamils but included some Muslim businessmen as well. His involvement in disappearances is well known locally; mothers of the missing held a protest in Ampara in February 2015 asking for Iniya Bharathi to be held to account.

The ITJP is in possession of evidence, including that of an insider security force witness, that the former President's brother and adviser, Basil Rajapaksa, controlled the Iniya Bharathi group, arranging for them to be given unmarked weapons and organising to pay them from the Treasury through the STF. Iniya Bharathi's paramilitary group was expected by the Sri Lankan government to fund the remaining costs of running a force of 200 armed men through extortion. The insider, who was in a position to know, states that Basil Rajapaksa also knew about and ordered the use of torture and execution by Iniya Bharathi's men and gave them protection from the police. The witness, being in a position to know, states that then president Mahinda Rajapaksa authorised the funding to Iniya Bharathi's group in this manner. The insider witness also provided corroborating photographs of meetings between Mahinda Rajapaksa, Namal Rajapaksa and Iniya Bharathi. We have the names of several members of Iniya Bharathi's group allegedly involved in murder and extortion, according to eyewitnesses.

“The man removed all my clothes by force. He lit a cigarette and burned me with the cigarette in several places on my thighs and along my arms. Then he raped me.... When I was released, my father was there with my children. He said he had to pay a lot of money to senior people to obtain my release. My father said I had been held in the ‘Fourth Floor’, which is notorious in Sri Lanka.”

Witness 30

(“Fourth Floor”, CID Headquarters, Colombo)

“A second man in army uniform came into the room with a large plastic bag and a substance like petrol inside it. I smelled alcohol from both men. The second man put the bag over my head and upper body and held it tightly around my ribcage. I heard the man saying ‘LTTE’ and saying in Sinhalese that I was an LTTE member. I struggled to breathe and fainted. When I woke up I was lying on the floor in the same room with no clothes on. There was no one in the room, the door was closed and all my clothes were lying on the floor. The plastic bag was not there. There was a lot of blood coming out of my vagina.”

Witness 9

(Poonthottam “Rehabilitation” Camp, Vavuniya)

"An army officer came to my tent in the night. He had on a solid green uniform with coloured cloth lapels on the shoulders. He spoke Sinhala and motioned me with his hand to come out. I went out. He took me to the same room. I could smell alcohol on his breath. There was another man in the room. He had the same kind of uniform. They were both drunk. The door was closed, as were the shutters on the windows. There was a tiny light in the room and I could still make out the faces. One was pulling my clothes to take them off. I pushed him back. They got angry and they each took one of my arms and ripped my clothes off. They grabbed and scratched my breasts, chest and back. They forced me onto the floor. My hands were above my head. One of them was standing where my hands were and stood on them so I could not do anything. The other raped me. They would switch positions and the other one would rape me. They were talking to each other in Sinhala but I did not understand them... I do not know how many times they raped as after the second man raped me I started bleeding very bad from my vagina and I eventually lost consciousness and awoke later in Vavuniya hospital."

Witness 68

(Pampaimadhu "Rehabilitation" Camp, Vavuniya)

Case Study 1: Joseph Camp, Vavuniya

Joseph Camp, or the Joint Operational Security Force Headquarters, is a vast garrison in the heart of Vavuniya Town.

“The camp itself is in the main built up area of Vavuniya town. I knew it was Joseph Camp because I have been past before in peacetime. It is located about 350 metres from the centre of Vavuniya. It had a sign at the gate saying Joseph Camp. It was a former Air Force camp. It still had a runway for planes and helicopters. Once we got to the to the perimeter gate and bund at Joseph camp, the gate was opened up and they put a blindfold on me. It was a cloth that went over my eyes and tied behind my head. My hands were free. We drove into the camp and the vehicle came to a stop. They removed the blindfold and I saw that it was a bunker. They took me down cement steps. I was placed inside a cell with iron bars. I could hear Sinhala voices coming from somewhere in the bunker. Whoever was talking was threatening to whoever he was speaking to.”

(Witness 18)

Joseph Camp:

Vanni Security Force Headquarters (SFHQ-W)



2015 Major General K.A.D Amal Karunasekara, Military Secretary of the Army Headquarters was appointed as the Commander. He had commanded the 53 Division and also served in the UNPKF in Haiti.



2012-14: Maj. Gen. Boniface Perera
He took part in almost all major offensives against the LTTE and was the commander of the East during the war and then the Competent Authority for displaced war survivors in the northern region. IN 2015 he was appointed Director General General Staff , Office of the Chief of Defence Staff.



2011-12 Major General Sumedha Perera
He served under the current defence secretary in the Gajaba Regiment in Matale in 1989 (alongside Shavendra Silva and Jagath Dias). He was Brigadier General Staff SFHQ-W in 2009. He was a member of the Military Court of Inquiry set up to investigate allegations raised by Channel 4 news.



2009- 2011 Major General Kamal Gunaratne
In charge of the 53 Division during the last phase of fighting. In 2012 he was sent as deputy Ambassador to Brazil. In 2015 he was appointed Master General Ordnance of Army Headquarters. He is part of the Gajaba Regiment and also Special Forces.



2007-2009 Major General Jagath Jayasuriya
After the war he went on to become the Commander of the Army and the Chief of Defence Staff and in 2015 was appointed Ambassador to Brazil.

Sources: Security Forces Headquarters Vanni website; Promoted as General, Sunday Times Lanka, 1 August 2010; Major General Sumedha Perera Appointed Vanni Commander, The Nation, 19 December 2010; Army Court of Inquiry on Channel 4 Allegations Referred to in the LLRC Report Submits its Findings to the Commander of the Army, defence website, 15 February 2013; Who Are Sri Lanka Army's 53 Division, Channel 4 Website, 8 December 2010; General Jagath Jayasuriya profile, Several Key Appointments, MOD website.

Joseph Camp Organisation

Joseph Camp is home to the Vanni Security Force Headquarters, which comprises the following battalions according to its official website⁴⁹: 21 Division, 54 Division, 56 Division, 61 Division, 62 Divisions and the Forward Maintenance Area. It had both the Criminal Investigation Department (CID) and the Military Intelligence Corps (MIC) operating from within its premises. Witnesses say that MIC and CID operated independently and under separate command, with their own respective detention cells and white vans, however they did have dealings with each other from time to time.

MIC operatives based in Joseph Camp were responsible for intelligence gathering primarily in the north of the island during and in the aftermath of the war. According to a security force insider, the MIC is still actively on the lookout for LTTE suspects returning to Sri Lanka after the change of government in January 2015, and two security force insiders have stated that they still have operatives abroad⁵⁰.

During and since the final phase of the war, MIC in Joseph Camp has been involved in carrying out “white van” abductions, torture and rape, as this security force insider explains:

“At Joseph Camp we had about four such vans. These vans did not have license plates and all the side and back windows were tinted. No one could see inside. All of our vans were Toyota Hiace models. When were ordered to abduct a specific target we never wore uniforms. We always looked like ordinary civilians...When we abducted a person they would immediately be tied up and blindfolded. This was so they did not know where we were taking them. We were never masked. We were not afraid of being identified or later tried in a court for what we did.”

(Witness 67)

⁴⁹ Organisation Chart available at <http://www.army.lk/sfhqwanni/>

⁵⁰ According to W118.

Detainees were removed from their cells to interrogation rooms that were equipped with instruments to torture them, as the insider witness explains:

“There were many - over five of these types of detention rooms in Joseph camp - which had the same kinds of torture instruments in them. In the interrogation room, they had all the objects of torture in the room before the detainee was brought in. This included barbed wire that was put in a hollow pipe that would be inserted into an anus, hammers, and pliers to pull out finger and toenails. There would be a table and chair in the room, handcuffs and chains, pulley and rope to hang people on the ceilings.”

(Witness 67)

Torture

ITJP has 14 male and female survivors who testify that they were repeatedly tortured by a number of different means and/or sexually abused in Joseph Camp during the period 2008-2014. In three of the cases the detention in Joseph Camp was not the first time the witness had been detained and tortured in Sri Lanka.

The periods of detention in Joseph Camp for victims ITJP interviewed ranged from approximately 10 days to many months. Many detainees were shown photographs by their torturers to identify and some were forced to identify other people being held in Joseph Camp, Manik Farm and elsewhere. They describe being photographed and fingerprinted and being compelled to sign a confession in Sinhala, a language they did not understand.

The typical torture endured was being beaten with batons, pipes filled with cement, kicked, punched, being asphyxiated in a plastic bag soaked in petrol, having their heads held under water, being hung upside down, being beaten on the soles of the feet, being burnt with cigarettes and/or branded with hot metal rods or wires – to the point of being rendered unconscious.

Sexual Torture

Of the 14 witnesses from Joseph Camp, five are female, of whom four said that their torture in Joseph Camp included rape. This is the account of one such survivor:

"It was dark but I think there were two or three men. One came on top of me and started raping me. At the same time another man put his penis into my mouth. I could not understand his language but I understood that he wanted me to suck his penis. I did not do that at first and I tried to defend myself but I didn't have the strength to fight. As he came closer to my mouth I turned my face to the side and he slapped my face. I kept my teeth clenched very tightly and as I didn't let the man put his penis in my mouth, he opened my mouth by force and put his penis in my mouth. After that I don't know exactly what happened. I don't think I actually passed out. ... During my time in detention I was subjected to 6 or 7 gang rape sessions. I was naked almost all the time. Two or three different men came to my room each time. They would rotate. They did not wear uniforms. Sometimes during the interrogations they would wear camouflage army uniforms but not during the rapes.... After a couple of days they moved me to an even smaller room to sleep. They raped me in that room. They also raped me anally. The room was very small so only one man could fit in it at a time. They used to take turns to rape me, one after the other. Usually each man would rape me at least once. Usually one would have his penis in my mouth while the other one raped me with his penis below. One day while interrogating me they also put a baton into my vagina."

(Witness 32)

Several of the male detainees also reported sexual abuse that included being forced to perform oral sex, forcibly submit to anal rape and having objects such as batons or sticks or a rod of ice inserted in their anus.

Many survivors recall hearing male and female voices crying and screaming while being locked up in Joseph Camp. Some were kept in solitary confinement in dark underground cells with no windows that resembled bunkers. As one detainee described it, "The room was very dirty and smelled of blood".

At times, some were held in cells with other detainees. One woman was detained with several underage girls in their teens; they were all kept naked with their hands and feet tied. Several times a day one of the girls would be taken out of the room by male security force officers to be raped. The witness herself described being raped many times by many men.

A security force insider testified that the rape of Tamil women was something his colleagues in MIC in Joseph Camp boasted about doing:

“They threatened and tortured them. If the girls said yes to sex the torture would stop. If they said no, they were sent to rehabilitation camps. Some were raped. I know this because the men would brag about it. The informants were to identify not only cadres but beautiful girls for the MIC men to rape at nights after they were drinking. This happened many times. I heard some MIC men bragging about raping Tamil women in the camps. They would say that they had raped 15 each or more.”

(Witness 67)

Commanders and Perpetrators

Military intelligence staff based in Joseph Camp were active in detaining and interrogating suspects in the Vavuniya area, including in Manik Farm, rehabilitation camps and checkpoints. Sometimes they went further afield.

ITJP is in possession of multiple photographs and more than 40 names and ranks of military intelligence staff, many of whom were based in Joseph Camp, and who have been identified in the sworn statements of survivors and insiders who tortured or were complicit in the torture of detainees. We will not include the pictures of the alleged perpetrators or name them all due to witness protection concerns. We also possess the phone numbers of a multitude of alleged perpetrators and those complicit in these crimes, and know where a number of them and their families live or are now stationed.

In addition, ITJP is in possession of the names and photographs of the officer in overall command of military intelligence at Joseph Camp, and his deputy at the relevant times.

Rapist Identified

A witness who was gang raped in Manik Farm camp in 2009 identified one of the captains in the military intelligence team based at Joseph Camp as one of her four rapists. He was in military uniform at the time. We have his name and his entire career history as he rose from cadet officer to second lieutenant to Military Intelligence Corps and then was promoted to the rank of temporary captain and then temporary Major. In addition he passed a Sri Lankan Foreign Service Training Institute diplomacy course. We also have the alleged rapist's photograph and mobile telephone number.

In this case the witness reported that initially the interrogators started touching her breasts through her clothes and insulting her. When she complained they threatened to send her to a rehabilitation camp for many years if she did not cooperate.

In this aspect, her account matches testimony from an insider witness who said it was standard practice among his colleagues in the security forces who visited Manik Farm and identified pretty girls to threaten rehabilitation or rape.

The same female witness describes how she felt after being raped by the four interrogators on that particular occasion, though she was later raped and tortured by other men:

"I was totally naked. I felt pain in my body. I did not know what I should do so I screamed. The man standing beside me reached down and placed his hand over my mouth. I was helpless. I was crying and I could not even cry for help. He told me to shut up. He used bad words and said that "if you scream again we will kill you". He said that I was not to tell anyone of my interrogation and

if I did they would “kill me in the night”. He said that they won the war and they wanted Tamil women to bear Sinhala children. They gave me my clothes. They watched me dress. They were still in a happy mood. I do not know the names of the four army officers who raped me. I never saw them again after the day they raped me.”

(Witness Number Withheld for Witness Protection)

The witness subsequently identified one of the four rapists from a photo board consisting of over 100 members of the security forces and civilians.

A security force insider witness also identified the man and told us he worked in Zone 2 of Manik Farm, while stationed at MIC in Joseph Camp, as well as his name and rank at the time.

Torturer Identified

A Major has been identified by a number of witnesses as being in a position of command at Joseph Camp and elsewhere, and present and participating in torture of detainees. ITJP is in possession of several photographs of this Major and his name. A security force witness testified that he was formerly with an engineering regiment during the war but was believed to be in charge of a rehabilitation camp or detention centre after the war.

A male witness described seeing the Major in Joseph Camp on several occasions in 2010 while he was being tortured. The witness described the Major cocking his pistol and putting it to the witness's head a number of times. A female witness testified that the Major was one of her team of interrogators in Joseph Camp in 2010 and was present while she had a bag soaked in petrol tied around her head. She was subjected to rape while in the camp but the Major was not present at the time. Another female rape survivor saw the Major inside Joseph Camp issuing orders to a female guard while she was reporting after being detained there.

A female witness saw the Major when she surrendered to the army in April 2009 and says he did nothing to stop people being beaten in his presence. A male witness places the same Major at the Wadduvakal Bridge on 17 May 2009 as thousands of war survivors poured out of the war zone. An additional witness saw him at a checkpoint in Vavuniya Town while a further witness reported seeing him outside Oddusuddan Camp and in Mullaitivu speaking with Tamil informers in the area.

A number of the survivors we took statements from either identified the same man as their abuser or identified him as being in Joseph Camp at the relevant times; the insider security force witnesses directly or indirectly corroborated the survivors' statements.

In other words, the victimisation of young male and female detainees at Joseph Camp was blatant, repeated, and proudly boasted of by the perpetrators amongst themselves in the camp, as well as widespread and systematic.

Despite persistent allegations over many years of torture taking place inside Joseph Camp documented by various NGO's, absolutely nothing has been done by the Government of Sri Lanka to bring any of the perpetrators to justice⁵¹.

⁵¹ Joseph Camp was named as a site where torture took place in: Freedom from Torture submission to the Committee against Torture for its examination of Sri Lanka in November 2011, and multiple other NGO reports.

Case Study 2: Manik Farm IDP Camp, Vavuniya District

Manik Farm is the generic name for several different internment camps in the Vavuniya area used to detain survivors of the 2009 war. At its peak, Manik Farm contained more people than all cities in Sri Lanka except the capital. The conditions in the camp were appalling but physical insecurity was the greatest problem for detainees. There are multiple reports of women being detained and raped in the camps and of former cadres being identified by ex-LTTE informers and then taken to other camps to be raped and/or tortured. ITJP has photographs and names of some of the alleged rapists and Tamil informers who worked in Manik Farm, as well as testimony from security force insider witnesses that corroborate the accounts of victims.

The Government of Sri Lanka told the UN Human Rights Committee in October 2014 that:

“...there were no military controlled camps holding civilians during or after the conflict. The IDP welfare centres were administered by the Government authorities with the process being led by the District Secretaries.”⁵²

However Manik Farm camp, like other internment camps for war survivors, was a militarised site, guarded by armed soldiers and police, surrounded by barbed wire, where the security forces could act with impunity.

The CID and military intelligence units operated out of special areas in the camp, summoning IDP's for questioning. A Tamil NGO worker, who was some years later abducted in a white van, tortured and raped, described how the security forces operated in Manik Farm while he worked there in 2009:

⁵² 112th Session of the Human Rights Committee, Consideration of Sri Lanka's 5th Periodic Report under the International Covenant on Civil and Political Rights, 7-8 October 2014, accessed at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_AIS_LKA_18459_E.pdf

"I witnessed the security forces interrogating people in Manik Farm camp and taking them away in vehicles. I saw people being beaten on some occasions, especially by CID people who had their own tents for questioning people. I saw masked informers operating in the camp who were to taken to the CID tent to identify people. The officers involved in this were dressed in military uniform and plain clothes. I also saw informers there who were not masked and whom others told me were ex LTTE but I didn't recognise any of them from my time in the Vanni. I realised they were informers from the way they operated with the security forces and how others were frightened when they came."

(Witness 90)

Another NGO employee who survived the war also saw people being arrested in Manik Farm after informers came; he too was later abducted in a "white van" and tortured and sexually abused:

"When in the camp, I saw people being taken away by the army after masked men were brought into the tents to identify cadres. I did not know those taken, there were about 4-5 of them that I saw taken in this manner. That is the last time I ever saw them. They were all males. I heard that the men and women were taken inside the buildings in the camp occupied by the army and tortured and sexually abused. These interrogations took place in the daytime."

(Witness 36)

A UN worker also described the interrogation areas in Manik Farm:

"I heard from IDP's that the girls were generally taken away at night time but returned during the day. Over the time I was working inside the camps, I saw five or six young women coming out of these questioning areas alone. Their family members would wait in the general area for their relatives to come out. On those occasions that I saw women leaving the isolated areas of the camp, I could see the women were crying and they appeared distressed."

(Witness Number Withheld for Witness Protection Reasons)

The following survivors now living in different continents but gave similar accounts of being raped by CID in Manik Farm:

“He lifted up my blouse and bra up over my chest exposing my stomach. One man held down my legs and the other man was biting my neck. I struggled to no avail. They started to get angry and started slapping me and kicking me in my legs and hips and were using bad words to me. One of them pulled my skirt and panties down on my thighs. He then started touching my vagina. He was touching my breasts. The other man took a lit cigarette and started burning me on the outside of my vagina. He did this two times. He forced my legs open and raped me. He had intercourse with me for a few minutes. I do not know if he ejaculated in me. When he was finished the other man raped me. He then rubbed his penis on my face. He ejaculated all over my face. I still had the gag stuffed in my mouth. When he was ejaculating on my face he was using bad words. He was saying all LTTE and Tamils must die.”

(Witness Number Withheld for Protection Reasons)

“My pants were down to my knees as were my panties. My top had been raised to my belly button. I noticed a lot of blood in my vaginal area. There was a lot of pain from my vaginal area - both on the outside and deep inside of me and in my lower abdomen and pain in my back. I also had a lot of pain in my breasts. My bra was still under my top but it had been undone. Later I saw that there were teeth marks on one breast but the pain was equal in both... I saw that there were two or three other men in the room. I was still half conscious and I do not remember what they were wearing. The men were not right next to me and were standing up. They were speaking in Sinhalese. I could not understand what they were saying but they were looking at me and were laughing. Those men left and I was all alone. It took me a while to fully wake up and be able to stand up and try and sort my clothes and hair. I walked out and my mother was waiting for me outside the tent and helped me walk back to our tent. She was not allowed near the main tent when I was in there. I walked up to my mother and hugged her. I wanted to cry but I could not as there were a lot of Tamils around and I did not want them to see me cry and think that something bad had happened to me. In my culture, if a woman is raped we are not treated as helpless victims and are looked down upon and shunned. Our lives are ruined and we will have great difficulty find a new husband. Even though I was extremely distressed, I tried not to show it.”

(Witness 42)

Some witness were detained in Manik Farm, identified by informer and then taken elsewhere to be tortured. A young mother was taken from Manik Farm to a nearby army camp; she described being sexually abused in front of her toddler who was in the same room. Both of them had been stripped naked and the child was screaming in terror:

“I did not tell the solicitor or the Home Office because they are men but there was sexual torture. They were touching me all the time – every time they asked me a question they had to touch. It was mostly touching my breasts as I was forced to kneel on the ground. Sometimes they touched my breasts with their guns. I was kicked with boots and my child was present all time and always crying with hunger so they kicked him too. “

(Witness 98)

This constitutes torture of both mother and child. When asked if she'd been raped, the witness was too distressed to answer but buried her face in her hands. She said she was detained in the same cell for several weeks and tortured, including sexually, every day in front of her child.

Other women also described being identified in Manik Farm and taken to a nearby location to be tortured and/or sexually abused⁵³. One, a former LTTE member, said she saw 150 female and 150 male informers identified in Manik Farm Zone 4 by informers on approximately 22 May 2009. They were divided into groups according to how long they'd been in the LTTE. She and 4 other women were identified as long serving members of the LTTE and were driven about half an hour a way to a camp in the jungle where the buildings were constructed from aluminum sheets on cement flooring. She was tied up, forced to drink urine, raped and tortured during months of detention.

The victims in Manik Farm were not only women. This witness knows the names of two of the men who tortured him:

⁵³ WS36 and Witness D.

"I was physically tortured about three times a month. By torture I mean I was taken to an interrogation room and tortured. They used instruments, plastic pipes with sand, I was hung upside down and beaten, burnt with cigarettes and hot irons. I have those scars. It was military intelligence that did this torture. I was kept in a room with about 2-3 boys and a family. I was sexually abused two times."

(Witness 96)

Aid workers have testified to meeting women who were raped while in Manik Farm and who became pregnant as a result. One such witness assisted seven young women who became pregnant:

"Two of them were 12-13 years old who had been brought from Manik Farm. The others were about 18-21 years of age. All were too pregnant for abortions and had their babies. They told me that almost all the young women called for interrogation in their camps were tortured and raped. They were women from the camps brought into Vavuniya Hospital... They told me that they in fact were raped and impregnated by the security forces. They also said that they were threatened that not to tell their stories to the authorities or anyone else. They were threatened with death. They were ordered to say that they had been raped by their fathers or family members or other Tamil villagers or the LTTE."

(Witness 111)

In addition we have evidence of rape and torture of men and women in other camps for war survivors. These accounts include the rape of at least one non-combatant Catholic novice, or trainee nun, described here by another woman also raped in the same displacement camp:

"She was a very beautiful young girl. She started crying and did not leave. About 10 army men came. They grabbed and pulled her as she was holding on to the Reverend Sisters and refused to go. The Reverend Father came and told them not to take her and they slapped him for interfering. They took her about 1pm in the afternoon and said that they were taking her for an inquiry. They dragged her to a small building. They brought her back about 8pm that night in

a vehicle and let her go on the road outside our hall. She had difficulty walking. She was wearing a Punjabi dress, but the shawl she had been wearing when she was taken was missing. Her clothes were totally wrinkled. She was crying and in total depression. She would not talk even though we kept trying to comfort her. She finally exclaimed, "Everything is over for me". She collapsed to the floor and was semi-conscious. In the morning when it was light we saw cigarette burns on her legs and hands. As people were around I just looked up to her knees there were many burns. I could also see her arms and hands up to her biceps to the cuff of her blouse and there were many burns up to the cuff. I did not look under her clothes... She would not take water or food. She just wanted to lie there. She would not get out of bed from then until I left the camp. We had to spoon feed her. She was always crying. Her mental health was not normal at all. It was if she was in a daze – just staring straight ahead and it is was like she was seeing nothing."

(Witness number omitted for witness protection reasons)

Since its inception there were persistent and credible reports of sexual violence and torture in Manik Farm and other internment camps run by the security forces but the Government of Sri Lanka has taken no steps to investigate.



Artillery point

Secret camp

Trincomalee Naval Dockyard Secret Torture Site

Case Study 3: Secret Torture Site: Trincomalee Naval Dockyard

Background

The existence of secret torture sites in Sri Lanka has long been alleged by human rights groups.⁵⁴ In 2011, Felice Gaer, Vice Chair of the UN Committee Against Torture, called for an independent investigation into allegations of secret torture sites in Sri Lanka.⁵⁵ The UN Committee's report included a special section on secret sites, which said:

"Notwithstanding the statement of the Sri Lankan delegation categorically denying all allegations about the existence of unacknowledged detention facilities in its territory, the Committee is seriously concerned about reports received from non-governmental sources regarding secret detention centres run by the Sri Lankan military intelligence and paramilitary groups where enforced disappearances, torture and extrajudicial killings have allegedly been perpetrated (art. 2 and 11). The State party should ensure that no one is detained in any secret detention centres, as these facilities are per se a breach of the Convention. The State party should investigate and disclose the existence of any such facilities and the authority under which any of them has been established. The State party should also ensure that the results of the investigation are made public. It should abolish any such facilities and any perpetrators found responsible should be held accountable."⁵⁶

Despite the request four years ago from the UN, the Government of Sri Lanka has yet to initiate an effective investigation into allegations of secret camps.

54 "Agents of Sri Lanka's security services routinely hold detainees in unofficial places of detention, including commandeered school buildings, private homes and factories. Secret detention is rife", Sri Lanka: briefing to Committee Against Torture, October 2011, Amnesty International, Accessed at <https://www.amnesty.org/download/Documents/.../asa370162011en.pdf>. Amnesty repeated the allegation the following year in Reconciliation at a crossroads: Continuing impunity, arbitrary detentions, torture and enforced disappearances, Amnesty International Submission to the UN Universal Periodic Review, October- November 2012, Accessed at <https://www.amnesty.org/download/Documents/.../asa370082012en.pdf>.

55 'Secret detention centres' in Sri Lanka, BBC Sinhala Online, 8 November 2011, Accessed at http://www.bbc.co.uk/sinhala/news/story/2011/11/111108_torture.shtml

56 Committee Against Torture, "Sri Lanka, Concluding Observations of the Committee against Torture," UN Doc. CAT/C/LKA/CO/3-4, 8 December 2011, para 8, Accessed on 26 March 2015 at http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.pdf

The term “secret site” has been used loosely with regard to Sri Lanka to describe a situation where the detainee has been taken blindfolded to a place that is unknown to him or her⁵⁷. Considerable efforts were made by the security forces to keep the location of the camps secret from the person being tortured, while at the same time showing little or no concern over whether their own identities were hidden from the victim.

In *An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014*, the majority of detainees did not know where they had been held. However, some of them gave detailed descriptions of camps that appeared to be military sites, with check points and speed bumps at the entrance and multiple men in military uniforms present. It is reasonable to presume that these are not secret sites at all, but established army camps, whose identity is only kept secret from the detainee being tortured.

The case of the Trincomalee Naval Dockyard is somewhat different, in that the detainees knew where they were being held, but according to their accounts considerable efforts were made to hide their location from their family members, the authorities and other branches and members of the security forces. However, no attempt was made to hide the location of the site from the detainees themselves over the years they spent there.

This secret torture site run by naval intelligence was hidden in the jungle-covered hills of the Trincomalee Naval Dockyards compound (GPS: 8°33'26"13 N, 81°14'32"87 E). The detention buildings were clustered around an old colonial artillery point. One detention site included small cement cells in an underground bunker and there was another area for holding prisoners above ground.

The detainees were blindfolded on the way in and their families were never told where they were being held, despite repeated requests to the authorities,

⁵⁷ In the BBC Sinhala Service story on the Amnesty report it says the human rights group had named seven secret sites - Poonthottam Maha Vidyalaya, 211 Brigade headquarters, Vallikulam Maha Vidyalaya, the PLOTE paramilitary detention centre (known as Mallar Maligai) and Dharmapuram as five camps in Vavuniya while two camps were named from Mullaitivu. This is a misreading of the Amnesty report, which is clear that Poonthottam and Vallikulam camps are “rehabilitation centres”. In addition 211 Brigade Headquarters in Vavuniya is the Vanni Security Force Headquarters, also known as JOSEPH Camp (Joint Operational Security Force Headquarters). JOSEPH camp is notorious in Sri Lanka as a torture site but it is not a secret site.

including to the navy who denied any knowledge of their whereabouts. The secret site housed LTTE cadres and family members, some of whom were captured at sea. Hooded informers were brought in to identify LTTE cadres being held in the site.

Witnesses described being detained in the Naval Dockyard site along with dozens of other people, however they said it was possible many more were held in the area that they were not aware of because the site was a large area under the control of naval intelligence and well hidden from outside view. The witnesses interviewed were detained here from the end of the war in 2009 for years.

We have additional evidence that other LTTE family members were held for years in the main naval compound itself, rather than the secret location.

Torture

One witness described being interrogated and repeatedly tortured for many months in this secret site. The witness heard the screams of men being tortured and saw blood resulting from the torture of others. A witness said the methods of physical torture used were: kicking, beating, hitting with plastic pipes while seated or hung upside down and tied up, being beaten with cricket wickets, being confined in a tiny box for days, burned with cigarettes, and toe nails and teeth forcibly removed. One witness describes being tortured by various methods over a long period of time and being sexually abused.

Witnesses described the men who tortured them as often being drunk. Their interrogators asked where the LTTE weapons and money were buried and often required detainees to turn informer, which some did. The detainees were never charged or given access to a lawyer. They also had no access to their families or ICRC, the Sri Lankan Human Rights Commission or any other external organisation.

Commanders

Witnesses say the naval intelligence officer running the site initially until 2010 was Lt Commander Welagedara. A Lt Commander Ranasinghe then took over the running of the site, according to survivors. Lt Commander K C Welagedara has been described in the local media in Sri Lanka as a staff officer of the marine intelligence unit, allegedly involved in human trafficking to Australia⁵⁸. In August 2012 he was awarded a long service medal⁵⁹. His officer number is: NRX 1583.

In addition, ITJP has the names and ranks of 10 other navy members whom survivors state were involved in torture in this site and the details of an officer and other guards present who were fully aware of the torture going on.

Release

The detainees interviewed were released to a rehabilitation site only after their relatives had paid large sums of money as a bribe or ransom to the navy. On release the witnesses were given express orders by naval intelligence officer, Lt Commander Ranasinghe, not to tell anyone, including other members of the security forces or rehabilitation services, that they had been held in the Naval Dockyard. Their official release documents do not mention that they were detained for many years in Trincomalee Naval Dockyards.

Corroboration

Various witnesses have provided our investigators with a number of photographs clearly depicting those witnesses, many of their captors and this site during their detention.

58 Hendavitharana masterminded Australia human trafficking! LankaNewsWeb, 25 February 2015.

59 The Gazette of the Democratic Socialist Republic of Sri Lanka, Number 1774/1, 3 September 2012, accessed at [http://www.documents.gov.lk/Extgzt/2012/PDF/Sep/1774_01/1774_01%20\(E\).pdf](http://www.documents.gov.lk/Extgzt/2012/PDF/Sep/1774_01/1774_01%20(E).pdf)

Two recent media reports refer to a camp with underground detention cells inside the Trincomalee naval site, which was referred to as “Gunside”. The report said the site was sealed by police investigators⁶⁰.

In addition, the Sri Lankan media has reported on a camp within the Naval Dockyard in Trincomalee that reportedly held 35 families and 700 Tamils⁶¹. The source for the story was TNA MP Suresh Premachandran, who mentioned the issue in the Sri Lankan parliament in February 2015 and asked for an investigation – a call that has been ignored so far. Reports in the media say the Prime Minister and the Justice Minister cited the Navy Commander denying the existence of such a camp⁶².

Another report on *TamilNet* said two survivors had been released from what it called “Gota’s Camp” and had testified to the United Nations⁶³. In March 2012, Amnesty International cited the testimony of a former LTTE member detained and tortured by naval intelligence and used as an informer by them. He told Amnesty there was “a secret detention facility within the Navy dockyards – a secured area that includes the ruins of British and Dutch fortifications.”⁶⁴ In addition a Sri Lankan group, *The Social Architects (TSA)*, independently of ITJP recently produced this information in one of their reports:

“One eyewitness told TSA that the Government of Sri Lanka held 15 prisoners in the Trinco Navy Head Quarters from April 2009 – June 2012. For three years, the eyewitness and his fellow prisoners only had outside contact with the military intelligence from Joseph Camp in Vavuniya. The Government did not send them to a rehabilitation camp or tell their families that the prisoners were alive and in detention. The Government finally informed the prisoners’ family members about the detention in June 2012 and subsequently took the prisoners to Maruthamadu, Chettikulam Rehabilitation Centre for six months before releasing them. TSA cannot provide the eyewitness’s full account of this

⁶⁰ Secret Detention Camps of Sri Lanka Navy in Colombo and Trincomalee, 11 July 2015, *The Tamil Diplomat*, accessed at <http://tamildiplomat.com/secret-detention-camps-of-sri-lanka-navy-detected-in-colombo-and-trincomalee/> and Underground secret detention center found at Colombo, 10 July 2015, *Lankasrinews*, accessed at <http://www.lankasrinews.com/view.php?22K0llaacT5YY44e3yMC2022mmB3dddBBm4300MgAAee4eY55cca3IOO23>

⁶¹ Secret camp operated in Trincomalee naval base, Sri Lanka Tamil party alleges, Colombo Page, 21 Feb 2015, Accessed at http://www.colombopage.com/archive_15A/Feb21_1424503390CH.php

⁶² Evidence ready on Gota camp – Premachandran, 20 March 2015, *Sri Lanka Mirror*, Accessed at <http://english.srilankamirror.com/news/item/2889-evidence-ready-on-gota-camp-premachandran>

⁶³ OISL in acid test over witness submissions on ‘Gota camp’, *TamilNet*, 18 April 2015, Accessed at <http://tamilnet.com/art.html?catid=13&artid=37732>

⁶⁴ Locked Away, Sri Lanka’s Security Detainees, 2012, Amnesty International.

*unauthorized detention facility because the prisoners were threatened with death if they exposed the truth*⁶⁵.

As far as we can establish, these media and NGO reports in Sri Lanka are all based on different witnesses.

All the witnesses we know of who were held in this secret camp were released after some years of detention. It is not clear if the site is still operational other than the statements of various witnesses, who state that other detainees were still there on their release. If media reports are correct and the correct site has been located and sealed then forensic tests should be done and evidence secured. If at least dozens of detainees were held here for three years or longer, there will also be detailed logs of food supplies and guard rotas, as well as witness case files and records of interrogations, which can be secured for future prosecutions if there is political will. In addition, there are credible allegations against named naval intelligence officers who should now be questioned.

⁶⁵ Whose democracy is it anyway, 3 January 2015, Groundviews, Accessed at <http://groundviews.org/2015/03/01/whose-democracy-is-it-anyway/>

At the Embassies in some overseas countries the Government of Sri Lanka has members of their intelligence services. They collect information. I am not aware if they ever carry out threats and intimidation of those who have escaped or sought asylum. The easiest way for the Government to get someone who is living overseas is to threaten or carry out actions against their family members who are still living inside Sri Lanka to force them to return back where they can then be disappeared."

White Van Operator

C. Reprisals and Persecution

Surveillance and Intimidation of Witnesses

- Families of Sri Lankan torture survivors who have fled abroad are routinely harassed by the security forces.
- Surveillance and intimidation has continued unabated after the 8 January 2015 elections.
- Among survivors interviewed in 2014 and 2015, at least a quarter of family members in Sri Lanka of witnesses abroad suffered violence ranging from beatings to torture, gang rape, disappearance and even death.
- Revenge attacks occurred against those who protested about family members when the UK Prime Minister visited Jaffna in 2013.

Warnings to Keep Silent

In many cases, survivors of torture have been expressly warned by the security forces not to communicate with foreigners or provide outsiders evidence of war crimes or the abuse they suffered in detention. However, they are encouraged to tell other Tamils to spread the sense of fear, like this woman detained in 2013:

“One woman guard there would say ‘Go and tell your people how you have been tortured so that they will never be an LTTE, it should not even be in anyone’s dream to form an LTTE, we will torture you again.’ When I was released this guard told me that if I told any foreigners about what happened she would abduct my children. She said the only ones I should tell were other Tamil women so that they would never rise up again.”

(Witness 32)

The US State Department 2014 report on Sri Lanka also stated that:

“There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death.”⁶⁶”

The very few survivors who have spoken out about post-war rape in public abroad have had to endure extraordinary retribution. “Nandini” (not her real name) who courageously spoke on BBC TV⁶⁷ in 2013 about being abducted in a white van, tortured and raped has been repeatedly and publicly vilified by the Sri Lankan Ministry of Defence website which accused her and everyone connected with her case of lying⁶⁸. “Nandini’s” account, which was backed up by independent expert medical evidence, of brutal abuse at the hands of the Sri Lankan security forces has however been accepted by the UK Home Office which granted her asylum. Indeed, the UK Home Office or UK courts have either accepted the evidence of the over 100 witnesses who have given ITJP sworn statements and granted them asylum, or their cases are still pending. The UK and other Courts have not rejected and deported a single witness that we have relied upon in this report.

Shamed

The perpetrators are well aware that the particular stigma in Tamil society of being a sexual violence survivor helps to deter witnesses from ever speaking of what happened. A young woman who was one of many gang raped by soldiers in a bunker in May 2009 while bound, blindfolded and gagged, tried to tell her mother what had happened. Her mother responded by trying to change her daughter’s torn clothes to hide the crime so as to avoid the stigma and shame that would follow from the rape becoming known. “Nothing happened here,” she told her daughter and silenced her. Sadly even amongst the victims, the victims of rape and sexual violence continue to bear the shame.

An aid worker from Sri Lanka described the typical attitude in the island:

⁶⁶ Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014, accessed at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236650#wrapper>

⁶⁷ Tamils still being raped and tortured in Sri Lanka, 9 November 2013, BBC Online, Accessed on 21 April 2015 at <http://www.bbc.co.uk/news/world-asia-24849699>

⁶⁸ Torture 'Clinics' in UK as Pathway to Asylum? Exposure of Nandani's Act in BBC Documentary hosted by Frances Harrison in 2013, 11 January 2014, MOD website, Accessed on 21 April 2015 at http://www.defence.lk/new.asp?fname=Torture_Clinics_in_UK_as_Pathway_to_Asylum_20141014_01

“In Tamil culture virginity is considered something higher than any other virtue in life until a girl is married. That is drilled from an early age. It is so important that if lost, suicide is considered as a solution. She feels she is a bad woman and unworthy and no male would want to marry her. In our culture the proposed in-laws demand that the brides to their sons are virgins. They will inquire and if the girl says she is not a virgin then the family will not allow the marriage. It matters not whether she lost her virginity willingly or was raped. If she is raped after marriage, as so often happened in the war by the security forces, in most cases she will be rejected by society, including in-laws, husbands, neighbours and in many cases their own families. Even if a girl is called into the local police for interrogation the community will assume that she was [sexually abused], even if she was not, and she will be shunned. Even the family of such a girl will be stigmatised. The victim is abandoned by those whose support she most needs at the worst time of her life, hence the reason not just for so many suicides attempts but actual suicides.”

(Witness 111)

Having said this, thankfully there are many honourable loving Tamil men who have not shunned their wives because of their misfortune in being victims of sexual violence. This witness described her faith in her husband, though there is much about what happened to her she cannot bring herself to tell anyone:

“I was confident that if I told him he would understand and continue to love me. There are a lot more details of the sexual abuse of me, and other incidents that I could tell the investigator about but I do not feel strong enough now. Perhaps someday in the future I will have the strength to do so. I have now told my husband of all these things and he still loves and accepts me.”

(Witness 110)

In addition there are many Tamil men in exile who have married women whom they know have been raped and had children together, defying the social stigma prevalent in Tamil culture and brutality of the perpetrators.

However, in the majority of cases we found young men and women tell their families about the torture in detention but do not tell them anything about the sexual abuse.

“My uncle lifted my shirt, and pulled my jeans up and checked my injuries. This was done in the lights from the street, and the lights in the vehicle. We stopped on the way and he bought me some juice, and rolls and biscuits, and painkillers. No one sought medical attention for me. They asked me what had happened to me. I told them briefly that they tortured me and beat me but did not tell them they raped or sexually abused me. I could not tell my uncle that I was sexually abused because I was embarrassed. They did not say much.”

(W2 describing his escape from detention after his uncle negotiated a ransom)

The following young man described his escape from weeks of illegal detention in an unknown site. His father paid a ransom to the security forces to obtain his release. They hid in a safe house in [coastal location] before a smuggler took the witness to India by boat.

“As my father was cleaning my body and putting medicine on my wounds he started crying. I told him in general terms how the CID hurt me. I did not tell him about the sexual abuse that I had also experienced because of the shame I felt.”

(Witness 36)

In addition, the branding with cigarette burns and hot metal rods on arms, legs and backs of female survivors ensures that the family and the wider community will know that a woman has been naked in custody and will, at the very least, suspect there has been sexual abuse. It is intended to humiliate and hurt not just the woman but all around her. The repeated, widespread and deliberate use of a method of torture that leaves permanent scarring also reveals the total sense of impunity felt by the perpetrators. Sadly, it matters not in traditional Tamil Hindu culture if the sexual conduct was consensual or under torture.

In some cases women would be raped while their family members, who knew what was happening, waited for them outside.

“My father would always stay outside the camp until they finished the interrogation. My father would know in his heart what they would have done to me in the name of investigation. But he was helpless and would not ask anything from me about the investigation. We would go back home without having any conversation. No father should go through this kind of appalling experience.”

(Witness 103)

Exploiting this acute sense of shame over sexual torture, and demonstrating their unabashed behaviour, some perpetrators have gone one step further and filmed their victims being sexually assaulted in order to prevent them from ever speaking out, as happened to this Tamil woman:

“He had a video of me. He showed it to me. It was a cell phone video. I saw part of it... I saw my face. I saw one person doing something bad sexually to me. I do not want to say more at this time because I am upset thinking about what they did to me.”

(Witness 42)

Monitoring & Surveillance

Tamil survivors of the war – civilians and combatants – continue to be subjected to pervasive and invasive monitoring and surveillance by the security forces. The former conflict areas of Sri Lanka are geographically small, and that makes it easy for the authorities to trace and monitor the family members of former LTTE members and sympathisers who have been in detention and resettled in their villages. Civilians and combatants who survived the last phase of the war were generally photographed on surrender and the details of their National Identity Cards, their address and their family members and addresses recorded. This was a conscious decision by the Sri Lankan state at the end of the war in

2009 to document and keep tabs on all potential LTTE sympathisers. The information gathered is maintained and shared among security forces, and serves as the basis for the ongoing surveillance, which ensures an ongoing climate of fear and oppression. In 2014 the government introduced electronic identity cards for what it said were national security reasons⁶⁹.

Furthermore, in each “rehabilitation camp”, where at least 11,000 suspected LTTE cadres were detained for years, every inmate was photographed and fingerprinted, forced to give all their family details including names and addresses and were assigned a reference number; these were kept in files that moved with the inmates to different locations.

In addition, almost all those abducted and taken to unknown, illegal or secret sites, military camps and/or police stations report being forced to sign confession documents that were written for them in Sinhala, a language they could not read; it is likely these documents have been stored for future use. All the indications are the Sri Lankan security structures have meticulous records of everyone who was detained or who had any past connection to the LTTE or lived under LTTE control, even (as with many of our witnesses) if they were not members of the LTTE. This is information that the government and security forces sadly refuse to share with the families of the disappeared who are still desperately seeking answers six years after the end of the war.

Many released detainees who have provided ITJP with statements have been required to report to local police stations and/or military camps to sign in, like an attendance register. Many of them are sexually abused when they do so. Others are repeatedly visited in their homes by security forces, which makes the young women of the family especially feel very insecure. The security forces have unfettered access to Tamil homes to inspect, monitor and record, with the result that even one’s own home is not safe, especially when some are little better than flimsy shacks with no locks on the door to prevent intruders at night.

⁶⁹ Sri Lanka’s new e-NICs collect personal data, family information, adoption details, Shania Smith, 26 August 2014, The Republic Square, Accessed at <http://www.therepublicsquare.com/tech/2014/08/sri-lankas-new-e-nics-collect-personal-data-family-information-adoption-details/>

Telephone Calls

Most torture survivors we interviewed said they feared calling home because they believed the calls were monitored by the intelligence services in Sri Lanka. They felt anything they said on the phone would put their families in danger. Several have never called their families because of this fear. Others communicated through a neighbour or used another person to pass on messages. Conversations were very brief and covered general topics.

In this environment of terror, the connection with the family is disrupted. This exacerbates the loneliness of exile and the asylum process and makes full recovery from torture impossible. This is more so in a culture where the family is a central support for coping with crises⁷⁰. This witness is describing harassment of her parents in June 2015:

“They are old, my parents, so they just harass them saying if I come back they must hand me over. I don’t speak to my parents on the phone unless they are in Jaffna because I don’t think it’s safe and when we speak it’s my brother who initiates the call in such a way that it hides where the call comes from.

(Witness number obscured for protection)

The fear of telephoning home is so extreme that when this young asylum seeker finally received the news that he had been granted asylum in the UK he was unable to tell his mother straight away:

“My mother and younger sister are in Sri Lanka. I don’t phone my mum; I wait for her to call. She doesn’t know I have asylum yet. I haven’t been able to tell her the news. My mother has changed her address and is living in a different place but she hasn’t told us on the phone where she is for security reasons.”

(Witness 3, speaking in 2015)

⁷⁰ Professor Daya Somasundaram writes of the family being paramount in non-western 'collectivist' cultures. He says, “Tamil families, due to close and strong bonds and cohesiveness in nuclear and extended families, tend to function and respond to external threat or trauma as a unit rather than as individual members. They share the experience and perceive the event in a particular way. During times of traumatic experiences, the family will come together with solidarity to face the threat as a unit and provide mutual support and protection”. From: Collective trauma in northern Sri Lanka: a qualitative psychosocial-ecological study, Daya Somasundaram, October 2007, International Journal of Mental Health Systems 2007, 1:5.

Many witnesses told us that the security forces ask their families in Sri Lanka for their whereabouts and in particular their telephone numbers abroad. This indicates the security services continue to take an interest in torture survivors who have left the country.

“Since I came to the UK, they have visited my home seven or eight times. The last time was about a month ago. On that occasion they asked for my photo and phone number in the UK. My family said I had changed my phone number. This was just before the elections.”

(Witness 76, speaking in 2015)

And with the UN investigation into Sri Lanka being announced in March 2014, with their actual investigations beginning that summer, it appears the authorities started to take a special interest in the whereabouts of witnesses to key war crimes (like the white flag incident, which involved the killing of surrendering LTTE leaders⁷¹), such as this one:

“Once my family were visited just after the UN Human Rights Council announced its inquiry [March 2014]. My brother was told to come to a civilian office of the army. They asked about me and my whereabouts. He said I was abroad and they had no contact with me. I do not call often and when I do it is very brief. I use a block so my number doesn't show up.”

(Witness 45a, speaking in 2015)

Witnesses also report their calls and movements being monitored while they were still in Sri Lanka.

71 For more on the white flag incident see www.white-flags.org by ITJP-SL.

Reprisals for Participating in Political Activity: Outside Sri Lanka⁷²

In several cases witnesses mentioned that they or their family members had been questioned about their participation in anti-government protests or war commemoration events abroad. Some reported the Sri Lankan security forces had showed them, or their families, photographs of themselves at these protests. This indicates the Sri Lankan security forces are monitoring these gatherings outside the country. In the UK at least, some Tamil diaspora organisations have responded by banning cameras at annual Heroes' Day commemorations for the safety of the participants.

Reprisals for Participating in Political Activities: Inside Sri Lanka

One recent witness was abducted in a "white van" during the 8 January 2015 presidential election campaign and tortured and sexually abused. He was kicked, slapped, punched, beaten with batons and plastic pipes filled with sand, beaten on the soles of the feet, burned with cigarettes butts, his head was covered with a plastic bag sprayed with petrol, his head was submerged in water. He said he was also sexually assaulted but was too distressed to go into the detail. His torturers warned him not to get involved in campaigning for the Tamil National Alliance or TNA. *"They said I am trying to turn people against the government and diminish its reputation internationally,"* said the witness, *"My detainers mentioned my TNA activity and said I shouldn't do this"*.

Several witnesses have testified that although children and spouses have disappeared, they and other relatives are now too frightened to search for them. One man said his parents-in-law were witnessed being abducted in Jaffna in 2008 and since then have disappeared without trace. A witness to the abduction was killed on his way to identify the suspects in court.

⁷² For further discussion of surveillance abroad see Page 63 of our March 2014 report, *An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014*.

"In every letter my mum has mentioned that the CID have gone to the house and she said that they come quite often looking for me. One time when they came they showed a photo of me at a demonstration in London in 2013 with the LTTE flag. I was participating in the demonstration. I don't know where they took the photo from but they showed it to my mum. My mother told them it was me. Another time the CID went to the house with a photograph of me at the Heroes Day demonstration in London on 27 November 2013. They showed this photograph to my father. After he had seen it he said it was me."

Witness 31

"They were saying that I escaped from the country and I am involved in diaspora activities and they have the proof of me participating in demonstrations. They showed my parents some photographs taken off the Internet. My parents recognised me. After this incident took place they relocated. I don't know where they are now."

Witness 19

"He said 'until we get the truth from you, you will be tortured'. I said 'no, I was not with the LTTE'. He said I was and they had evidence I had been in XXX, that I had attended Heroes Day celebrations, that they had photographs."

Witness 29

"They put me on my stomach on the floor. One of them took his heavy shoes and placed them on the back of my neck and pushed my face into the floor. They wanted me to look at a picture of me and some strangers at a protest that I had attended in the UK. I could not see the picture as my face was being ground into the floor. One of them squatted down and put the picture where I could see it. It indeed was a picture of me as they said. I admitted that but they kept demanding the names of the others. I did not know them and they did not believe me so they kept torturing me."

Witness 33

Case Study 4: The Visit of David Cameron to Jaffna

- 5 cases of torture connected to the protests in Jaffna.

On 15th November 2013, the British Prime Minister, David Cameron, visited Jaffna during the Commonwealth Heads of Government meeting (CHOGM). His convoy was met by the families of the disappeared, pleading for his help in locating their loved ones. This is how one of the organisers later described it:

When David Cameron came to Jaffna, we almost blocked the road and wanted him to look at our situation. Some ladies went to the car and tried to show him the photos of their missing children. The army removed us forcibly by pulling and pushing them off the road. Even women were dragged away and pushed down to the ground."

(Witness 77)

Little did Mr. Cameron know at the time but several buses full of Tamils who wanted to see him were stopped by the security forces and turned back before they could get anywhere near the centre of Jaffna, like the bus on which this young man travelled:

"I joined a group of people travelling by bus to join a demonstration about the issue of the disappeared Tamils in Sri Lanka. We all had a photograph of the missing people from our families. I had a picture of my XXX. The army boarded the bus and made the driver divert the route."

(Witness 41)

The British Prime Minister's visit was well covered by international journalists who accompanied him to Jaffna. The story made headline news that overshadowed the formal opening ceremony of the Commonwealth meeting in Colombo and caused further embarrassment to the Sri Lankan government. This was after the meeting in Colombo had already been boycotted by Canada because of concerns over human rights and several heads of state decided not

to attend the opening ceremony. The Sri Lankan security forces were quick to threaten the organisers and participants afterwards, as these witnesses testify:

"I arranged the demonstrations during the visit of David Cameron to Jaffna during the Commonwealth Heads of Government Meeting in November 2013 and that put me at risk. I was threatened by CID who telephoned me and said that I shouldn't do things that damage the reputation of Sri Lanka."

(Witness 102)

"About a week later the CID in civilian clothes and Army came to where we were living and told me that I was not to be involved in this kind of activity any more. They said if you do you know what will happen to you."

(Witness 77)

"We arranged people to participate in the demonstrations when David Cameron visited Jaffna in 2013 November. After that I had visits from CID but I was not there as I was at work. The visits started maybe after a month. So then I started to feel frightened. I gave up the job and moved...They visited my home in XXX and asked for my contact details and whereabouts."

(Witness 117)

"I was involved in the Cameron demonstrations in 2013 held by the families of disappeared. I also worked with the Tamil National Alliance and gathered the people in order to get the attention of the British Prime Minister by showing the photos of the disappeared. When we tried to do this we were stopped by CID and intelligence and threatened. They tried to disperse the crowd. The people still gathered and shouted when his vehicle passed. I was there and involved in organising the crowd along with my friends. I didn't have immediate problems. My family advised me to keep a low profile as we heard the news of others involved being threatened and taken. Others were threatened and warned. My friend called XXX left the country because of these threats and he was involved in the Cameron demonstrations."

(Witness 122)

The UK Foreign Office promised it would monitor reprisals against people that Mr Cameron met. The likelihood of reprisals was considered high by the UK Parliamentary Foreign Affairs Committee, which wrote in its 2014 report on the FCO's human rights work in 2013:

"We recommended that the Prime Minister, prior to the CHOGM, should obtain assurances from the Government of Sri Lanka to ensure that people who approached him to talk about human rights would not face reprisals or harassment by security forces. The FCO, in its response to our report, said that it had emphasised to the Sri Lankan government that human rights defenders, journalists and members of the public, who met with ministers during CHOGM should not face any reprisals. It is not clear to us from this response whether the people who spoke with the Prime Minister had faced reprisals or been subject to harassment: we recommend that the FCO, in its response to this report, outline how it monitored whether people who spoke with the Prime Minister about human rights have faced reprisals, and whether the FCO has any knowledge of reprisal attacks on people who met the British delegation during its visit to Sri Lanka in November 2013.⁷³"

A Freedom of Information claim was submitted to the Home Office by an ITJP member, asking (a) if they had any information about reprisals and (b) how many Sri Lankans had submitted asylum claims alleging reprisals connected to the David Cameron visit and (c) the severity of the reprisal. The claim was rejected on the grounds that it would cost too much to process. An initial reply from the Home Office referenced Syria rather than Sri Lanka but was then corrected. A similar Freedom of Information claim was submitted to the Foreign and Commonwealth Office, which replied:

"The British High Commission in Colombo remains in contact with many of those who met the Prime Minister in Sri Lanka in 2013. High Commission staff have also returned to visit places including Uthayan Press and the Sapapathypillai Welfare Centre, to follow up on the PM's visit. We have no knowledge that any of those met by the delegation have experienced reprisals

⁷³ The FCO's human rights work in 2013 - Foreign Affairs Committee, accessed at <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmfaaff/551/55107.htm>

as a result of the PM's visit, neither have we received allegations of reprisals, credible or otherwise... We have consistently made clear to the current Sri Lankan government, as we did to the previous government, the importance of safeguarding freedom of expression and protecting human rights defenders. The Sri Lankan government have committed to uphold their international human rights obligations and to ensure that civil society, human rights defenders and activists are allowed the space to act freely".

At least five Tamil men suffered torture after participating in or organising these protests – three of them immediately after - and the other two later on but still in connection with their involvement in arranging protests during the Cameron visit. We have interviewed all five men who are now in the UK. Their asylum applications are pending and the information is with the Home Office.

Apart from suffering torture, several of the five witnesses also have close family members who disappeared at the end of the war and/or were abducted and disappeared after the war. One of the men described how his family had already been threatened to prevent them registering a disappearance complaint.

"During that time we approached the Bishop of Mannar who was collecting a list of the missing people. We gave my XXX's name, entered a complaint and requested help in finding him. The army discovered that we had made this request and they came to our house and told us to withdraw the complaint. About seven of them came in uniform and threatened to kill my mother unless our complaint was withdrawn."

(Witness 41)

For all five men the abductions took place in a similar fashion – being stopped by approximately five men and bundled into a white van or jeep, blindfolded and handcuffed and taken to a site where they were tortured and sexually abused.

The torture methods included being hung upside down and beaten, cigarette burns, branding with a hot metal rod and being suffocated by a plastic bag soaked in petrol, as this witness describes:

"They held my head from behind and put a bag full of petrol on my head and held it tight. This lasted about 10 seconds. It was burning and suffocating. The fumes were burning my eyes and skin. Things happened to me on many days after that but I can't be sure which ones. It was very hard to keep track of which days were which. For the first week it was always the same three men who tortured me. After that it was sometimes different people."

(Witness 39)

In all five cases there was sexual abuse and in some repeated anal rapes. This is how the men described the sexual torture they endured:

"They took my underwear off and made me lay on the floor on my back and they took a plastic pipe about 1.5 to 2" in diameter and forced it up my anus. They put it in and out two to three times. They took a wire about 1/4 inch in diameter. The one end was sharp. They forced it up my penis. I was screaming in pain. They pulled the wire out once. They took my penis and twisted like one would to wring out wet cloths. I was screaming in pain. They put petrol in a polythene bag and put it over my head. I lost consciousness. I woke up in that room. I do not know how long I was unconscious. The bag was not longer on my head. I was still naked. They gave me water and gave me my underwear to put on. They then took me and put my head in a half barrel of water and submerged it under the water two or three times causing me to choke but I did not lose consciousness. "

(Witness 77)

"I tried to stop him from coming near me but he pushed me. He made me lean over and hold onto table and then he penetrated me with his penis. He didn't talk or say anything while this happened. He ejaculated, there was a kind of liquidly stuff there. Afterwards it was painful in my anus. That sexual assault was repeated 3 or 4 times in the course of my detention. The torture did not

stop. The petrol bag was repeated two more times, and the submerging of my head in water was repeated about twice a week. They frequently kicked me in the body and stamped on me with boots on."

(Witness 41)

The witnesses were given clear warnings not to take part in political protests, including in one case campaigning for the presidential elections:

"They said I am trying to turn people against the government and diminish its reputation internationally. Mainly they were asking about my involvement in organizing demonstrations and in the LTTE. I was involved in the TNA's election campaign and that was public knowledge. I posted posters and distributed leaflets. My interrogators mentioned my TNA activity and said I shouldn't do this."

(Witness 117)

All the witnesses have close family members still in Sri Lanka who are at grave risk of further reprisals if they are identified. One also had a friend involved in political activity, who was killed in October 2014. The witness says his friend was involved in organising the Cameron protests in November 2013 and told him he had been threatened afterwards.

"In August 2014 my friend Nagulaswaran told me that he had been threatened by the army that they would shoot him. He was doing the same kind of work as me in Northern Sri Lanka. I came to know that he was killed by the Army in his home in Velankulam in October 2014⁷⁴."

(Witness Number withheld for Witness Protection Reasons)

⁷⁴ Mannar Bishop Condemns Killing of LTTE Cadre, 15 November 2014, UK Tamil News, accessed at <http://www.uktamilnews.com/?p=6266> reports on his death. Former Tamil Tiger rebel killed in Sri Lanka, PTI Nov 14, 2014, accessed at http://articles.economictimes.indiatimes.com/2014-11-14/news/56093092_1_tamil-tiger-liberation-tigers-tamil-eelam. Another version of the story suggests it is a dispute between Tamils: Naguleswaran killing not by Army, 23 November 2014, Ceylon Today, accessed at <http://www.bazeerlanka.com/2014/11/naguleswaran-killing-not-by-army.html?m=1>

In addition at least one sexual violence survivor abroad reported that a family member in Sri Lanka was physically attacked after the witness had taken part in a protest around CHOGM in the UK:

“While in the UK I took part in several demonstrations against the Sri Lankan government, including protests at the time of the Commonwealth Heads of Government Meeting in Colombo in November 2013. Men from the CID went to my parents' house and told my mother that they have evidence that I was working against the Sri Lankan government abroad. My mother told me this briefly on the phone. We do not speak much on the phone as we are concerned about the phones being tapped. My father was attacked by unknown people not long after.”

(Witness 35)

The reprisals after the Cameron visit are part of a pattern of intimidation of the families of the disappeared and activists who work with them. These include the well publicised arrests in March 2014 of Ruki Fernando and Father Praveen, as well as Mrs Balenderan Jayakumari who herself had demonstrated in Jaffna during the David Cameron visit⁷⁵. Mrs Jayakumari was threatened afterwards and then detained without charge for more than a year. Her son disappeared after surrendering to the army and, like some other families, she has a photograph of him in a “rehabilitation centre” for ex-LTTE members. The photograph was printed in a government report. She says this is proof that he was alive in government custody but has now vanished. She has yet to receive any explanation from the authorities about the fate of her son. A witness ITJP interviewed in the UK said he had seen Balenderan Jayakumari’s son alive in mid-2012 in a rehabilitation camp in Senapura in the east of the island. The witness said Mrs Jayakumari’s son was one of four young Tamils sent to the nearby Minneriya Army Camp to cook for soldiers there.

Several other witnesses reported to ITJP that they experienced reprisals and intimidation after they tried to search for missing family members from the war. After being abducted, tortured and raped, this witness was freed but all around her were too scared – and remain too scared – to search for the other

⁷⁵ Arrests of Sri Lankan activists condemned by Foreign Office , 17 March 2014 Channel 4, accessed at <http://www.channel4.com/news/sri-lanka-arrested-activists-fernando-mahesan-human-rights>

close members of her family abducted at the same time who have subsequently disappeared without trace.

“My family has been threatened to not complain about or look for me or spouse or son. They said that that they would be killed if they did. My family is afraid and thus did not look for my missing spouse and son. ”

(Witness 95)

Impunity is so entrenched that the authorities have actually told the families of the disappeared that their relatives never existed, as happened to this torture and sexual violence survivor:

“Recently one of the ex-LTTE members released from the rehabilitation centre informed us that my brother is alive. He is in one of the detention centres. The ex-member told my father it would not be safe for him if my father were to give his name to the authorities but said if you want you can ask them about your son. My father then went looking for my brother in that rehabilitation camp. He was told they did not have my brother there and he should go to the camp in Vavuniya. There he was told no such person was in detention. Afterwards my father approached UNHCR and international organisations to see if he could find my brother and he went to the police station to make a complaint but they wouldn’t accept it. After he tried to make the complaint the authorities came to our house, threatened him and pushed him and said why are you making a complaint about a person who does not exist?”

(Witness 5)

This degree of impunity does not bode well in a country that is still believed to have the second highest number of unresolved disappearance cases in the world⁷⁶ and where the UN has reportedly recorded 5,671 reported cases of wartime-related disappearance, not counting people who went missing in the final phase of the war⁷⁷.

76 Sri Lanka’s Disappeared Thousands, 29 March 1999, BBC online, accessed at http://news.bbc.co.uk/1/hi/world/south_asia/306447.stm and Scandal of Sri Lanka’s disappeared, The Daily Telegraph, 17 October 2013, accessed at <http://www.telegraph.co.uk/news/worldnews/asia/srilanka/10387036/Scandal-of-Sri-Lankas-disappeared.html>

77 SRI LANKA: Thousands missing three years after war ends, 18 May 2012, IRIN, accessed at <http://www.irinnews.org/report/95477/>

There has been a domestic Disappearances Commission, which received 19,000 complaints of disappearance from soldiers' families and Tamils. Some of the Tamil families have started boycotting its hearings in protest⁷⁸. A Tamil MP complained that all the Commission did was offer women chickens:

"It is in this background that this Commission on Missing Persons was appointed and I wish to categorically state that this Commission, the Paranagama Commission, has been a farce... This Commission has received nearly 20,000 complaints, but there is a great selectivity in the way that witnesses are called to give evidence here. I have seen personally, the moment a witness comes close to identifying the perpetrator in her evidence, immediately, the Commission intervenes and stops that evidence and starts asking about whether they have received some chicken or some goats for their livelihood, and invariably the mothers of the disappeared scream and say, 'I do not want a goat, I want my son back because I handed over my son to the security forces. I am an eyewitness to this. I, myself, handed the person over. I do not want your chickens, I do not want your goats'. That is the pain that they suffer and this Commission has done more to inflict pain on them than it has done to ease it."⁷⁹

Furthermore one of ITJP's witnesses had to flee Sri Lanka after a wife testified to this Commission that our witness had seen her husband in army custody on the last day of the war. Our witness was hunted down – not to testify to ascertain the truth but to silence him – and he had to go into hiding and then escape abroad to save his life.

78 Numbers of people disappeared in Sri Lanka conflict exaggerated: Head of probe panel, 12 August 2014, PTI, accessed at <http://www.dnaindia.com/world/report-numbers-of-people-disappeared-in-sri-lanka-conflict-exaggerated-head-of-probe-panel-2010083>

79 Speech made in the Sri Lankan parliament by Hon. M.A. Sumanthiran, 17 March 2015.

The Extensive Use of Informers

Many witnesses who lived abroad returned home because of family funerals or family weddings, or because they were told that President Rajapaksa had declared it safe for Tamils to return home. Some who had participated in Heroes Day celebrations honouring those LTTE killed in combat, or who had participated in lawful protests abroad, came to the attention of the security forces and were apprehended on their return to Sri Lanka, and severely tortured and sexually abused.

A security force insider testified since the presidential election in 2015 that military intelligence officials from Joseph Camp were actively looking for any Tamils returning home from abroad in order to interrogate them⁸⁰. The witness stated that the intention was to abduct, detain and torture them. We have obtained multiple photographs of informers and from showing these to witnesses who have recently arrived in the UK we know several informers are still active in the Vanni. This makes this period of apparent openness and reconciliation generated by the change of government one of great risk, especially when there is no demilitarisation or reduction in surveillance.

In addition to detailed state intelligence records, multiple accounts from witnesses and local activists in the North and East make it clear there are still informers in every village who report any movements in or out to the security forces:

“The most recent visit to my parents was in early February [2015] by military intelligence. They asked about my brother and me and they asked my dad to go to XXX army camp and interrogated him for three hours. My dad was hospitalised afterwards as he has high blood pressure. Before this incident the security forces visited four or five times. My parents would go to stay with relatives elsewhere to escape it – they were almost in hiding. As soon as they return home, someone informs the army and they appear the next day.”

80 Witness 118.

(Witness 90)

However the informers are not just villagers who report on their neighbours' movements. Hundreds of former LTTE cadres have been coerced into becoming informers for the security forces, after being tortured or threatened with torture. They have now been released into the community – and some sent overseas – to spy on their fellow Tamils for the Sri Lankan state⁸¹.

“The Army and CID were using cadres they had captured and they put them back into the Tamil community to identify other cadres. Then they would round them up. I did not personally see this but it was accepted as common knowledge.”

(Witness 12 discussing aftermath of war and resettlement from Manik Farm)

Informers undermine the cohesion of a community already traumatised by decades of conflict and senseless violence. They spread fear, distrust and betrayal at a time when gaping and festering divides need to be healed. Informers also hack at the fabric of the community, heaping trauma upon an already traumatised community.

Many witnesses who surrendered at the end of the war at the Wadduvakal Bridge or at Omanthai Checkpoint report being identified by informers, like this forced underage recruit to the LTTE, who was then forced to work for the Sri Lankan military as an informant himself:

“I was given sunglasses and a hat for a disguise so that the cadres would not identify me.”

(Witness 18 on being forced to work as an informer)

The extent of the Sri Lanka security forces' use of Tamil informers in the post-war period does not appear to be widely known. Many victims have assumed

⁸¹ ITJP-SL has the name and photograph of one such active Tamil (ex LTTE) informer for the Sri Lankan security forces now in Canada.

the Tamil collaborators they encountered in detention were members of the Karuna faction of the LTTE, which split from the LTTE in 2005 and joined the government. However a large number of informers were actually LTTE cadres from the mainstream movement active in the Vanni until 2009. These former cadres have been used as interpreters during interrogations and spotters brought into Manik Farm camp and the “rehabilitation camps” to identify and betray their former comrades. In some cases they have been actively involved in violence against other Tamils, including torture and sexual violence.

One witness reported 30 such Tamil informers being brought on a bus into his “rehabilitation camp” to screen the inmates. They were looking for leaders or detainees who might supply intelligence or had lied about the extent of their involvement with the LTTE. Another witness described informers being brought into his “rehabilitation camp” to be issued with false release papers so they could pretend to be released and return to the community to spy on others.

In the huge sprawling security force headquarters in Vavuniya, known as Joseph Camp, we now know there were at least 60 former LTTE members working for military intelligence near the end of the war and in its aftermath. CID had their own dedicated Tamil informers, as did other wings of the security forces. Several of the informers there were subjected to brutal torture themselves, including rape and threats to hurt their family members, in order to force them to cooperate. At least one informer was murdered by the security forces.

The use of masked or hooded informers has long been a notorious practice in Sri Lanka with one of the most potent images described in the book, *The Broken Palmyrah*, where a Tamil is forced to be an informer for the Indian Peace Keeping Forces in the late 1980s. The informer’s eyes are visible through the holes cut out in the hood through which he can be seen weeping. The image encapsulates the pain of the informer. There is even a special word in Tamil for informers: “noddors” or *Thaliyadi*, who are expected to nod to confirm that a suspect is LTTE.

“They brought in a person with a mask on. His face was completely covered with a long piece of cloth with gaps for eyes. I was brought in front of him and they asked him whether he knew me from the LTTE and he nodded his head.”

(Witness 5)

Multiple witnesses report seeing their former comrades working as informers at the passport office in Colombo and at the airport from 2009 onwards. One such informer is the Jaffna Sports organiser of the LTTE, known as Papa, who was last seen at the airport in 2013 by a witness who was as a result abducted, tortured and sexually abused:

“I have come to learn that after the war Papa began working for the security forces. I came to hear about that by reading it in the news. It is also common knowledge amongst the Northern Tamils. It is seen by me as a big betrayal especially after he convinced so many young people to join who then gave their lives for freedom and then for money he works with the security forces, those that harmed us, to identify cadres.”

(Witness 36)

What has particularly upset witnesses is that Papa had recruited some of them in the first place for the LTTE and in the final months of the war he was heavily involved in forced and child recruitment in the Vanni, before he switched sides.

“At Colombo airport I landed and was walking to the immigration counter from the gate. A man called out my LTTE name “XXXX”. I turned around to see who was calling my name. It was Papa, the Sports Leader of the LTTE. Our eyes met for a few seconds. Before, when I was in Kilinochchi, our paths crossed. We were in different units. We knew each other. “

(Witness 26)

Several of the witnesses we interviewed have been asked to identify other former cadres, either from photographs or in person. There is a huge degree of guilt and shame in admitting exactly how far they went in cooperating with

these orders. Several have given tragic accounts of randomly betraying completely innocent people to avert further torture, such as this man:

“There were four different occasions when they tried to make me identify people as members of the LTTE. They would take me out of the camp in an army vehicle to a residential place, a village for example, and point someone out and ask if I used to work with them in the LTTE. They would hood me to take me there, take the hood off and they would point at someone and I had to nod if I knew them. My hands were tied behind my back. The first time I said I didn't recognise anyone, but they beat and kicked me hard so after that I said I did recognise people because I knew I would be beaten if I said no. This happened 4 or 5 times in total.”

(Witness 41)

Forced to inform on others – whether the suspects had some connection to the LTTE or not – informers have to live with the terrible burden that they caused others intense suffering – and in some cases it did not stop the rapes the witness was being subjected to. In one such case the witness stated:

“I ended up pointing out some people as former cadres. I did not know if those persons were or were not former cadres. I would point them out and the army would take them into custody. I later heard them in the army camp screaming. I knew that they were being tortured and likely sexually abused. I feel very bad about that. I feel ashamed and am full of guilt for their suffering. The pain I caused to those 10 -15 people I pointed out still troubles my peace and my sleep. Despite my pointing out suspects to the army they continued to sexually abuse me.”

(Witness 103)

Sexual violence and torture – or the threat of them - are used to coerce former LTTE cadres to turn informer. The videoing of rape has also been used to coerce victims into becoming informers rather than have the video released in public to expose them:

"They did tell me on one occasion they took a video of me being raped and they could show it to people. They threatened that if I did not become an informant for them to identify former cadres, they would show the video. Indeed, they held up the phone and click to the video section and brought up a symbol of a video with an arrow to hit to play it. But they did not hit play. I believed that they indeed had a video of me being raped. Because of that threat I agreed to do so."

(Witness 103)

Persecution of Family Members

One of the questions we have asked Sri Lankan asylum seekers and refugees in Europe and Asia is about reprisals against family members back home. Worryingly the answers suggest the change of government in January 2015 has not significantly altered the harassment and intimidation by the Sri Lankan security forces in the former conflict areas. Indeed they point to on-going persecution. The government may have changed, but the Sri Lankan security forces are still very much in control of the north and east.

Of the 80 witnesses we specifically asked about reprisals, who had families remaining in Sri Lanka, 23 had a close relative who had suffered arrest and/or physical harm. The physical harm ranged from severe beatings to detentions, more severe torture, including gang rape, disappearance and killing. In other words, more than a quarter of torture survivors reported that their close family members in Sri Lanka had been badly hurt after they had escaped abroad.

Of the 80 witnesses, the majority also reported that their relatives had been visited, intimidated and questioned in their homes by members of the security forces after they had left Sri Lanka, most on multiple occasions. The intimidation of family members is, among other things, part of an on-going system to deter witnesses to crimes committed by the security forces from coming forward. Significantly, it is also eroding any vestige of trust in a future domestic accountability mechanism.

It might seem easy to dismiss the surveillance activities of the security forces as part of “normal security precautions” in a post-conflict area. However it goes way beyond acceptable security measures when a quarter of the witnesses say not only that they have been tortured, but their family members have also been detained, or beaten or tortured or raped, disappeared or killed afterwards.

Less visible is the emotional damage the reprisal attacks have on families, many of whom have already survived the last phase of the war. It is dreadful

enough that a parent should have to cope with a child being tortured and raped, or have to sell remaining family assets and means of livelihood or borrow money in order to ransom their child out of detention and send them abroad. It further compounds the trauma that they can no longer talk on the phone safely to their children alone in a foreign country to provide loving support. Worse still is when those remaining in Sri Lanka have themselves to live in fear, go into hiding or face physical violence fearing for their lives. This is a form of further and on-going persecution.

For the torture survivor abroad, the threat to their families back home makes it much more difficult to recover from their ordeal. Guilt that they are responsible for causing unending suffering to those they love often appears to be the trigger for suicide attempts once survivors have reached safety.

In one of the most shocking cases we have documented, the witness's father, suspected of being an LTTE supporter, was beaten to death after she had already been detained and raped, and then her remaining relatives were killed and she was detained and raped yet again:

"My mother telephoned me and told me that the authorities had said to her if she did not tell them where I was hiding she and my brother would be killed. She told me that I did not need to worry and that she would never tell them where I was. She assured me that somehow we would be able to look after ourselves. The next day, I was contacted by my mother's sister, my aunt, who told me that my family's home had been set on fire and my mother and brother died in the fire."

(Witness 38)

In another case, a torture survivor said his father was beaten by the security forces days after he had given an interview to the media about the civil war for the anniversary in May 2015. His father, who was otherwise healthy, died a few days later; a death certificate and medical records were supplied. The witness had tried to kill himself on learning the news. He said he had no idea that the consequences of his actions could be so drastic for his family:

“Around 4 people on a motorbike came to my house and took my father and assaulted him saying ‘Your son is actively involved against the Sri Lankan government: we already warned him and he is still actively working against the government’. When he was beaten he screamed and some people rushed there and the assailants fled. Due to the assault he was injured on his head and body. They left him. My father was taken to hospital in XXX. He was treated there however he died on XX May 2015. My dad was strong and healthy.”

(Witness 114)

In addition to the suffering of the individual survivor, it is important to look at the ordeal of their family as a whole. Among the 8 witnesses tortured and sexually violated in 2015, two had a close relative whom they said had been killed or disappeared while the relatives were in state custody, five had a close family member they said had been detained previously and two had siblings who had disappeared. In two cases they themselves had been detained and tortured or raped in the past. This small sample gives a glimpse into the fact that these are not isolated incidents pertaining to an individual but are part of an on-going continuum of suffering of Tamils since the end of the war.

Witnesses who are arriving in the UK in 2015 also report high levels of surveillance and monitoring in the north of Sri Lanka. Significantly, the intimidation and harassment does not appear to have stopped or diminished after the change of government in January 2015.

Thirteen of our 80 witnesses reported that their families had gone into hiding as a result of threats and harassment. In some cases female torture and sexual violence survivors said they had lost touch completely with their husbands who have been forced to move many times to protect themselves. It is not the case that the husband has rejected the wife after she has been subjected to sexual abuse, but rather that he has been forced to save himself. This is particularly difficult for mothers with children who ask where their father is and why they cannot speak on the phone.

"I spoke to my brother three or four days ago. He confirmed that they continue to watch our home on a regular basis - daily or every other day. They drive by and visit...I do not call my family on their home number but through a third person for fear that my family will be harmed if the army is monitoring our calls."

Witness 95 (speaking in 2015)

"Since the presidential election in January 2015 they have been back to my home two times. The last time was men wearing army uniforms. The first time after the elections they were in civilian clothes but didn't say who they were... The last time they visited my family someone in the vicinity took photos of the men who questioned my father. I have those photographs here."

Witness 88
(speaking in 2015)

"The CID visited my home in Jaffna recently to harass my mum and dad. A month ago they came - after the presidential elections. They visited my parents before too - it's up and down. They asked about my whereabouts and for my contact details. My parents said they had no clue where I was. My family speaks to me through my cousin - passing messages and once I spoke to them on my cousin's phone."

Witness 25 (speaking in 2015)

"Military intelligence has come to my home five or six times. The last time was after the election. They demanded to know where I was. My family said they hadn't heard from me and didn't know where I was. The army said if they don't produce me, they would take my wife instead and detain her. My wife and children had to go into hiding."

Witness 96 (speaking in 2015)

"Four or five months ago the CID interrogated my parents about me. My mother has moved away from her house and even the relatives staying in her house don't know where she is now. "

Witness 2 (speaking in 2015)

"They visited many times. Soon after my escape they started visiting my home twice a month on average. I don't have much contact with my family due to this. Even when they call me, my family is frightened to talk to me. The most recent time they harassed my family was at the end of 2014. Although my family went into hiding, they harass them still and know where they are and visit them in person."

Witness 28 (speaking in 2015)

"I have been told that after I left Sri Lanka the CID and army have been to my house looking for me. They asked my parents where I am. They came several times so my parents and sister have moved to another address. My husband is not with them. I do not know where my husband is at the moment."

(Witness 23)

"My uncle said that my husband told him that it would be better for my safety for me to leave the country and he could look after himself. I have not seen or communicated in any way with my husband since I was abducted XXX 2013."

(Witness 12)

Many asylum seekers are men who travel abroad first in the hope their families can follow once they are granted status. Some torture survivors abroad have to live with the knowledge that their wives are being threatened. This adds to the pressure of not knowing if they will be granted asylum or returned to Sri Lanka where they fear they will face further interrogation and abuse. Some male torture survivors report that their families have paid bribes to the security forces to prevent their wives being detained and hurt. Others describe how their parents or in-laws have had to move at night to stay with their wives in the hope of protecting them.

Multiple Members of Same Families Tortured

Shockingly, in a surprising number of the cases, both husbands and wives had been tortured - and often sexually violated too - during separate periods of detention.

"My wife's uncle told me not to contact my family after I was released because it might cause them trouble. I learned from him about a year later that on the day following my escape from detention my wife was arrested by military intelligence and detained for a month at an unknown place. They beat her so

much she had to be taken to hospital. She'd been hit with the butt of an AK47 rifle and it knocked out two of her teeth."

(Witness 89, speaking in 2015)

"My wife was questioned about my whereabouts on three occasions; the second time they beat her so much she was hospitalised. My wife and child had to move. I haven't spoken to my wife recently for her own safety – only to my uncle – whom I last spoke to in mid-2014."

(Witness 82, speaking in 2015)

Couples typically found themselves unable to discuss their ordeals with one another, the abuse creating a vast gulf in otherwise loving marriages.

"About one month later they came back looking for me and when I was not there they abducted my wife. She did not know where they took her. My wife later told me that she was ill-treated and beaten and raped during the interrogation by the CID. About two hours after the abduction CID brought her home and dropped her off and left. I was hiding outside the house but I could see her being released. Once they left, I went into the house and saw my wife. I saw that she was very upset and near collapsing. She was wearing a dress. She took off the dress and I saw many scratch marks and bite marks on her hands, breasts, arms, shoulders and back. She was bleeding from some of the wounds. She told me that she had been raped. I asked her how many times but she did not answer other than saying that she was raped by three CID men. I took her to the XXX hospital immediately. They took her into intensive care right away. The local police did not come. When I asked my wife for other details she told me that she did not want to talk about it anymore. She has not spoken of this since."

(Witness 77 speaking in 2015)

While compiling this report, we received evidence that the wife of this witness cited above had been called to report to the local army camp again – this was after the change of government in January 2015.

Another witness, herself later abducted in a white van, tortured and sexually violated, described what it was like to deal with her husband once he was released from detention after torture:

“My husband was a totally different man when he came out of the camp than the man I knew from before. He looked and acted so differently. He did not volunteer information about what had happened to him since I last saw him and when I asked him specific questions he evaded them. It was like he was in a daze. He had a lot of deep scars like from fingernails on both arms. I asked him about the marks on his arms. He gave me no answer. I did not see any visible new scars on the rest of his body. At times he would show his love and affection then get angry rapidly for no apparent reason. He was not keen for any sexual relations. We rarely had sex.”

(Witness 12)

There are several cases where a witness was picked up and tortured because the authorities were looking for their sibling who had fled the country after being tortured themselves. In addition we found four cases where our witness was detained after their sibling had been detained first, which suggests these were reprisal attacks.

“After I left Sri Lanka my sister was abducted by the military and held by them for four days. They released her only after they had made her and my family give them details of where I was, my passport and visa details and also some money for her release... When I heard that news about my only sibling I could not bear it. I felt so bad and so guilty that I tried to harm myself. I tried to hang myself with a towel, but my cousin found me and stopped me doing this.”

(Witness 13)

“They last visited my parents a couple of months ago and asked about me. They said I’d got married and lost touch. Soon after my escape, my sister was taken to the XXX camp and detained for a day and interrogated.”

(Witness 91, speaking in 2015)

There are also cases where a parent, child or other close relative has been threatened, physically abused, abducted, disappeared or even killed. In one case an adult child was abducted and money extorted for his release. In another case, a mother was threatened that if she did not agree to have sex with a senior military officer, her young daughter would be raped instead. In one instance a baby's life was threatened by soldiers who forced its mother to go to be raped by their superior officer.

Sometimes a reprisal attack is triggered when a witness asks about the whereabouts of a disappeared family member or when they have witnessed the killing of a family member. Often it is the elderly parents of young torture survivors who are beaten, detained or in some cases disappeared or killed in retaliation attacks.

Implications

These findings clearly raise serious concerns for diaspora groups, human rights organisations, NGO's and journalists who purposefully or inadvertently identify a Sri Lankan torture survivor in public. Even if the survivor is considered to be safe abroad, this research makes it clear his or her family inside the country is still very much at risk. Witness protection in this context is not just about removing the names of survivors from documentation. The authorities likely have detailed records of the dates of every detention and place of abduction as well as the background life and identifying details of each torture survivor. The fact that they released the detainee on payment of a ransom does not mean that the security forces will delete these records because the corruption is not the action of one individual officer who needs to cover his tracks but rather part of a systemic institutionalised corrupt system involving multiple wings of the security forces.

“The CID visited and searched our home and burned a motor bike in the garage. They asked about me. They hit my dad with steel rod. They came a couple times and threatened them each time. The most recent time was about one year ago. My family now lives elsewhere. I do not call them because I am afraid that my call will be traced and harm will come to my family.”

Witness 75 (speaking in 2015)

“After I left Sri Lanka my mother and uncle were harassed and threatened. My mother was taken into custody after I went abroad and I lost contact with my mother. I could not find her. My uncle did not know where she was. I do not communicate with my uncle because of fear that I may cause problems for them with the security forces.”

Witness 74 (speaking in 2015)

"Since I left Sri Lanka the CID and army officials have been looking for me. They visited my parent's home on a number of occasions asking for me and then on XXXX date army officers took my father from home. My mother informed me about this only some weeks after it had happened. When I heard this in the UK, I became frustrated and desperate and felt my life was not worth living. I took an overdose and tried to jump out of the upstairs window to end my life. The people I was staying with prevented me. I was taken by ambulance to hospital. "

Witness 4 (speaking in 2014)

"Last year the CID went to my house and asked my father to come for interrogation. They threatened my father and asked about me and my brother. Then he was beaten by them. A friend of the family told me what had happened. When I heard this my mental health worsened. I feel so depressed and worried and I feel guilty that my parents are suffering because of me. I wanted to end my life. In December I tried to kill myself by taking an overdose and cutting my wrist. I was taken to hospital. "

Witness 5 (speaking in 2014)

"The Sri Lankan authorities arrested my father after I left. I felt so bad that everything is because of me. The security forces had visited on more than ten occasions before they arrested him – they were looking for me. Court summons came to my home twice. I felt so embarrassed. I felt so ashamed. I took an overdose of thirty or forty paracetamol."

Witness 17 (speaking in 2014)

V. Conclusions

The Sri Lanka government has spent years hiding the extent of torture and sexual violence perpetrated by its security forces behind claims of having a “zero tolerance policy on sexual and gender based violence” much as it once claimed to wage “ a zero civilian casualty war” .

Our first report, *An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014*, concluded that the abduction and arbitrary detention of witnesses by the Government of Sri Lanka and its agencies were a clear violation of Article 12 of the Universal Declaration of Human Rights and Articles 9; 9(1); 9(2); 9(3); 9(4); and 9(5) of the International Covenant on Civil and Political Rights (ICCPR), which contain provisions to safeguard against arbitrary detention and abuse in detention⁸². It also concluded that the evidence we had gathered then pointed to the security forces of the Government of Sri Lanka having violated the rights of the witnesses through torture, rape and sexual violence, cruel and inhuman and degrading treatment.

This further study has added more evidence on which to make the same conclusions, namely a larger base of victims spread out in more countries, as well as several key security force and government insider witnesses including, informers, soldiers and a “white van” operator to corroborate their accounts.

The evidence demonstrates a pattern of widespread and systematic torture, rape and other forms of sexual violence, cruel and inhuman and degrading treatment, terrorisation, illegal detention, killings and enforced disappearance, and persecution, which continue to be committed six years after the end of the war by the security forces of the state of Sri Lanka against civilians in Sri Lanka.

⁸² 112th Session of the Human Rights Committee, Consideration of Sri Lanka’s 5th Periodic Report under the International Covenant on Civil and Political Rights, 7-8 October 2014, accessed at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_AIS_LKA_18459_E.pdf

This pattern, as set out in detail in the 2014 report, suggests the commission of crimes against humanity which is planned and coordinated by the state and by individuals who operate as part of the state security forces. It is institutionalised and systematic.

Command Responsibility

Those in positions of authority who ordered that these crimes should be committed and whose orders were followed in committing these crimes would be individually criminally responsible for the commission of these acts as crimes against humanity.

Those who facilitated, solicited, induced, or aided and abetted in the commission of these crimes would be individually criminally responsible for the commission of these acts as crimes against humanity.

A military commander (any commander of any branch of the security forces could qualify as a military commander) whose subordinates under his effective authority and control commit these acts, who knew or should have known that his subordinates were committing these crimes, and who failed to prevent or punish or submit these allegations to the competent authorities, and as a result of his failure in his duty the acts were committed, would be individually criminally responsible for the commission of these acts as crimes against humanity through the theory of command responsibility⁸³.

Similarly, any superior whose subordinates under his effective authority and control commit these acts, who knew or consciously disregarded information which clearly indicated that his subordinates were committing or were about to commit such acts which were within the effective authority and control of this superior, and who failed to take all necessary and reasonable measures within his power to prevent or repress their commission or to submit to the competent authorities for investigation and prosecution, would be individually criminally

⁸³ See, Rome Statute of the ICC, Article 28. See *also*, Women's Initiatives for Gender Justice, Modes of Liability, pages 88 to 96 for a detailed description of the current status of the jurisprudence regarding superior responsibility.

responsible for the commission of these acts as crimes against humanity through the theory of superior responsibility⁸⁴.

Impunity

Six years after the end of the war, the widespread and systematic nature of these attacks on Tamils (and a few non-Tamils) suspected of ties to the LTTE goes well beyond punishment or revenge. These attacks speak of a government-supported effort to annihilate by any means the LTTE and subjugate the Tamil population that once supported them.

Abduction, torture and sexual violence, as well as reprisals and persecution, are all part of the machinery of control, used to dehumanise and humiliate Tamils. The aim is to spread terror among the population through violence, fear and humiliation so that its members will never dare raise their heads to demand their rights for the future or justice for the past. The perpetrators have such a high degree of impunity that systematic torture, including rape and sexual violence, has become elevated to an industry and is now part of a state-run machinery of corruption and extortion that any new government will find hard to rein in now.

Families are repeatedly violated in several different ways – from being forced to go into hiding, to multiple members being abducted and raped and parents becoming impoverished and losing their means of livelihood in order to pay officials to extract their children from torture cells. The population is powerless to protest and their representatives often find themselves reduced to acting as middlemen to organise the ransom to secure a detainee's release and help them escape the island. When families ask for information about a person who has disappeared they risk being abducted themselves or told the person never existed.

That we can piece together such a compelling body of evidence from outside the country, identifying multiple torture sites, including secret camps, figures

⁸⁴ Ibid.

with command responsibility as well as individual torturers and rapists, shows how little political will there is to do this work inside the country. Unlike the investigative authorities inside Sri Lanka, we do not have powers of subpoena or wire taps, large funds or numerous staff but we do have the trust of victims and witnesses, thousands of whom are now outside the country. The evidence is here, fully documented, and this is only a representative sample of its scope. The question remains: will Sri Lanka and the international community take any genuine steps to ensure accountability and justice for these violations? Or will the complete lack of accountability, the continuation of the militarisation and state oppression by the security forces, and the terrorisation of the Tamil population, and in some cases Muslim or Sinhalese who support them, continue?

Sadly, the only reasonable inference is that despite the high hopes that came with the change in government in 2015 that the culture of impunity would be pierced and the rule of law would prevail in Sri Lanka, the suffering inflicted on Tamils by the security forces will continue unless there is strong, effective and meaningful international intervention.

Accountability

Given there already have been two UN inquiries into the conduct of the end of the war (UN Panel of Experts and OISL), sufficient evidence from witnesses who are already safely abroad exists from these two inquiries, as well as that gathered by ourselves, other INGO's and local NGOs. This body of evidence that now exists can be presented to a competent independent body for their consideration for drafting indictments and international arrest warrants. There is no need for yet another Presidential Commission of Inquiry which would cause increased and unnecessary delay, risk and trauma for victims and witnesses and their families and financial costs, that are better dealt with by other justice mechanisms or processes which can deal with those cases which will never come before the courts.

Sri Lanka has a very poor record of achieving truth or justice through the various Commissions of Inquiry it has established in the past with no

accountability of any kind domestically for any past violations. The last domestic initiative that involved an international component - the Commission of Inquiry into 16 cases, including the massacre of the ACF aid workers and the murder of five Trincomalee students in 2006 - was an abject failure, primarily due to serious witness protection issues. The 11 members of the International Independent Group of Eminent Persons (IIGEP) who had been invited by the President to observe his "independent" commission and to ensure that the commission conducted its investigations according to international norms and standards, all resigned in early 2008 for a number of reasons, the most important of which was that it was of their view that the commission had repeatedly failed to meet international norms and standards. One of the key concerns of IIGEP was the role of the Attorney General, who played the role of chief legal adviser to the army, police and President and was thus in a conflict of interest, especially when the commission was tasked to investigate why the initial investigations into the 16 cases were failures in the first place and the Attorney General's office was involved in those investigations. Throughout its mandate, IIGEP attempted but failed to have officers of the Attorney General's office removed from the inner workings of the commission.

Furthermore, an accountability mechanism, whether in the form of a 'Truth Recovery' process and/or criminal prosecutions located in Sri Lanka, presents serious problems for witnesses' safety, not just during the process, but after it concludes its work. In addition most of those who testified to the UN OISL Inquiry are offshore and would not want to return to the country to be part of a process there unless their safety and that of their families was guaranteed. In the current climate of ongoing violations and reprisals that is impossible.

The context of Sri Lanka is different from the context of other countries in transition as many of the alleged perpetrators and their authority structures are still in place, still wielding power or great influence, still allegedly committing ongoing violations, and still for the most part Sinhalese. The Rajapaksa and the Sirisena governments have both refused cooperation with the UN OISL Inquiry. The pattern of recalcitrance and complete state sponsored denial of any wrongdoing has resulted in the international community lowering the standards for government cooperation.

Given these past experiences, UN agencies and international NGO's should not be seduced once again into offering technical assistance to the Government of Sri Lanka to establish a domestic accountability mechanism in the current climate of grave ongoing violations, especially if there is no independent robust, empowered and fully funded international accountability system in place. The failure to address accountability is not due to a lack of technical expertise but rather one of political will. Thus an accountability mechanism based in Sri Lanka creates the real risk of needlessly putting witnesses' lives in peril, without establishing the truth or securing justice for them.

As IGGEF put it, "international standards call for a separation between commissions of inquiry and those agencies or persons who may be the subject of such investigations or inquiries". It is difficult to see how a government comprised of civilian and military figures in positions of responsibility at the time the crimes were committed can investigate itself impartially while still intimidating witnesses and committing fresh violations.

Standards Required

In the current environment of persecution of victims and witnesses any hybrid justice mechanism must be established on the basis of the highest international standards that guarantee complete independence and are monitored very closely. It would need to have at a minimum the following:

- A President of the court and a court composed of an equal number of international judges, international prosecutors, international investigators and international witness protection experts (with an effective program being developed to meet the unique situation in Sri Lanka and management experts with law enforcement-style powers of protection of witnesses and their families) working in partnership with local Judges, prosecutors, investigators and experts in order to ensure that it is truly hybrid. In order to ensure that decisions do not become hostage to the composition of the court, the President of such a court should be an international. Both the internationals and the locals should be the subject of a genuinely independent screening and vetting process comprising the

President of the Court and a UN body. This type of hybrid mechanism would need to have its own statute and mandate, its own rules, independent funding and the power to pass criminal sanctions up to a maximum of life imprisonment and, among other things, recognise principles of command responsibility as well as the crimes of aiding and abetting as defined by the Rome Statute and the issue of co-perpetration or joint criminal enterprise. The sentences would need to be served outside the country by those convicted.

- The witness protection mechanism would need to be fully independent including its funding, from the government and have law enforcement powers and funding for resettlement of witnesses outside Sri Lanka where necessary.

- There would need to be in place some method of taking evidence from witnesses outside the country, whether through a mobile branch of the mechanism or an off shore branch, or testimony by video conference and in a manner that provides the witnesses abroad safety as well as their families back home.

- There would need to be funding for extensive outreach, which must be comprehensive and robust.

- The inclusion of domestic practitioners who are of Tamil origin and/or who have no affiliation with the authority structures, and have never worked for the government in any way.

- Each and every Sri Lankan appointee would need to be vetted by the UN/international leadership of the Tribunal to ensure there is no connection between past alleged crimes and these individuals or any other conflict of interest. Under no circumstances can any individual who was part of the security forces structure previously serve as members or staff on the hybrid tribunal.

- Investigators working for the hybrid tribunal must have full and unfettered access to any and all evidence from any and all sources including that of the security forces and all branches of government and should be empowered and authorised to conduct searches, seizures, and interviews of any and all individuals within or outside the government and security forces structures, without any prerequisite procedures (such as waivers of immunity and the like.)

- Interpreters of an internationally recognised standard must be used to enable witnesses to testify in all three languages of Sri Lanka and a quota system for Tamil speaking staff applied. Documentation and records should be kept in three languages.
- The Sri Lankan military must be compelled to make available to the Tribunal all evidence in its possession or control, including but not limited to all drone and video surveillance footage from the war, all electronic signals communications and records, as well as wireless recordings and transcripts and situation reports, satellite material and also radio intercepts of the LTTE by the SLA. It should also make available all files from rehabilitation and detention facilities including interrogation and confession records.
- Crimes considered should be war crimes and crimes against humanity and other grave breaches of human rights under both domestic and international law should date back in temporal jurisdiction to at least 2005 and include the concluding phase of the war in the East as well as in the Vanni and should extend until the present day.
- Any mechanism established should have full and complete control over all documentation and evidence collected and used in the course of proceedings (pre-trial, trial and post trial).

Any accountability mechanism established in Sri Lanka must also be preceded by the following basic reforms and conditions:

- Security Sector Reform process that includes the security sector, the judiciary, the Office of the Attorney General and the prison system
- The repeal of the death penalty.
- The repeal of the Prevention of Terrorism Act.
- Ratification of the Rome Statute and the incorporation into domestic law of international crimes, including criminalising war crimes and crimes against humanity and adding procedural provisions of command responsibility similar to those found in the Rome Statute. This must be done before any domestic or hybrid Tribunal is established.

- That there be no statute of limitations in relation to the crimes.
- That no head of state secures immunity from prosecution.
- That the right to reparations for victims be legislated.

Squandered Opportunities

The Human Rights Council in March this year deferred the OHCHR report in order to provide the new Sirisena government an opportunity to put in place measures to address ongoing violations and accountability for violations committed during the final phase of the war. The new government also committed itself to establishing an appropriate transitional justice programme in consultation with victims so as to address impunity and deal with accountability. An appropriate transitional justice programme has the potential to rebuild the trust of citizens in the institutions of the state. However these steps have either not been taken at all or not taken effectively. Measures should have included law reform ensuring the independence of the Judiciary, the office of Attorney General and the prosecutorial services. The witness protection act should have been revised so as to properly afford victims and witnesses protection if they came forward to testify. Sadly the new government has not addressed impunity, which is rife in the country and squandering good will and opportunity. Frankly victims do not trust the state and its institutions.

Reconciliation

Ultimately reconciliation is about finding ways for people to live together without fear, where the state has restored their rights as citizens, and where equality and right to freedom are entrenched and respected irrespective of religious beliefs or ethnic identity or which side of the political spectrum one comes from. Reconciliation, while a worthy aspiration, cannot be embarked upon while a campaign of persecution is still underway and impunity continues unabated. This is a still unfinished war.

VI. Recommendations

Call to UN Secretary General, Ban Ki Moon, ICC Prosecutor, SRSG on Sexual Violence in Armed Conflict, and the Donor and International Community:

In accordance with the UN's zero tolerance policy for sexual abuse and as a preventative measure as set out in the Secretary General's report in March 2014⁸⁵, and in the light of the credible allegations of torture, rape and sexual violence committed in the period following the end of the conflict in 2009 set out in this report and our previous report, we call upon the UN Security Council to refer both reports, which indicate reasonable grounds to believe that crimes against humanity are occurring in Sri Lanka, to the Prosecutor of the International Criminal Court for further action against those who bear the greatest responsibility. Alternatively, we urge the ICC Prosecutor to explore the cases of individuals who bear the greatest responsibility. We also call upon States who are signatories to the Rome Statute to refer these cases to the ICC Prosecutor urging her to open a file.

Second, we call upon the Secretary General's Special Representative on Sexual Violence in Conflict and the Special Rapporteur on Torture to arrange a visit to Sri Lanka and initiate a special inquiry into rape and sexual violence with the mandate to report back to the relevant UN bodies on the allegations raised in this report.

Third, we call upon the UN Department of Peace-Keeping Operations to immediately suspend Sri Lankan police and military involvement in UN peacekeeping missions, pending an independent international inquiry into allegations of current, systematic and widespread sexual abuse by the security

⁸⁵ UNSC, Conflict-related sexual violence, S/2015/203, 23 March 2015.

forces in Sri Lanka, noting that it is not sufficient to screen individual officers when there is a large body of evidence of a pattern of widespread and systematic sexual abuse of detainees by members of the security forces and collusion amongst multiple branches of the forces at high levels within the Government of Sri Lanka.

Fourth, we call upon international bodies such as OHCHR and ICRC not to offer the Sri Lankan government technical assistance on human rights without at the very least an effective monitoring mechanism, such as the appointment of a Special Rapporteur or a Special Envoy. Given the level of threat to witnesses, recommendations should take account of internationally accepted witness protection standards that would not only protect witnesses but also their families remaining in Sri Lanka.

We call upon Member states having universal jurisdiction over torture, rape and sexual violence to initiate prosecutions against identified perpetrators who bear the greatest responsibility, taking note of the need for witness protection measures as set out above.

Further Actions:

National Governments:

All decision makers within national asylum procedures should have careful regard, when seeking to evaluate risk on return to Sri Lanka in an individual application for asylum, reports produced by well-established NGO's on the position of returnees and current UNHCR guidance on country conditions in Sri Lanka. Furthermore, it is imperative that all Sri Lankan asylum seekers should, prima facie, have access to full national asylum procedures. Given the concerns highlighted in this report about the treatment of detainees, asylum applications should proceed on the basis that they are well founded with the consequence that it is inappropriate to subject them to accelerated asylum procedures.

The European Union:

Subject to witness protection concerns, a cross-border Europe-wide study should be established to investigate cases where Sri Lankan asylum seekers have entered one member country, failed to get asylum, returned to Sri Lanka and were tortured and then fled back to that country or to a second European country to claim asylum. There is currently no system to detect this phenomenon or for member states to know the results of their decisions.

Donor countries:

Countries that funded projects connected to the government's rehabilitation programme in Sri Lanka should immediately commission an independent probe into the rehabilitation programme and audit whether their funding in any way made them, or continues to make them, complicit in the torture, rape and sexual violence of detainees by members of the security forces.

Internationally funded human rights training programmes for the Sri Lankan police and military should not be conducted henceforth until there is an independent audit of their effectiveness.

Tamil Diaspora Communities:

Tamil Diaspora Communities need to take further steps to address the social stigma surrounding sexual torture for both men and women, as well as be available to help the survivors and their families access medical and psychological support.

Diaspora Communities need to be extremely mindful of the security risks to individuals abroad and their families in Sri Lanka when asking survivors of torture to participate in media interviews or protest in demonstrations abroad.

We have a large body of credible evidence that Tamils who have demonstrated abroad have been abducted and tortured upon return to Sri Lanka. Family members remaining in Sri Lanka of those who protest or speak out in the media about torture from abroad are also being killed, disappeared, physically hurt or threatened. There are drastic adverse consequences to innocent people involved in identifying victims in public, even if they are safely abroad and give consent.

“In Sri Lanka there is a mythology surrounding what are called the ‘white vans’. Whenever a person who is an opponent, a critic of the government or a suspected LTTE member goes missing, it is blamed on the ‘white vans’. I can say that my special group ...ran the white van operations as directed by Gotabaya. We would put a sack over their heads; we would tie their hands behind their back. We would perform a number of actions to get the person to talk.”

Witness 47

“At Joseph Camp we had about four such vans. These vans did not have license plates and all the side and back windows were tinted. No one could see inside. All of our vans were Toyota Hiace models. When were ordered to abduct a specific target we never wore uniforms. We always looked like ordinary civilians...When we abducted a person they would immediately be tied up and blindfolded. This was so they did not know where we were taking them. We were never masked. We were not afraid of being identified or later tried in a court for what we did.”

Witness 67

This report is based on 180 cases of torture and/or sexual violence in post-war Sri Lanka. It indicates that the security forces in Sri Lanka are continuing to operate a policy of systematic and widespread arbitrary detention, torture, rape and sexual violence, six years after the end of the civil war in 2009. The evidence gathered by ITJP points to the commission of crimes against humanity and other serious violations of human rights by the Government of Sri Lanka and its security forces as recently as July 2015.

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