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Freedom from Torture
Medical Foundation for the Care of Victims of Torture

Tainted Peace: Torture in Sri Lanka since May 2009



Freedom from Torture

Summary Version
August 2015

Freedom from Torture

Freedom from Torture is the only UK-based human rights organisation dedicated to the treatment and rehabilitation of torture survivors. We do this by offering services across England and Scotland to around 1,000 torture survivors a year, including psychological and physical therapies, forensic documentation of torture, legal and welfare advice, and creative projects.

Since our establishment in 1985, more than 57,000 survivors of torture have been referred to us, and we are one of the world's largest torture treatment centres. Our expert clinicians prepare medico-legal reports (MLRs) that are used in connection with torture survivors' claims for international protection, and in research reports, such as this, aimed at holding torturing states to account. We are the only human rights organisation in the UK that systematically uses evidence from in-house clinicians, and the torture survivors they work with, to hold torturing states accountable internationally; and to work towards a world free from torture.

Survivors Speak OUT network

Survivor Speak OUT (SSO) is the UK's only torture survivor-led activist network and is actively engaged in speaking out against torture and about its impacts. Set up by survivors of torture, for survivors of torture, SSO uses first-hand experience to speak with authority for the rights of torture survivors. The network is supported and facilitated by Freedom from Torture and all network members are former Freedom from Torture clients.

To find out more about Freedom from Torture and the Survivors Speak OUT network please visit www.freedomfromtorture.org

Or follow us on Twitter [@FreefromTorture](https://twitter.com/FreefromTorture) and [@SSOonline](https://twitter.com/SSOonline)

Or join us on Facebook <https://www.facebook.com/FreedomfromTorture>

Front cover photo: A Sri Lankan soldier stands in front of a war monument in Kilinochchi, Sri Lanka.

Back cover photo: A Tamil, who is a survivor of torture at the hands of Sri Lankan security forces, displays significant burns on his back.

Photos: Will Baxter <http://willbaxter.photoshelter.com>



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Findings of this study indicate that torture is widespread in state detention and occurs in facilities throughout the country under the control of the military, police and intelligence services. One hundred and forty-eight people were detained and tortured in state facilities of different types located in fifteen districts and seven of the nine provinces of Sri Lanka.

SRI LANKA

Torture was perpetrated
in fifteen districts of Sri Lanka

 Anuradhapura	 Ampara
 Mannar	 COLOMBO
 Mullaitivu	 Kilinochchi
 Vavuniya	 Trincomalee
 Galle	 Jaffna
 Gampaha	 Kandy
 Batticaloa	 Puttalam
 Kurunegala	

Introduction

This report is about torture practised by the military, police and intelligence services in Sri Lanka. It is based on a study conducted by Freedom from Torture of 148 Sri Lankan torture cases forensically documented by expert doctors in our Medico-Legal Report (MLR) Service, in accordance with the standards set out in the UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (known as the 'Istanbul Protocol').

The 148 cases all involve torture perpetrated since the end of the Sri Lankan civil war in May 2009. Together they reveal a disturbing picture of a tainted 'peace' in Sri Lanka.

The full research report is available to download at:

www.freedomfromtorture.org/srilanka-report

Our research demonstrates that torture did not end when the fighting stopped. Rather, torture - including rape and other forms of sexual torture and extensive burning - remains integral to the machinery of repression in Sri Lanka and continues to be perpetrated with impunity.

The forensic evidence presented in this report covers torture committed in Sri Lanka from May 2009 to September 2013 but cases of more recent torture, including from 2014 and even 2015, have since been referred to Freedom from Torture. In 2014, for the third year in a row, Sri Lanka was the top country of origin for those referred to Freedom from Torture for clinical services.

For decades we have worked with Sri Lankans tortured under successive political leaders and we know from this experience that torture is an entrenched part of the state apparatus in Sri Lanka. Eradicating torture in Sri Lanka will require a radical transformation which has not been possible in the country yet despite political developments, including the change of President in January 2015.

Case study

“They were waiting for me at passport control.”

John, now 25, spent four months with the Liberation Tigers of Tamil Eelam (LTTE) after being indoctrinated and recruited by an older man while he was studying for his A-levels aged just 18.

He took just a few t-shirts and jeans - he didn't tell his parents.

At the LTTE camp he completed his basic military training and then worked as a cook and cleaner.

John was captured by the Sri Lankan army after his first battle. He was taken to Boossa camp where he was detained and tortured for four months.

John was released when his father paid a bribe but was re-arrested by police several months later and was detained, held in solitary confinement and tortured for another year.

In November 2010 on discovering his son's whereabouts John's father, again, paid an agent to get John out of prison. He then came to the UK with a student visa.

In London he stayed with a cousin and attended English lessons at a college.

“When my mum and dad asked me to consider coming back to Sri Lanka, my heart jumped. I missed my family and they clearly missed me and wanted me home.

“The war had been over for three years and my parents thought it would be safe for me to return. I didn't expect any problems. I had been out of Sri Lanka for two years and only had a very limited involvement with the LTTE.

“I boarded a Sri Lanka Airways flight in London destined for Colombo. When we arrived they were waiting for me at passport control.

“I was held at the airport for five hours, they asked me again and again ‘What were you doing in London against the Sri Lankan government?’, ‘Who is organising protests in London?’. I realised that I was being held because I attended anti-government protests while I was in London - I don't know how they knew that.

“When then President Rajapaksa visited London in 2012 I took part in a demonstration against him. There were hundreds of us there, I have no idea how they identified me.

“I was taken from the airport to Welikada prison. The cell was dark and it smelled terrible. They beat me every single day I was in that place. I was tied by my ankles and hung naked upside down from the ceiling. They hit my body with steel wires and plastic pipes filled with sand.

“My head was held underwater until I was suffocating and choking. They also put petrol in plastic bags and held them over my head till I passed out.

“It was in Welikada that they also practised some sexual torture on me. This is something that is very difficult to talk about in my culture.

“I was only in that place 13 days until my father and uncle paid bribes to get me out, but it felt like a lifetime. I had to sign some kind of confession before I left prison. It was in Sinhalese so I have no idea what it said - I would have signed anything to get out of that place.

“My father had paid an agent to arrange my papers and get me out of Sri Lanka undetected. I didn’t know where I would end up when I got on the plane. My wounds were extremely painful, but I was very relieved to be safe.

“Although the government in Sri Lanka has changed now, I believe there is just going to be the same problem. The army will still carry on this practice - they are organised, they have systems. Changing the leader means nothing. The army is still all over the north and everything is still very militarised. Why would they keep such a heavy army presence there if they thought there was no security threat from Tamils?”

Using forensic documentation methods as laid out in the Istanbul Protocol, a Freedom from Torture doctor attributed 29 scars on John’s body to torture, some were as long as 10 centimetres.

The distribution of some of the scarring suggests, according to the same doctor, that John may have been curled up in the foetal position when some of the beatings were delivered. Scarring on his lower leg is most likely secondary to friction burns from the ropes used to hang him upside down.

Key findings

Key findings from our research indicate that:

- The Sri Lankan military, police and intelligence services have continued to practise torture - including rape and other forms of sexual torture and extensive burning - in the years of 'peace' since the end of the armed conflict;
- There is a network of torture facilities across Sri Lanka including unofficial detention centres;
- Those at particular ongoing risk of torture include Tamils with a real or perceived association with the Liberation Tigers of Tamil Eelam (LTTE) at any level and whether current or historic;
- The Sri Lankan authorities take a strong interest in the activities of the Tamil diaspora in the UK and many returning to Sri Lanka with a real or perceived past connection to the LTTE, at whatever level and whether directly and/or through a family member or acquaintance, have been tortured and interrogated about their activities and contacts in the UK;
- Perpetrators appear to commit torture without fear of consequences as suggested by the lack of due process reported and heavy scarring left on the bodies of victims; and
- Torture has had a devastating impact on the survivors whose cases feature in this study: evidence of significant psychological impact was found in all 148 cases, including a high proportion of survivors suffering ongoing symptoms of PTSD (post-traumatic stress disorder) and depression.

Research methodology

The research study presented in this report involved a systematic review of 148 MLRs prepared by our expert doctors for survivors who were tortured in Sri Lanka since May 2009 and gave consent on the basis of anonymity. Data extracted from these MLRs was anonymised and aggregated before being analysed and the findings described. In line with Freedom from Torture's commitment to survivor participation, we worked with the Survivors Speak OUT network to include testimony from Sri Lankan torture survivors receiving treatment services at Freedom from Torture and the recommendations were also informed by discussions with these survivors.

Survivor profile

One hundred and twenty-five of the 148 MLRs reviewed were for men (84%) and 23 were for women (16%). The majority of these men and women were aged 26-40 (98 people). The overwhelming majority of the 148 people were of Tamil ethnicity; 139 people and 94% of all cases. Six people were of Sinhalese ethnicity and three described themselves as having mixed ethnicity.

The majority (142) described an association with the Liberation Tigers of Tamil Eelam (LTTE) at some level and/or said that they had been associated with the LTTE by the Sri Lankan authorities in some way (96% of all cases). The LTTE association related directly to themselves or to members of their family, or to both. For some people the association was real and for others it was wrongly imputed to them by the authorities. Either way, this was the key factor that reportedly led to their eventual detention on one occasion or more.

Torture following return from the UK

It is of particular concern to Freedom from Torture that more than one third of the people whose cases were reviewed in this study were detained and tortured in Sri Lanka after returning from the UK following the end of the armed conflict (55 of 148 cases or 37%). Most had been in the UK as students

but three had claimed asylum and were forcibly removed after their asylum claims were rejected. All but seven of these people were detained within weeks of their arrival in Sri Lanka and the majority were specifically interrogated about their reasons for being in the UK, their activities and/or their contacts in the UK. Twenty-one people were accused of attending particular protests and demonstrations in the UK and eleven were shown photographs taken at these events.



A Tamil who was tortured by Sri Lankan authorities
(Photo: Will Baxter)

Methods of torture

Methods of torture used across the 148 cases reviewed in the study included blunt force trauma, such as beating and/or assault (100% of cases), burning (78%) including with heated metal (48% of all cases), sexual torture (71%) including rape (39% of all cases), suspension and other forced positioning (45%), asphyxiation (38%), cutting or stabbing with sharp implements (17%), and/or electric shock (5%).

Psychological or environmental forms of torture included but were not limited to prolonged solitary confinement (70% of cases), being confined in the dark or being blindfolded for protracted periods (48%), threats of being killed and/or of further or different forms of torture (51%) and mock execution (4%).

Physical and psychological impact of torture

Our doctors documented extensive evidence of a wide range of physical and psychological consequences of torture.

One hundred and forty-six people (99%) had forensic evidence in the form of scars and other lesions found by our doctors to be consistent with the attributed cause of torture, including 111 (75% of all cases) who had lesions found to be consistent with burning as a form of torture and 24 (16% of all cases) who had enduring physical evidence associated with sexual torture.¹

One hundred and thirty-one people had symptoms of post-traumatic stress disorder found to be directly related to the history of torture in detention (89%) and 122 had ongoing symptoms of depression related to this history (82%). Fifty-five people expressed ideas of self harm or suicide to their examining clinician (37%) and 19 reported having attempted suicide since escaping from detention (13%).

1 It should be noted that physical evidence of rape is often absent even as little as 72 hours afterwards and bodily injury is more likely to be documented than specific genital injury in a rape victim.

Detention context and due process rights

Torture was practised in a variety of state-run facilities in Colombo and in seven of the nine provinces of Sri Lanka, including but not limited to the Northern and Eastern provinces. Many detainees were moved around between army camps, facilities operated by the Criminal Investigation Department (CID) or Terrorism Investigation Department (TID) and unknown/undisclosed locations as well as conventional police stations, prisons, camps for Internally Displaced People and so-called 'Rehabilitation Centres'.

A total of 71 people said that they had travelled or lived abroad before returning to Sri Lanka, where they were subsequently detained. Of these 71 people, 27 reported being arrested and detained from Colombo airport on return to the country (18% of all 148 cases and 38% of those returning from abroad).

The arresting authority for the largest number of detention episodes was the military (60 episodes). However many people identified police or intelligence officers (mostly described as CID, a few described as TID or Special Task Force) as the detaining authority (42 and 31 of the detention episodes respectively).

Those detained by unidentified non-uniformed officials, as well as some of those who said they were detained by the CID, described a form of abduction by armed men from the street or their homes, who blindfolded or hooded them and took them in 'white vans' to unknown locations.

One hundred and thirty-six of the 148 people were detained without observance of any due process rights (92%). For example there was no formal charge or sentencing, no access to legal representation, no hearing before a judge, no official notification to family members and no access to an independent medical examination.

All reported extremely poor detention conditions, including frequent use of solitary confinement, small cells, denial of adequate food and water, being held in darkness and inadequate sanitation.



A Tamil, who is a survivor of torture at the hands of Sri Lankan security forces, displays scarring from cigarette burns on his chest and arms (Photo: Will Baxter)



Recommendations

The complete set of recommendations presented at the end of the full research report is available at www.freedomfromtorture.org/srilanka-report. The recommendations are informed by this research study as well as discussions co-led by the Survivors Speak OUT network with Sri Lankan torture survivors in treatment with Freedom from Torture. Among our most important recommendations are those addressing the need for:

1. Member States of the United Nations Human Rights Council and Security Council to ensure without delay a genuine accountability process that meets the highest international standards and all of the following requirements:
 - i) The process must cover serious human rights abuses and associated international crimes committed by both sides to the armed conflict and by the Sri Lankan government in the years of ‘peace’ since the fighting ended;
 - ii) The process must be independent, credible, accessible to victims including those outside the country, transparent and otherwise fully human rights-compliant;
 - iii) Any findings on torture from the Office of the High Commissioner for Human Rights’ investigation on Sri Lanka should be accepted and accountability delivered; and
 - iv) In order to satisfy the international community and win the confidence of victims, including those from the Tamil minority, the process must include strong international participation at every stage and level.
2. Sri Lanka to make its ‘zero tolerance’ policy to torture a reality by suspending from duty those accused of torture, ending use of ‘agents’ to arbitrarily detain and torture people, and launching criminal investigations and prosecuting those responsible no matter how powerful or senior they are within government or the military, police and security services.

3. Sri Lanka to become an active stakeholder in the Preventing Sexual Violence Initiative including by using the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict in efforts to tackle impunity for sexual torture, and involving survivors of sexual torture in an expert capacity.
4. Sri Lanka to ratify the Optional Protocol to the Convention Against Torture and establish an effective torture prevention programme including extensive training within the military, police and intelligence services and measures to enable independent national and international monitors to make regular unannounced inspections of any place of detention including unofficial detention facilities.
5. The UK to ensure that individuals are not forcibly returned from the UK to a risk of torture in Sri Lanka including by updating its asylum policy for Sri Lanka to reflect further evidence contained in this report about (i) torture in peacetime Sri Lanka; and (ii) the particular risk for those returning from the UK with a real or perceived past connection to the LTTE, at whatever level and whether directly and/or through a family member or acquaintance.



A Tamil woman sits on a bus in Kilinochchi, Sri Lanka (Photo: Will Baxter)

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