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“We Will Teach You a Lesson”

Sexual Violence against Tamils by Sri Lankan Security Forces



“We Will Teach You a Lesson”

Sexual Violence against Tamils by Sri Lankan Security Forces

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Map of Sri Lanka



Summary

The police officials accused me of being an LTTE [Liberation Tigers of Tamil Eelam] member and returning to Sri Lanka from abroad to revive the LTTE. They blindfolded me and pushed me into a jeep. They kept asking me the same questions, about which other LTTE members I worked with, my activities abroad. I kept refusing to answer. I was beaten up with several objects, burned with cigarettes, suspended from the ceiling, sexually abused, and raped. I was raped by different people for three nights—it was dark so I couldn't tell their faces.

—Tamil man, 29, arrested by Sri Lankan police in Vavuniya, April 2012

They asked all six of us if we had any links with the LTTE. I did not want to lie and get caught so I told them that I had worked for the LTTE. I was taken to Veppankulam camp in Vavuniya. I was questioned and tortured by Sri Lankan army personnel and some were in uniform. I was raped many times. I cannot recall how many times. I was kept in detention for 15 days. Finally, I agreed to sign papers and admit that I was a full member of the LTTE. I just wanted the rapes and torture to stop.

—Tamil woman, 34, detained by the Sri Lankan army in Trincomalee, February 2009

There have long been reports that the Sri Lankan military and police forces rape and sexually abuse ethnic Tamils detained for alleged links to the secessionist Liberation Tigers of Tamil Eelam (LTTE), among other forms of torture and ill-treatment. During the 26-year-long conflict between the Sri Lankan government and the LTTE, state security personnel were responsible for numerous acts of sexual violence against women, men, and children in official and secret detention centers seeking to coerce confessions, degrade them, and discourage broader Tamil involvement with the LTTE. Although reports by United Nations expert bodies have documented some of these abuses, including details of specific cases, most have gone unreported.

Available information indicates that rapes by Sri Lankan security forces, together with other violations of international human rights and humanitarian law, sharply increased with the implementation of expanded Emergency Regulations, and the resumption of armed hostilities between the government and the LTTE following the breakdown of the 2002 ceasefire in 2006. Since the government's defeat of the LTTE in May 2009, new allegations of sexual violence by members of Sri Lankan security forces against alleged LTTE members and supporters have been reported. In December 2012, the UN High Commissioner for Refugees, in its eligibility guidelines for assessing the protection needs of Sri Lankan asylum seekers abroad, noted that "sexual violence, including but not limited to rape, against Tamil men in detention has also been reported recently, including reports of cases perpetrated in the post-conflict period."¹

This report focuses on rape and other sexual violence committed by members of the Sri Lankan security forces from 2006-2012 against women and men in state custody. It documents 75 cases of rape—31 of men, 41 of women, and 3 of boys under age 18—which the evidence strongly suggests were perpetrated by members of the state security forces. The information is based on in-depth interviews conducted over a 12-month period with former detainees in Australia, the United Kingdom, Germany, India, Malaysia, and Indonesia. Supporting medical evidence, obtained with the consent of the victim, was examined in 67 of the cases. The names of all victims quoted in this report have been withheld (we have used two-letter abbreviations unrelated to the victim's actual name) to protect their privacy and avoid potential retaliation by the authorities against them or their relatives.

Because of government access restrictions, Human Rights Watch was not able to conduct research openly in Sri Lanka. As a result, we were able to reach only a small fraction of detainees held by Sri Lankan authorities in connection with the armed conflict since 2006. The relatively large number of sexual abuse cases we were able to document among a group of former detainees using both similar methods and occurring in a number of locations across the country strongly suggests that these abuses were widespread and systematic during the final years of the conflict and in the years since. Eight of the cases of rape that Human Rights Watch documented occurred in 2012, and new cases continue to be reported.

¹ UN High Commissioner for Refugees, "UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka," December 21, 2012, HCR/EG/LKA/12/04, available at: <http://www.unhcr.org/refworld/docid/50d1ao8e2.html> (accessed December 25, 2012).

In all of the cases documented in this report, the acts of rape and sexual violence were accompanied by other forms of torture and cruel, inhuman, and degrading treatment by state security forces. The conditions in which the individuals were held—without access to judges, defense lawyers, relatives, or doctors—violated fundamental due process rights. Often the perpetrators came from more than one branch of the security forces, and included members of the Sri Lankan army, police, and pro-government Tamil paramilitary groups. In the cases we investigated, most of the detainees were interrogated by Sinhala-speaking security officials with Tamil interpreters. Most were forced to sign a confession in Sinhala following their abuse, though the torture often continued after they signed confessions. Detainees were normally not released but rather allowed to “escape” after a relative paid a bribe. Human Rights Watch of necessity was only able to interview those no longer in custody—the fate of detainees who remain in custody, while unknown to us, is of urgent concern.

KP told Human Rights Watch he was picked up by security personnel in a white van in the northern town of Vavuniya in August 2011, and detained for 10 days in a “small, dirty room.” The 31-year-old said that he was beaten, burned with lit cigarettes, and sexually abused until he confessed that he had supported the LTTE while studying abroad:

During the first interrogation, the official in military fatigues forced me to undress. He tried to have oral sex with me. He forced himself on me and raped me. During questioning, the officials would squeeze my penis. They would force me to masturbate them. One of them masturbated me. I was severely tortured when I resisted. The officials would furiously say some words in Sinhala when they sexually abused me. I couldn’t understand what they were saying. They abused me in Tamil and used slang words. I was sexually abused many times during my detention. On some days, the army official who had arrested me sexually abused me during interrogation. On two nights, I was raped by prison guards. The sexual abuse by the officials stopped after I signed the confession.

Male and female former detainees told Human Rights Watch that prior to being raped, they were forced to strip, their genitals or breasts groped, and they were verbally abused and mocked. Many of the medical reports examined by Human Rights Watch show evidence of

sexual violence such as bites on the buttocks and breasts, and cigarette burns on sensitive areas like inner thighs and breasts. Two men interviewed by Human Rights Watch said that they had a sharp needle inserted in their penis. In one case, this was used to insert small metal balls into their urethra by army personnel; the metal balls were later surgically removed by doctors abroad after the victim complained of discomfort and pain.

Human Rights Watch's research does not show why rape and other sexual violence were used against some detainees in government custody and not others. However rape was one of the unlawful tools used by the Sri Lankan military and police against alleged LTTE members or supporters to gather intelligence on the LTTE network during the fighting and immediately after the conflict ended in May 2009, as well as to obtain information about any remnants of the LTTE since then, whether in Sri Lanka or abroad. As noted above, it was one of the methods used to force persons in custody to "confess" to membership in the LTTE and, as with other forms of torture, it may have been part of a broader government effort to instill terror in the Tamil community to discourage involvement with the LTTE.

Several factors suggest that the use of sexual violence was not just a local occurrence or the action of rogue security force personnel, but a practice that was known or that should have been known by senior officials. In many cases documented by Human Rights Watch, the victims knew the security establishment to which one or more of the perpetrators belonged, and also identified camps and detention sites where the abuse occurred. Soldiers, police, and members of specialized units like the Criminal Investigation Department (CID) and the Terrorist Investigation Department (TID) were all involved. Cases involving Tamils in custody were reported not just in battleground areas of northern Sri Lanka, such as Vavuniya, the Vanni region, and the Jaffna peninsula, but in Boosa and Kaluthara prisons in western Sri Lanka, and in Trincomalee police station in the east. And former detainees told Human Rights Watch that they were abused at various official as well as secret detention sites in and around the Sri Lankan capital, Colombo, including Welikada prison, the fourth floor of the CID headquarters and the sixth floor of TID headquarters, and at Kotahena, Dehiwela, and Wellawatta police stations. In short, many branches of the security forces, operating throughout the country, often in official places of detention, were involved in the sexual abuse of detainees.

However, not all the cases of rape we documented were necessarily politically motivated: we have a few cases where it does seem to have been the depravity of a rogue officer

acting on his own, but, even in those cases, the officers acted with complete impunity in a context in which rape and sexual violence were also used for extracting confessions.

A number of cases involved individuals who were returning to Sri Lanka from abroad either because they had been deported or had voluntarily returned. For instance, SV was taken into custody upon arrival at Colombo's international airport on December 10, 2010, having exhausted his asylum claims in France. He told Human Rights Watch:

The officials introduced themselves as CID and told me they had to take me for questioning. I was taken to the 4th floor of the CID headquarters in Colombo. I did not know where I was being taken at the time. I was photographed once we reached the CID headquarters and then pushed up the stairs to a small dark room. The officials kept hitting me on the head as they pushed me up the stairs.

I was kept in detention for more than a month. During this time, I was questioned and beaten up every day. They asked me about my activities with the LTTE in France. They brought pictures of my participating in anti-war protests in France and accused me of betraying the government. They asked me for the names of others who had organized the protests in France.

I was locked in a dark room and my hands were tied in the position of a crucifix. I then was burned all over my arms in this position. I was beaten with hot metal rods on my back and thighs. I was sometimes poked with the end of a hot poker and they kicked my head with metal-toed boots. I was raped many times. Two men would come to my room and one would hold me down. They would take turns raping me.

In some cases, information from an earlier detention was used during the second interrogation—for those detainees who were abducted and abused by unknown men in civilian clothes during the second detention, this use of old information was evidence of state complicity in their mistreatment.

Not all detainees subjected to sexual violence were ethnic Tamil: Human Rights Watch interviewed one Sinhalese woman and three Tamil-speaking Muslim men, all with some links to the LTTE, who were raped in detention.

Many cases documented here took place in the final months of the armed conflict in 2009 or shortly thereafter. Some involved LTTE members and supporters who surrendered to the Sri Lankan army. Others were picked up by the army for questioning from displacement camps.

UM, 25, was detained at Arunachalam camp after she managed to flee Mullivaikal during the last weeks of the conflict in April 2009. She told Human Rights Watch that army personnel took her to another camp in October 2009:

They questioned me about my links with the LTTE and asked about my activities. I said I was forced to work for LTTE and didn't know anything. They didn't believe me. They beat me, pulled my hair, and banged my head on a wall. They beat me with their hands and kicked me with their boots.

One of the soldiers said, "We will teach you a lesson." I lost consciousness that day and when I came to, I realized I had been raped. Then more soldiers came and raped me. This went on for many days. I can't remember how many times and how many soldiers raped me.

This report does not intend to offer a comprehensive account of politically motivated sexual violence during the period covered (2006-2012). The cases investigated by Human Rights Watch present a picture of sexual violence by state security forces against individuals in their custody, but the report does not address sexual violence by state security forces in other contexts, such as in captured villages and towns or on the battlefield, or sexual violence by LTTE personnel.

Evidence of rape of captured women by government soldiers on the battlefield has received public attention: photographs and video from the conflict's final days show corpses of women, some in LTTE uniform, who were stripped, suggesting that they may have been raped before being summarily executed. In March 2011, the report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka noted "many indirect accounts reported by women of

sexual violence and rape by members of government forces and their Tamil surrogate forces, during and in the aftermath of the final phases of the armed conflict.” The panel added: “rapes of suspected LTTE cadre are also reported to have occurred, when they were in the custody of the Sri Lankan police (CID and TID) or SLA [Sri Lankan Army].”²

Humanitarian workers present in northern Sri Lanka during the final months of the conflict described widespread rape of women by the Sri Lankan army. A former UN field officer told Human Rights Watch that “a large number of women fleeing from the conflict areas during the peak of fighting were sexually assaulted. The abuse was extensive, causing a large number of civilians to flee back to the theater of conflict to escape the abuse.”³

Women and men who were raped told Human Rights Watch that they had generally kept silent about their abuse, fearing social stigmatization and reprisals from perpetrators if they reported the crime. The reluctance to report sexual abuse also stems from institutional barriers imposed by the Sri Lankan government to block effective reporting and investigation of rape cases. Many LTTE suspects have been held under the Prevention of Terrorism Act (PTA) which provides effective immunity to officials implicated in abuses.

Medical and psychological treatment for rape survivors has also been hindered by the government. Detainees held under the PTA do not have an independent right to a medical examination. Neither is such a right available under the Code of Criminal Procedure or in terms of special laws applicable to deterring torture and cruel, inhuman and degrading treatment, such as the Convention Against Torture Act. Under the Prevention of Terrorism Act (PTA), currently in effect, as well as under the State of Emergency in effect during the war, confessions to the police and other authorities obtained under duress are admissible unless the accused can prove that they were involuntary. And the Sri Lankan military, through the Presidential Task Force on Resettlement, Reconstruction, and Security in the Northern Province (PTF), has effectively prohibited any local or international nongovernmental organizations from providing services for survivors of sexual violence. Since the end of the armed conflict in 2009, the continued large-scale deployment of the armed forces in former LTTE areas of northern Sri Lanka, coupled with increased

² UN Secretary-General, Report of the UN Secretary General’s Panel of Experts on Accountability in Sri Lanka, March 31, 2011, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

³ Human Rights Watch interview with Peter McKay, field officer with the UN Office for Project Services in Sri Lanka from January-April 2009, Sydney, December 19, 2011.

surveillance of civil society groups, has stymied community responses to rights abuses including sexual violence.

Torture, including rape and other sexual violence of persons in custody, violates Sri Lanka's obligations under international human rights law and international humanitarian law ("the laws of war"). The Sri Lankan government has an obligation not only to prevent such violations, but also to investigate credible allegations of abuse and prosecute those responsible. Officials who knew or should have known of such abuses and failed to take action, are criminally liable as a matter of command responsibility.

To date, only a handful of reported acts of rape committed by members of security forces have been prosecuted. No senior military official has been prosecuted for any serious crime related to the conflict, and crimes of sexual violence have been no exception.

Access to justice for victims of rape in Sri Lanka remains particularly difficult. Victims are typically unaware of remedies to which they are entitled under Sri Lankan law, and investigations are few.

Responsibility for this situation rests with the Sri Lankan government. But the Rajapaksa administration has taken no serious action in response to domestic and international calls for investigations into alleged human rights violations by Sri Lankan security forces. The government's responses to allegations of sexual violence by its security forces in the final days of the conflict have been dismissive. Most have been deemed as "fake" or "pro-LTTE propaganda."

The Sri Lankan government should make serious efforts to prevent and punish sexual violence by the police and the military. As a matter of urgency, the Sri Lankan government needs to conduct credible and impartial investigations into cases of rape and other sexual violence that occurred during the armed conflict and its aftermath, and prosecute those responsible for these crimes, including persons with command responsibility. The international donor community should press Sri Lanka to ensure cases of sexual violence by security forces are seriously investigated and prosecuted. Support should be provided for nongovernmental organizations in Sri Lanka that provide psycho-social and other support for victims of sexual violence as well as other abuses.

Key Recommendations

Human Rights Watch urges the Sri Lankan Government to:

- Investigate all allegations of rape and other sexual violence by Sri Lankan security forces, including from the armed conflict period as well as the years since. Prosecute those responsible for these crimes, including persons with command or other superior responsibility, in proceedings that meet international fair trial standards. Publicize the outcome of such prosecutions, including by providing information on the punishments meted out, and the redress and compensation provided to victims;
- Repeal the Prevention of Terrorism Act (PTA), and abolish the system of detention without charge or trial;
- Immediately lift access restrictions imposed by the Presidential Task Force on Resettlement, Reconstruction and Security in the Northern Province (PTF) so that medical personnel, counselors, and NGOs providing psycho-social support and independent medical examination and treatment can reach victims of human rights violations;
- Release all individuals who have been arrested under emergency or anti-terrorism laws, unless they are charged with recognized criminal offenses. Conduct prompt trials that meet international due process standards;

Methodology

From November 2011 to October 2012, Human Rights Watch conducted extensive interviews in Sri Lanka, Australia, the United Kingdom, Germany, India, Malaysia, and Indonesia with victims of alleged sexual violence by the Sri Lankan security forces. In total, we interviewed 120 people, including 68 victims, 10 relatives of victims, 11 witnesses to sexual violence, and 31 church and nongovernmental organization workers, international agency staff, doctors, and lawyers. We also obtained, with the victims' permission, detailed medical and psychiatric records in 60 of these cases, which include hospital and general practitioner records and medico-legal records (MLRs), which are medical assessments, submitted to an immigration authority in support of a torture survivor's asylum claim. In three cases, the victim's account of rape was found credible by immigration courts in the UK and no medical assessment was conducted.

Research into sexual violence requires taking into account the consequences for victims of speaking about what they experienced, including possible threats to their physical security and their position within the community should what they say become publicly known. Speaking about sexual violence can also impact the victim's emotional and psychiatric health.

Human Rights Watch took great care to ensure that victims of sexual violence were interviewed in safe conditions and were comfortable speaking about their experiences. The interviews took place privately in the presence of a trusted interpreter and, in some cases, other family members. In all, we interviewed 68 people—27 men, 38 women, and 3 boys—who alleged they suffered rape and other sexual violence by members of Sri Lankan security forces between 2006 and 2012. We also interviewed individuals who said they were present with victims immediately after the latter were raped in 2009. Most victims specifically told us they were concerned about possible reprisals by Sri Lankan security forces against them should their identities become known. The names of all victims interviewed for this report have been withheld, replaced with names and initials that do not reflect their real names to protect their security. Human Rights Watch has also withheld victims' place of residence, as well as specific dates, locations, and other information that could potentially be used to identify them. All are ethnic Tamil unless otherwise specified. Ages are the age at time of arrest. The month and year of detention and release, rather

than specific dates, are provided. These omissions are out of concern about possible government reprisals against the individuals and their relatives.

In addition to the interviews and medical and psychiatric records described above, Human Rights Watch examined MLRs of 7 individuals—4 men, 3 women—who were allegedly raped by members of the Sri Lankan security forces. The names of the medical personnel who prepared the MLRs and the medical institutions for which they work have been withheld in all the cases in order to protect the victims.

The scale of politically motivated rape and other sexual violence in the context of the Sri Lankan armed conflict is difficult to establish, but it is likely that the cases detailed in this report represent only a fraction of the total cases; for this report, we focused on cases corroborated by the reports of agencies outside Sri Lanka that provide services to victims, such as medical or legal assistance. We received reports of many other cases of sexual violence from Sri Lanka which we were unable to investigate ourselves or in which victims were unable, afraid, or unwilling to seek assistance or speak of their abuse, and these cases have not been included here.

The appendix to this report contains detailed descriptions of 75 cases of rape and sexual abuse documented by Human Rights Watch. We have medical documentation in 67 of the 75 cases, and obtained other independent corroborating information in the remaining eight cases.

This report uses the following internationally recognized definition of rape, taken from the Rome Statute of the International Criminal Court: rape is a form of sexual violence during which the body of a person is invaded, resulting in penetration, however slight, of any part of the body of the victim, with a sexual organ, or of the anal or genital opening of the victim with any object or other part of the body.⁴

⁴ Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, May 31-June 11 2010; International Criminal Court, “Elements of Crime,” ICC-PIDS-LET-03-002/11_Eng, 2011, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf> (accessed January 2, 2013).

I. Background

The 26-year-long armed conflict in Sri Lanka ended on May 19, 2009, with the defeat of the secessionist Liberation Tigers of Tamil Eelam (LTTE). During the last months of the fighting, the Sri Lankan armed forces and the LTTE repeatedly violated the laws of war, causing unnecessary civilian casualties and suffering.

The Armed Conflict

In July 1983, members of the LTTE ambushed a Sri Lankan military convoy in Jaffna, sparking anti-Tamil riots in Colombo during which several hundred Tamils were killed. The incident referred to as “Black July,” marked the beginning of the nearly three-decade armed conflict between the government and the LTTE, which sought to create an independent Tamil state, Tamil Eelam.

The first two decades of the conflict were interspersed with large-scale military operations and short-lived ceasefires. In February 2002, the Sri Lankan government and the LTTE signed a ceasefire mediated by the Norwegian government that brought a temporary lull in fighting, but human rights abuses persisted. The Nordic-led Sri Lanka Monitoring Mission, established to monitor compliance with the Ceasefire Agreement,⁵ reported over 4,000 violations of the agreement from February 2002 until December 2006. The LTTE was significantly weakened when its forces in the east under Vinayagamoorthy Muralitharan, known as Colonel Karuna, defected in 1994 to the government side.

The LTTE launched a series of attacks on the police and army in the north and east, carried out suicide bombings on ethnic Sinhalese civilians in the south, and stepped up forcible recruitment of children and adults and other abuses in areas under their control. Government security forces quietly unleashed a counterinsurgency campaign against suspected LTTE members and supporters, and subjected hundreds of Tamils to arbitrary

⁵The Agreement on a Ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, signed on February 21, 2002, had the stated objective to “find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.” The agreement set up modalities of the ceasefire, measures to restore normalcy, and the Sri Lanka Monitoring Mission.

arrest and detention, torture, enforced disappearance, and extrajudicial execution.⁶ In the east, the Karuna faction, renamed Tamil Makkal Viduthalai Puligal (TMVP), continued guerrilla attacks against the LTTE.

The ceasefire formally continued until January 2008, but full-fledged fighting between government forces and the LTTE resumed by mid-2006. Conventional battles were accompanied by continuing rights abuses by both sides, including political assassinations, abductions, and targeted attacks on civilians. In late 2008, the Sri Lankan government ordered most humanitarian agencies out of the Vanni region, where most of the fighting was occurring, and denied access to the international media and human rights organizations. An estimated 20,000 to 30,000 deaths occurred during the fighting between 2006 and early 2009, with government forces and particularly the LTTE suffering heavy losses in battle.⁷

Government forces won back all but a small piece of territory held by the LTTE following its January 2, 2009, capture of the de facto LTTE capital of Kilinochchi. During the first four months of 2009, more than 300,000 civilians were trapped in areas of fighting, effectively used as “human shields” by the LTTE, with limited access to food, water, and medical care. The LTTE forcibly conscripted civilians and prevented others from fleeing LTTE-controlled areas by firing at them, killing many. Government forces repeatedly bombed and shelled the increasingly constricted populated areas, including its own unilaterally declared “no fire zones.” On March 13, 2009, Navanethem Pillay, the UN high commissioner for human rights, expressed grave concern over credible evidence of war crimes by both sides.⁸ The UN and government leaders called on the LTTE to allow civilians to leave the combat zone and for both sides to allow access for humanitarian relief.

⁶ See Human Rights Watch, *Sri Lanka – Return to War*, August 6, 2007, <http://www.hrw.org/reports/2007/08/05/return-war>; Human Rights Watch, *Sri Lanka –Recurring Nightmare*, March 6, 2008, <http://www.hrw.org/reports/2008/03/05/recurring-nightmare-o>.

⁷ Human Rights Watch, *Sri Lanka – Trapped and Mistreated*, December 15, 2008, <http://www.hrw.org/reports/2008/12/15/trapped-and-mistreated-o>; Human Rights Watch, *Sri Lanka – Besieged, Displaced, and Detained*, December 23, 2008, <http://www.hrw.org/reports/2008/12/22/besieged-displaced-and-detained>; and Human Rights Watch, *Sri Lanka – War on the Displaced*, February 19, 2009, <http://www.hrw.org/reports/2009/02/19/war-displaced>.

⁸ “Sri Lanka: Actions by Government forces, rebels possible war crimes – UN rights chief,” *UN News Centre*, March 13, 2009, <http://www.un.org/apps/news/story.asp?NewsID=30175&Cr=sri+lanka&Cr1> (accessed January 2, 2013).

The Sri Lankan government declared victory over the LTTE on May 18, 2009. Virtually all of the LTTE's military leaders and many of its political leaders were killed in the final days of the fighting, under circumstances that remain unclear. The government's refusal to allow any independent observers into the conflict zone or to talk to people who fled the conflict zone makes it impossible to establish conclusively the number of casualties.⁹ The Panel of Experts appointed by UN Secretary-General Ban Ki-moon later reported that up to 40,000 civilians died in the final months of the war.¹⁰

Internal Displacement and Detention Camps

During the final months of fighting, some 300,000 Tamil civilians behind the narrowing LTTE lines sought to escape death from starvation, disease, and constant shelling by escaping to safety in government-controlled areas. While most were blocked by LTTE forces that used firearms to prevent their escape, many managed to flee in small groups. A massive exodus of tens of thousands occurred after the Sri Lankan forces broke through the LTTE defense fortifications in the eastern coastal town of Mullaitivu on April 20, 2009. Most of the rest did not escape the fighting until the final collapse of LTTE forces a month later. According to the United Nations, 290,000 people crossed over to government-controlled areas from the conflict zone between October 27, 2008, and June 1, 2009.¹¹

Government security forces screened and registered those fleeing the war zone at several checkpoints before transporting them to detention camps in the north, which the government euphemistically called "welfare centers." The largest was the multi-camp Menik Farm in Vavuniya district.

Both at checkpoints and in the camps, the authorities separated certain individuals from their families—presumably because of alleged ties to the LTTE—and sent them to "rehabilitation centers" established for alleged LTTE suspects. Relatives were often not informed of the whereabouts of these detainees, and domestic human rights organizations

⁹ For a detailed account of the final months of the fighting and abuses by both sides, see University Teachers for Human Rights (Jaffna), "Let Them Speak: Truth about Sri Lanka's Victims of War," December 13, 2009, <http://uthr.org/SpecialReports/Special%20rep34/Uthr-sp.rp34.htm> (accessed January 2, 2012).

¹⁰ UN Secretary General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka (UN Panel Report), March 31, 2011, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed January 3, 2013).

¹¹ Ibid.

repeatedly have alleged that many suffered torture, including sexual abuse, while in custody. After the end of the war, the military detained an estimated 11,000 people, mostly men but including many women, suspected of LTTE ties in extra-legal detention centers, where they had no access to legal counsel or protection agencies.¹²

Initially the thousands of people who fled the conflict zone were denied the right to live with relatives or host families, and UN agencies and humanitarian organizations had limited access to the camps, and were prevented from delivering adequate supplies and services. Conditions in camps failed to meet international standards, with poor sanitation, insufficient water supplies, and inadequate food and medical care. Until October 2009, authorities had released fewer than 20,000 of the camps' detainees.¹³

Responding to growing international pressure and domestic discontent, the government sped up the resettlement process in the final months of 2009, with nearly 150,000 released from the camps and allowed to return to their home districts by the end of the year. And by December 2011, the government had released all but about 1,000 of the nearly 11,000 LTTE "surrenderees,"¹⁴ alleged combatants and supporters that it was detaining without charge or trial, and claimed that those remaining would be released by mid-2012. Of these the government claims, 636 individuals remain in four rehabilitation centers,¹⁵ while the rest of the former combatants have been rehabilitated and trained to enter civilian life.

Allegations of War Crimes

The Sri Lankan government has neither investigated nor prosecuted alleged human rights abuses and war crimes committed by government forces and the LTTE during the conflict, and has resisted international calls for an independent investigation.

¹² Human Rights Watch, *Sri Lanka – Legal Limbo*, February 2010, <http://www.hrw.org/node/88031/section/1>.

¹³ International Crisis Group, "Sri Lanka conflict history," updated January 2011, <http://www.crisisgroup.org/en/publication-type/key-issues/research-resources/conflict-histories/sri-lanka.aspx> (accessed January 2, 2013).

¹⁴ The Sri Lankan government refers to detainees held under Sri Lankan emergency laws as "surrenderees."

¹⁵ Ministry of Defence and Urban Development, "Rehab and Rejoice Rehabilitation of ex-LTTE cadres- The Sri Lankan experience," August 30, 2012, http://www.defence.lk/new.asp?fname=Rehab_and_rejoice_20120828_03 (accessed February 17, 2013).

Senior government officials initially denied that government forces had committed any serious violations. Amid overwhelming evidence, a few senior officials later conceded that government forces caused some civilian casualties, but continue to downplay the scale of civilian loss of life, and the security forces' repeated use of heavy weaponry in indiscriminate and possibly deliberate attacks on civilians.

In response to President Rajapaksa's failure to implement his May 2009 promise for accountability, UN Secretary-General Ban Ki-moon in June 2010 established a Panel of Experts to advise him on next steps for accountability. The panel's April 2011 report found "credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law was committed" by both sides to the conflict.¹⁶

In December 2011, the government's Lessons Learnt and Reconciliation Commission (LLRC) released its own findings. Created in May 2010 to examine the circumstances that led to the breakdown of the 2002 Ceasefire Agreement and recommend action to foster reconciliation, the LLRC was not set up as a vehicle for justice and accountability. However, under increasing pressure to act on these issues, the government extended the mandate of the LLRC to wartime abuses.

The LLRC's mandate, composition, and methodology were wholly inadequate to achieve any measure of justice and accountability.¹⁷ The commission's report, issued in December 2011, largely ignored the Panel of Expert's detailed findings on government abuses. Although concluding that there had been civilian casualties attributable to "crossfire," and calling for investigations into a handful of minor incidents, the LLRC largely exonerated the military's wartime actions.¹⁸ The LLRC, however, did make some recommendations to address accountability issues.¹⁹

¹⁶ UN Secretary-General, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, March 31, 2011, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed January 3, 2013).

¹⁷ "Sri Lanka: Report Fails to Advance Accountability Governments Should Act on UN Panel Call for International Investigation," Human Rights Watch news release, December 16, 2011, <http://www.hrw.org/news/2011/12/16/sri-lanka-report-fails-advance-accountability>.

¹⁸ Government of Sri Lanka, "Sri Lanka: Report of the Commission of Inquiry on Lessons Learned and Reconciliation," November 2011, http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf (accessed January 2, 2013). It concluded that it was "satisfied that the military strategy that was adopted to secure the

On March 22, 2012, the UN Human Rights Council passed a resolution calling upon the Sri Lankan government to fulfill its legal obligations toward justice and accountability, and to expeditiously provide a comprehensive action plan to implement the recommendations of the LLRC, and to address alleged violations of international law.

The Sri Lankan government in July approved a national Action Plan to implement recommendations made by the LLRC. The Action Plan ostensibly aims to implement the Human Rights Council's March 2012 resolution but set out unreasonable timelines and ceded authority for implementing the recommendations to agencies with a vested interest in thwarting investigations. In January 2013, a report of a committee of officers of the army appointed by Sri Lanka's army commander to look into recommendations of the LLRC relevant to the army, and to formulate a viable action plan to address the specific areas so identified, also failed to address the question of accountability. Notably, this report emphatically disagreed with the LLRC's recommendation that the Ministry of Defence should be delinked from supervisory authority over the Department of Police. An update on the action plan, also published in January, provided little measurable information as to what steps the government had taken towards implementing the LLRC recommendations.

Decades of Sexual Violence by the Security Forces

Rape as a form of torture of persons in custody has long been a serious problem in Sri Lanka. Sporadic reports of sexual violence by members of Sri Lankan security forces against detained men and women emerged over the course of Sri Lanka's armed conflict. Specific cases of rape of Tamil women and girls by Sri Lankan military personnel were raised by the UN special rapporteur on violence against women and the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in reports they issued between 1997 and the end of the war.²⁰

LTTE held areas was one that was carefully conceived, in which the protection of the civilian population was given the highest priority.”

¹⁹Ibid.

²⁰ See, e.g. UN Commission on Human Rights, Reports of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, UN Doc. E/CN.4/1997/47/Add.4, January 30, 1997; UN Doc. E/CN.4/1998/54, January 26, 1998; UN Doc. E/CN.4/1999/68/Add.1, January 11, 1999; UN Doc. E/CN.4/2001/73/Add.1, February 13, 2001; UN Doc. E/CN.4/2002/83/Add.1, January 28, 2002; UN Doc. E/CN.4/2003/75/Add.2, January 14, 2003; UN Commission on Human Rights, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, UN Doc. E/CN.4/2004/66/Add.1, March 3, 2004; UN Doc. E/CN.4/2005/72/Add.1, March 18, 2005; UN Doc. E/CN.4/2006/61/Add.1, March 27,

From 1990 to 2002, Sri Lankan civil society organizations reported dozens of alleged rapes of Tamil women by the security forces primarily in the north and east.²¹ Although there has been no systematic survey to assess the prevalence of sexual violence in Sri Lanka's three decades of civil war, regular reports by various UN special mechanisms, human rights organizations, and the media indicate persistent sexual violence against both men and women by state security forces. There is also some evidence to show that the LTTE used sexual torture against some male prisoners held in detention.²²

Sexual violence, as with other serious abuses committed by Sri Lankan security forces, was committed against a backdrop of deeply entrenched impunity. However, one emblematic case for a time galvanized public opinion, and finally led to the arrest and prosecution of low-level Sri Lankan army soldiers and police officers. In September 1996, 18-year-old Krishanthi Kumaraswamy was raped and murdered at a checkpoint near Jaffna. Kumaraswamy's mother, brother, and neighbor, who went in search of her, were also killed. Six low-level personnel were convicted by the High Court and the convictions were upheld on appeal to the Supreme Court. Their trial revealed information about various mass graves in Jaffna from a clandestine site near Chemmani.²³ Years later, no proper further investigations or prosecutions have ensued.

In numerous other cases, perpetrators have managed to evade all attempts at accountability. Constitutional remedies have proved to be as ineffective as penal remedies. The Sri Lankan Supreme Court ordered compensation and costs in a fundamental rights application to be paid to Yogalingam Vijitha, a 27-year-old Tamil woman from Jaffna district, who was tortured

2006; UN Doc. A/HRC/4/34/Add.1, March 19, 2007; UN Commission on Human Rights, Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2001/62, UN.Doc; E/CN.4/2002/76/Add.1, March 14, 2002; UN Commission on Human Rights, Report of the Special Rapporteur on the question of torture, Theo van Boven, submitted pursuant to Commission Resolution 2002/38, UN Doc. E/CN.4/2003/68/Add.1, February 27, 2003.

²¹ DBS Jeyaraj, "Sexual Violence against Tamil Women," July 8, 2001, <http://dbsjeyaraj.com/dbsj/archives/1149> (accessed January 2, 2013); Amnesty International, "Sri Lanka: Rape in Custody," January 28, 2002, ASA/37/001/2002, <http://www.unhcr.org/refworld/docid/3c552e584.html> (accessed January 2, 2013).

²² Elisabeth Wood, "Armed Groups and Sexual Violence: When Is Wartime Rape Rare?" *Politics & Society*, vol. 37, no. 1 (March 2009), p. 149.

²³ International Commission of Jurists, "Still Seeking Justice in Sri Lanka: Rule of Law, the Criminal Justice System and Commissions of Inquiry Since 1977," January 2010, http://www.nipsa.in/wp-content/uploads/2011/04/Sri-Lanka_final_3.pdf (accessed February 13, 2013), p. 46.

and raped by police officers with a plantain tree flower²⁴ while detained from June 21-27, 2000, at Negombo police station near Colombo. However, there were no prosecutions.

Numerous cases of rape reported in a letter by the UN special rapporteur on torture to the government in 1997 went similarly unpunished.²⁵ The cases include the March 17, 1997, rape of Velan Rasamma and her sister, Velan Vasantha, at their home in Mayilampaveli Colony, Batticaloa district, by four soldiers from a nearby army camp who were said to have forced their way into the victims' home. Complaints were made to the local police at Eravut and to the joint operations commander, but they declined to initiate prosecutions. In another case in Batticaloa, Murugesupillai Koneswary was reportedly subjected to harassment by local police officers after she complained that officers had stolen timber from her house. On May 17, 1997, alleged police officers entered her home and raped her, then detonated a grenade at her genitals that caused her death.²⁶ No one was convicted for the crime.

Other such cases that were inadequately investigated and prosecuted included the gang rape and killing of Ida Carmelita in 1999 and the rape of two women from Mannar, Vijikala Nanthakumar, and Sivamani Weerakoon, in 2001.²⁷ Even in the few cases where prosecutions are underway, progress has been slow. In the Viswamadhu case, in which members of the security forces allegedly raped a woman in her home in June 2010, even though the victim and a witness were able to identify the perpetrators, the prosecutor has been slow to move the case forward. Witness and victim intimidation by the police and army was a common feature of all these cases. Sri Lanka has not yet enacted a law to effectively protect victims and witnesses even though a draft has been pending for several years. In March 2000, the UN special rapporteur on violence against women expressed grave concern over the lack of credible investigations into allegations of gang rape, and murder

²⁴ Plantain flowers are hard and cone-shaped, approximately 8-inches long.

²⁵ UN Commission on Human Rights, Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1997/38, UN Doc, E/CN.4/1998/38/Add.1, December 24, 1997.

²⁶ From UN Commission on Human Rights, Report of the Special Rapporteur, Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1997/38, UN.Doc E/CN.4/1998/38/Add.1, December 24, 1997, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/o/67afc13d3e01da61c12566110055160b?Opendocument> (accessed January 2, 2013): "On 17 May, persons believed to be police officers allegedly entered her home and raped her, after which they threw a grenade at her genitals, which resulted in her death."

²⁷ Kishali Pinto-Jayawardena, "Still Seeking Justice in Sri Lanka: Rule of Law, the Criminal Justice System and Commissions of Inquiry since 1977," *International Commission of Jurists*, January 2010, http://www.nipsa.in/wp-content/uploads/2011/04/Sri-Lanka_final_3.pdf (accessed February 13, 2013), pp. 52-53.

of women and girls. In its response, the government provided details regarding the progress of investigations into two of four specific cases raised by the special rapporteur, stating that “every case of alleged criminal conduct committed by the armed forces and police has been investigated and the perpetrators prosecuted, although there may have been unavoidable legal delays.”²⁸ In a January 2002 report, Amnesty International noted that not a single member of the security forces had been brought to trial in connection with incidents of rape in custody, although one successful prosecution was brought in a case where the victim of rape was also murdered.²⁹

As a general rule, cases of sexual violence and rape by the security forces have been poorly investigated or not pursued at all. Complaints of rape, like other complaints of torture, are often not effectively dealt with by the police, magistrates, or doctors. Weaknesses in the early stages of the criminal investigation process have repeatedly contributed to the ultimate collapse of investigations of alleged rapes and other acts of sexual violence.

Rapes of male detainees by their security force captors was first acknowledged as a serious concern in 2000 when doctors writing for the British medical journal *Lancet* reviewed records of all Sri Lankan men who had been referred to the Medical Foundation for the Care of Victims of Torture (now Freedom from Torture) in 1997 and 1998. That review revealed that 20 percent of 184 male torture victims had been sexually abused in detention.³⁰ Since then various organizations, including Freedom from Torture, have documented endemic torture, including sexual abuse and rape of both men and women, in formal detention settings in Sri Lanka for over a decade.³¹

²⁸ United Nations Economic and Social Council, Integration of the Human Rights of Women and the Gender Perspective, UN Doc E/CN.4/2001/73/Add.1, January 23, 2001, <http://daccess-ddsny.un.org/doc/UNDOC/GEN/G01/104/44/PDF/G0110444.pdf?OpenElement> (accessed January 2, 2013) para. 51-57.

²⁹ Amnesty International, “Sri Lanka: Rape in Custody,” January 28, 2002, ASA/37/001/2002,” <http://www.unhcr.org/refworld/docid/3c552e584.html> (accessed January 2, 2013).

³⁰ M. Peel, A. Mahtani, G. Hinshelwood, D. Forrest, “The sexual abuse of men in detention in Sri Lanka,” *The Lancet*, vol. 355, issue 9220 (June 10, 2000), <http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2800%2902368-0/fulltext> (accessed January 2, 2013).

³¹ See, e.g. Freedom from Torture, “Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka: 2009-2011,” November 7, 2011, http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture_Freedom%20from%20Torture_Final%20Nov_07_2011.pdf (accessed January 3, 2013); “Victims of Sri Lankan conflict arriving with increasingly severe scars,” Freedom from Torture media release, April 9, 2009, <http://www.freedomfromtorture.org/news-blogs/2434> (accessed January 3, 2013); Asian Human Rights

A high number of rapes, including of men, in the context of Sri Lanka's armed conflict was also reported to the UN special rapporteur on torture in 2002. These included the case of Subramaniam Kannan, a man from Vavuniya, who was taken into custody on June 20, 2000, and held for 42 days in the 211 Brigade army camp in Vavuniya. During his detention he was beaten with batons and subjected to electric shocks, before he was allegedly handed over to the Counter Subversive Unit (CSU) of the police. At the CSU, his head was reportedly covered with a petrol-infused plastic bag in an attempt to asphyxiate him, he was repeatedly beaten, and he had barbed wire inserted into his rectum.³²

The victims of sexual violence in custody have not been limited to Tamil men and women. During the second JVP uprising in 1987-1990, there were a number of alleged cases of sexual violence by state security forces against Sinhalese women.³³ Human rights organizations monitoring torture in Sri Lanka have documented over a thousand cases of torture of Sinhalese men and women in police custody over the past dozen years, many of which involved sexual violence and rape.³⁴ A government-appointed commission to inquire into enforced disappearances of persons during this period found disturbing instances of rapes and killings of women and noted that "violence against women was used as a tool of control of a community (family, village, peers)."³⁵

Despite emerging reports of past and continuing sexual violence, the issue has remained outside public discourse. High levels of social stigmatization, fear of reprisal owing to

Commission (AHRC), "Sri Lanka: A Report on 323 Cases of Police Torture," June 24, 2011, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-085-2011/> (accessed January 2, 2013); and World Organisation Against Torture, "State Violence in Sri Lanka: Alternative Report to the United Nations Human Rights Committee," January 2004, http://www.omct.org/files/2004/01/2444/stateviolence_srilanka_04_eng.pdf (accessed January 3, 2013).

³² UN Commission on Human Rights, Report of the Special Rapporteur on the question of torture, Theo van Boven, submitted pursuant to Commission resolution 2002/38, UN Doc, E/CN.4/2003/68/Add.1, February 27, 2003, <http://unispal.un.org/UNISPAL.NSF/0/7B874EAB39CFE5D85256E6F004B90D3> (accessed January 2, 2013).

³³ See, e.g., "How security forces committed war crimes on innocent Sinhalese two decades ago?," *Sri Lanka Guardian*, October 9, 2011, http://jdsrilanka.blogspot.com/2011_10_09_archive.html (accessed January 2, 2013), which highlights an interview by Right to Life (www.right2lifelanka.org) with a woman allegedly raped by security forces in torture centers where JVP suspects were held.

³⁴ Asian Human Rights Commission (AHRC), "Sri Lanka: A Report on 323 Cases of Police Torture," June 24 2011, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-085-2011/> (accessed January 2, 2013); provides summaries of 323 of the most serious of some 1,500 police torture cases reported to the organization during that period.

³⁵ Government of Sri Lanka, "Final report of the Commission of Inquiry into Involuntary Removal or Disappearance of Persons in the Western, Southern and Sabaragamuwa Provinces, No. V," 1997, p. 132.

ongoing military control over administration in northeast Sri Lanka, lack of meaningful accountability for past crimes of sexual violence and rape, and an overriding climate of impunity have combined to discourage rape survivors from seeking redress for the abuses against them. The degrading nature of rape and the silence that surrounds it makes women and men alike reluctant to discuss rape and other forms of sexual violence. Victims rarely volunteer information about the violation they have suffered and, when they do speak, often use indirect language or euphemisms; a victim might note, for example, that she was knocked unconscious and found she was bleeding when she regained consciousness, and only later will acknowledge explicitly that she was raped.

II. Legal Framework

Sri Lanka's Obligations under International Law

Sri Lanka is bound by international human rights law and international humanitarian law (“the laws of war”). Both bodies of law prohibit acts of sexual violence. Sri Lanka is party to major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR),³⁶ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,³⁷ the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),³⁸ the Convention on the Rights of the Child,³⁹ and other sources of human rights law.⁴⁰

International human rights law contains protections from rape and other forms of sexual abuse through its prohibitions on torture and other ill-treatment, and discrimination based on sex.⁴¹ International human rights law also enshrines the right to an effective remedy, which obligates the state to prevent, investigate, and punish serious human rights violations.⁴² States must also provide reparations to victims of human rights violations, such as compensation for

³⁶ International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force March 23, 1976. Sri Lanka acceded to the ICCPR on June 11, 1980.

³⁷ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”), G.A. Res. 39/46, U.N. Doc. A/39/51, entered into force June 26, 1987. Sri Lanka ratified the Convention against Torture on February 2, 1994.

³⁸ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Sri Lanka on October 5, 1981.

³⁹ Convention on the Rights of the Child (CRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990. Sri Lanka ratified the CRC on July 12, 1991.

⁴⁰ See, e.g. Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

⁴¹ The ICCPR prohibits torture and other cruel, inhuman, or degrading treatment (art. 7) and protects women’s right to be free from discrimination based on sex (arts. 2(1) and 26).

⁴² See UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15. See also Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (“Impunity Principles”), U.N. Doc. E/CN.4/2005/102/Add.1, February 8, 2005, adopted by the UN Commission on Human Rights in Resolution E/CN.4/2005/81, April 15, 2005, principle I; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (“Reparations Principles”), adopted December 16, 2005, G.A. res. 60/147, U.N. Doc. A/RES/60/147 (2005), principle 11.

damages.⁴³ The UN has reaffirmed these principles specifically in relation to eliminating violence against women.⁴⁴ Sri Lanka is also obliged under international human rights law to provide reproductive, sexual and mental health services, and other redress to victims of torture, sexual assault, and other forms of cruel, inhuman, and degrading treatment.⁴⁵

International human rights law also provides protections to individuals in custody during an internal armed conflict unless they are superseded by more specific provisions of humanitarian law. These include the rights to be promptly notified of the reasons for arrest, to the presumption of innocence, to be brought promptly before a judicial authority and be informed of any criminal charges, to have access to counsel, and to communicate and meet with family members. Those detained on criminal charges must be promptly tried before a court that meets international fair trial standards or be released.⁴⁶

The ICCPR permits the suspension or restriction (derogation) of certain due process rights during a state of emergency. States have frequently misused states of emergency as an excuse to deny individuals their fundamental rights. According to the UN Human Rights Committee, the expert body that monitors state compliance with the ICCPR, any measures of derogation must be “limited to the extent strictly required by the exigencies of the situation.”⁴⁷ The fundamental requirements of a fair trial must always be respected. And in order to protect against torture and other non-derogable rights, “the right to take proceedings before a court to enable the court to decide without delay on the lawfulness of detention, must not be diminished by a State party’s decision to derogate from the Covenant.”

⁴³ UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 16.

⁴⁴ UN Declaration on the Elimination of Violence Against Women, December 20, 1993, G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (1993).

⁴⁵ In its December 2011 Concluding Observations to Sri Lanka, the Committee Against Torture stated: “As a matter of urgency, the Committee calls upon the State party to take immediate and effective measures to investigate all acts of torture and ill-treatment and prosecute and punish those responsible with penalties that are consistent with the gravity of their acts. It calls upon the State party to ensure that torture is not used by law enforcement personnel and members of the military. In addition to these measures, the State party should unambiguously reaffirm the absolute prohibition of torture and publicly condemn practices of torture, accompanied by a clear warning that anyone committing such acts or otherwise complicit or participating in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties, Concluding Observations of the Committee Against Torture, Sri Lanka, December 8, 2011, UN Doc CAT/C/LKA/CO/3-4.

⁴⁶ ICCPR, arts. 9 & 14.

⁴⁷ Human Rights Committee, General Comment No. 29: States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 186 (2003), para. 16.

During the armed conflict with the LTTE, which ended in May 2009, Sri Lanka was also obliged to abide by international humanitarian law, which regulates the conduct of hostilities and protects persons affected by armed conflict, including civilians and captured combatants. The hostilities between the Sri Lankan government and the LTTE met the criteria of a non-international armed conflict under the 1949 Geneva Conventions. Sri Lanka and the LTTE were bound by Common Article 3 of the 1949 Geneva Conventions, which applies to internal armed conflicts, and customary international humanitarian law.⁴⁸

International humanitarian law has long prohibited torture and cruel or inhuman treatment.⁴⁹ Common article 3 to the 1949 Geneva Conventions prohibits “cruel treatment and torture” and “humiliating and degrading treatment.”⁵⁰ Rape and other forms of sexual violence are prohibited.⁵¹

When crimes of sexual violence are committed as part of armed conflict, they can be prosecuted as war crimes. States have an obligation to investigate alleged war crimes committed by their nationals, including members of the police and armed forces, and prosecute those responsible.⁵² Acts of sexual violence committed as part of a widespread or systematic attack against civilians can be classified as crimes against humanity and prosecuted as such. The Rome Statute of the International Criminal Court (ICC) specifies that acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity can constitute war crimes or crimes against humanity.⁵³

⁴⁸ Sri Lanka ratified the four Geneva Conventions of 1949 in 1959. Customary international humanitarian law has been set out in International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, (Cambridge: Cambridge Univ. Press, 2005).

⁴⁹ See, e.g. Third Geneva Convention, art. 17; Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.TS 609, adopted June 8, 1977, arts. 5(2) & 6 (Sri Lanka has not signed Protocol II, but many of its provisions are recognized as customary international law); ICRC, *Customary International Humanitarian Law*, rule 90; Rome Statute of the International Criminal Court (Rome Statute), U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 8(2)(c)(i) and (ii).

⁵⁰ Common article 3 to the 1949 Geneva Conventions, (1)(a) and (c).

⁵¹ See *Customary International Humanitarian Law*, rule 93, citing Common Article 3, Protocol II, art. 4(2), etc.

⁵² The obligation of states to prosecute serious breaches of international humanitarian law is outlined in each of the Geneva Conventions and in ICRC, *Customary International Humanitarian Law*, rule 158.

⁵³ Rome Statute, art. 8(2)(b)(xxii) and (e)(vi); and 7(1)(g).

Aside from their direct criminal responsibility for crimes committed on the ground (for instance, by issuing orders that are executed by subordinates), commanders or other superiors may be guilty for failing to prevent or punish crimes committed by their subordinates. Command responsibility is an established principle of customary international humanitarian law and has been incorporated into the Rome Statute.⁵⁴

Sri Lankan National Law

Sri Lanka's constitution guarantees fundamental human rights, including the right to life, liberty, and security of person, the right to a fair trial, and the prohibition of torture.⁵⁵ However, national security legislation, including emergency provisions and the Prevention of Terrorism Act (PTA), has been in place intermittently since 1971.⁵⁶ Such emergency laws and regulations have been used to supersede constitutional guarantees.

The constitution makes the Public Security Ordinance (PSO), introduced by the British colonial authorities in 1947, part of Sri Lankan law.⁵⁷ Section 5 of the PSO empowers the executive to issue emergency regulations that may authorize detention of suspects without charge or trial; authorize entry, search, and seizure of property; amend any law (other than the Constitution) or suspend its operation; and create special courts to prosecute offenders, including under the emergency regulations themselves.

The PSO and emergency laws enacted by various Sri Lankan governments have been widely criticized by national and international legal experts for contradicting international human rights standards, and undermining the rights enshrined in Sri Lanka's constitution.⁵⁸

⁵⁴ ICRC, Customary International Humanitarian Law, rule 153; Rome Statute, art. 28.

⁵⁵ The Constitution of the Democratic Socialist Republic of Sri Lanka 1978 prohibits torture under chapter 3, article 11, providing that: "No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 11 is an entrenched safeguard and as such can only be amended with approval of a two-thirds majority of Members of Parliament or by a simple majority in a public referendum. The Constitution does not expressly recognize the right to life and, until 2003, this had significant implications for the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. In 2003, however, the Sri Lankan Supreme Court inferred the right to life as flowing from article 13(4) of the Constitution, which provides that "no person shall be punished with death or imprisonment except by order of a competent court made in accordance with procedure established by law."

⁵⁶ The Sri Lankan Constitution in article 155 authorizes the president to issue emergency regulations "amending or suspending the operation of the provisions of any law, except the provisions of the Constitution."

⁵⁷ Ibid.

⁵⁸ The emergency regulations have consistently deviated from international standards, such as the ICCPR and the Convention against Torture. Specifically, on their face and in practice the emergency regulations are in

In August 2011, the Sri Lankan government finally lifted the state of emergency but almost immediately the president introduced new regulations under the PTA. Under these new regulations, authorities may still detain suspects without charge for up to 30 days, pending issuance of detention orders under the PTA or remand by a magistrate.⁵⁹ The government passed a new law passed in January 2013 which allows police to hold suspects for up to 48 hours without a warrant.

Persons mistreated under the Emergency Regulations or PTA are unlikely to come forward and make an official complaint because of immunity provisions in these laws. The emergency regulations provide immunity from prosecution for government officials who commit wrongful acts when they implement the regulations. Legal proceedings are prohibited if an official acted “in good faith and in the discharge of his official duties,” and prosecutors and courts are likely to interpret this language broadly.⁶⁰

Presidential directives to the security forces initially published in July 2006 and re-circulated in April 2007 instruct the security forces to respect basic human rights. Those directives specify security forces’ obligations, including providing suspects with the reasons for arrests, identifying themselves while carrying out the arrests, and allowing arrested persons to inform family members of their whereabouts. The directives also instruct the security forces to inform the National Human Rights Commission (NHRC) within 48 hours of any arrest, and allow the commission unimpeded access to all detainees.⁶¹ However, research conducted by Human

conflict with ICCPR article 6 on the freedom from arbitrary deprivation of life, article 7 on the prohibition of torture and cruel, inhuman or degrading treatment or punishment, article 9(1) on the rights of liberty and security and the prohibition of arbitrary arrest and detention, article 9(2) on the right to be informed of the reason for one’s arrest, article 9(3) on the right to be promptly produced before a judge, article 9(4) on the right to take proceedings before a court, article 9(5) on the entitling of a victim of a human rights violation to compensation and article 14 on the right to a fair trial. While, as mentioned above, Sri Lanka on several occasions submitted its derogations from ICCPR to the UN secretary-general under article 4, it often failed to indicate the specific provisions from which it has derogated and the reasons for the derogation. See Asian Center for Human Rights, *The State of Civil and Political Rights in Sri Lanka*, (Michigan, US: The University of Michigan Press, 2003).

⁵⁹ “Prevention of Terrorism (Detainees and Remandees) Regulations No. 4 of 2011,” The Prevention of Terrorism (Temporary provisions) Act No. 48 of 1979 Regulation, made by the President under section 27 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 read with paragraph (2) of Article 44 of the Constitution, Mahinda Rajapaksa, President, Colombo, August 29, 2011.

⁶⁰ Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulation No. 7 of 2006, art. 15; a similar provision is found in PTA, art. 26.

⁶¹ “Secretary of Defense Re-circulates Presidential Directives on Protecting Fundamental Rights of Persons Arrested and/or Detained,” Statement by the Ministry of Defense, Public Security, Law and Order, April 25, 2007, http://www.defence.lk/new.asp?fname=20070425_02 (accessed 6 May, 2012).

Rights Watch and other organizations shows that these directives remain largely declarations on paper—with no legal force and no penalties for non-compliance.⁶²

The government has reformed Sri Lanka’s rape laws to better address the rape of detainees. Beginning in 1995, the government put in place a legal framework which in principle should have allowed more effective prosecution of alleged rapists. Among the changes to the Penal Code was the inclusion of a new provision (section 364(2)) recognizing the phenomena of rape in custody and gang rape as acts constituting grave crimes. The minimum and maximum punishment for rape in custody as a form of aggravated rape is 10 years’ and 20 years’ imprisonment, respectively. ⁶³

⁶² See, for example, International Crisis Group, “Sri Lanka's Human Rights Crisis,” Asia Report no 135, June 14, 2007, [http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/135_sri_lanka_s_human_rights_crisis.ashx](http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/135_sri_lanka_s_human_rights_crisis.ashx) (accessed February 13, 2013).

⁶³ See the Penal Code (Amendment) Act Nos. 22 of 1995 and 29 of 1998; the Code of Criminal Procedure (Amendment) Act, No. 28 of 1998; the Judicature (Amendment) Act, No. 27 of 1998; and the Evidence (Special Provision) Act of 1999.

III. Findings

Human Rights Watch’s research into rape and other sexual violence by Sri Lankan security forces during and since the armed conflict with the LTTE uncovered disturbing patterns, strongly suggesting that it was a widespread and systematic practice. Rape appears to have been a key element of broader torture and ill-treatment of suspected LTTE members and others believed linked to the LTTE. This torture was intended to obtain confessions—whether accurate or false—of involvement in LTTE activities, obtain information on others including spouses and relatives, and, it appears, to instill terror in individuals and the broader Tamil population. Our research suggests that rape as a form of torture in formal and informal detention centers continues up to the present.

The cases detailed in the appendix of this report likely represent a small sample of total rapes in custody, as the detainee population from which the cases come is only a subset of the larger detainee population. In all of these cases documented here, the victims or their families were able to bribe the authorities to win their release, and then have sufficient funds to flee the country. The treatment and fate of the overwhelming majority of detainees, those who could not purchase their way to safety outside the country, remains unexplored and of great concern. Available information indicates that countless others may have experienced sexual violence in custody and that many in detention may still be experiencing it today.⁶⁴

Perpetrators

The 75 cases investigated by Human Rights Watch cannot be said to represent a random sample of individuals subjected to sexual violence while in the custody of Sri Lankan security forces. However, the findings do permit some broader conclusions to be drawn. The perpetrators of rape and sexual violence covered a range of Sri Lankan security organizations—the military, military intelligence, and the police, the last including the

⁶⁴ See, e.g., US Department of State, “2011 Country Reports on Human Rights Practices - Sri Lanka,” May 24, 2012, <http://www.unhcr.org/refworld/docid/4fc75a5eb4.html> (accessed January 3, 2013); Freedom from Torture, “Sri Lankan Tamils tortured on return from the UK,” September 13, 2012, <http://www.unhcr.org/refworld/docid/505321402.html> (accessed January 3, 2013); Freedom from Torture submission to the Committee against Torture for its examination of Sri Lanka in November 2011, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-december.pdf?view=Binary> (accessed January 3, 2013).

Criminal Investigation Department (CID) and Terrorism Investigation Department (TID). Frequently members of more than one state agency would work together. The victims of sexual violence almost always knew which part of the security establishment the perpetrator belonged to and which camps or detention sites they were taken to: the security forces responsible for the mistreatment made no attempt to hide their unit identities from the victims.

There were exceptions. SA, for example, told Human Rights Watch that he was apprehended in Colombo in 2012 by men in civilian clothes. Even in such cases the evidence of security force involvement was strong. In SA's case, the men who abducted him carried T56 military assault rifles, and displayed them openly at checkpoints manned by the army. During his interrogation, SA said, his abductors mentioned each other's ranks, and while blindfolded he heard his interrogators stand up and address others as "Sir" when they entered the room.

In some cases reported to Human Rights Watch, former detainees also pointed to the role played by members of pro-government Tamil paramilitary or armed groups, namely the Eelam People's Democratic Party (EPDP), People's Liberation Organization of Tamil Eelam (PLOTE), and the Karuna group. These groups acted in conjunction with security forces by providing information on alleged LTTE sympathizers and their families. Detainees frequently secured their release from detention by paying bribes to security forces using members of these groups as interlocutors. Often Tamil parliamentarians would play this role.

The perpetrators of sexual abuse were male, but uniformed female police officers assisted in the torture and rape of both men and women. For example, women police officers tied up and shackled detainees to expose them, stripped them of their clothes, threw chili powder in their faces, and participated in their near asphyxiation with petrol-infused plastic bags.

Places of Detention

Sexual abuse as a form of torture or ill-treatment does not appear limited to particular areas or detention centers, but appears to have occurred in all the places that suspected LTTE members and supporters were subject to custodial abuse. Many of those mistreated were held in unofficial places of detention or places they could not name, including in Puttulam and Anuradhapura cities north of Colombo. Some former detainees told Human

Rights Watch about unofficial detention sites run by the EPDP. Two women interviewed were raped during interrogations at their homes.

But much of the mistreatment reported to Human Rights Watch occurred in official detention centers, indicating that senior commanders knew or should have known of the abuses taking place. In the conflict areas in the north these included various sites in Vavuniya, on the Jaffna peninsula, and in Vanni, and victims in most of these cases identified Sri Lankan army personnel as the perpetrators. Among the “known” sites in Vavuniya were: Vavuniya police station, Chettikulam police station, Arunachalam camp, an army-controlled detention site at Omanthai, and the Nelukulam, Joseph, Ramanathan, and Veppankulam military camps.

Official detention centers were not just in the conflict areas in the north. Police stations in towns such as in Kotahena, Dehiwela, and Welawatta, and various official and unofficial detention sites in and around Colombo also were used, including Welikada prison, the fourth floor of CID headquarters, and the sixth floor of TID headquarters. Abuses investigated by Human Rights Watch also took place in Boosa prison in Sri Lanka’s south, Kaluthara prison in western Sri Lanka, and in Trincomallee police station in the east.

In addition to its regular military operations, the Sri Lankan government’s multi-pronged strategy to defeat the LTTE included clandestine joint operations with the police to uncover LTTE safe houses, dismantle LTTE networks in the country, and kill persons believed to be associated with the LTTE.⁶⁵ As noted above, the end of the armed conflict with the LTTE did not result in an end to the military’s emergency policing powers,⁶⁶ and Sri Lankan authorities have continued to arrest and detain individuals suspected of links to the LTTE, and to hold them without charge or trial.⁶⁷

⁶⁵ UN Secretary-General, Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka, March 31, 2011, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed January 3, 2013).

⁶⁶ President Rajapaksa continued to invoke section 12 of the Public Security Ordinance to allow the armed forces (army, air force and navy) to retain policing powers, including search and arrest, and proposed a new Bill to extend some of the powers provided by emergency regulations.

⁶⁷ JC Weliamuna, “Lifting of Emergency: Exposing the Sham Exercise,” *Groundviews*, September 16, 2011, <http://groundviews.org/2011/09/16/lifting-of-emergency-exposing-the-sham-exercise/> (accessed January 3, 2013).

For instance, GD, a 31-year-old woman, told us that four men in civilian clothes took her from her house in Dehiwala, Colombo, in late November 2011. She says the men introduced themselves as CID officials and took her to the fourth floor of CID headquarters for questioning. There her interrogators, including a uniformed police officer, tortured and raped her.

The Prevention of Terrorism Act (PTA) allows Sri Lankan authorities to hold detainees where they choose and to move them from place to place while under investigation,⁶⁸ practices that increase the likelihood of torture and abuse. In only a handful of the cases reported to Human Rights Watch was the victim provided an arrest warrant or a legally valid reason for arrest; more typically they were forcibly put into vehicles and subjected to beatings. Some detainees told Human Rights Watch that rapes and sexual violence did not occur in the first and “known” places of detention, but rather after they were driven, often blindfolded, to a second, unofficial location.

None of the former detainees interviewed for this report were told that they were being held under the Emergency Regulations or the Prevention of Terrorism Act (PTA). However, during interrogation, it became clear they were detained due to their involvement or perceived association with the LTTE. For example, OP, 20, was arrested by the police during a random search operation at Colombo’s international airport in January 2009 because his ID card showed Puthukudiruppu—an LTTE stronghold then under attack— as his home address. OP was initially taken to the sixth floor of CID headquarters in Colombo and transferred to a CID detention center at Boosa camp where he was interrogated and tortured. He reported being repeatedly sexually abused during the five months he spent in Boosa.

Interrogation Practices

The interviews conducted by Human Rights Watch also reveal patterns in how interrogations were conducted and abuses meted out. Interrogations typically were conducted by teams, rather than by individuals, and members of the any given team often came from different government agencies. Torture, including sexual abuse, took place in interrogation rooms that appeared to be frequently used for torture, as they were often

⁶⁸ Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, section 7(3): “A police officer conducting an investigation ... shall have the right of access to [persons arrested under the act] and to take such person during reasonable hours to any place for the purpose of interrogation and from place to place for the purposes of investigation.”

blood-stained and contained visible torture instruments. Interrogation was conducted in Sinhala with a Tamil-speaker present as an interpreter. Most victims who spoke to Human Rights Watch said they were told they would be released if they agreed to sign a confession, were tortured until they agreed to do so, and, in many cases, were tortured afterwards as well. Frequently, the rapes continued throughout their detention.

Under Sri Lanka's Evidence Ordinance, confessions made to a policeman or other public officer, and confessions made while in the custody of the police are not admissible as dispositive evidence in ordinary criminal cases unless they are made in the presence of a magistrate. But such confessions are presumptively dispositive under the Prevention of Terrorism Act (PTA), which has remained in effect after the end of hostilities. Confessions made under "inducement, threat or promise" are legally inadmissible. However, the PTA reverses the burden of proof, putting the onus on victims to prove that their confessions were made under duress and therefore the evidence gathered under torture is inadmissible in court.⁶⁹

As noted above, all of the victims interviewed by Human Rights Watch were able to "escape" from detention only by paying a bribe after they had signed a confession that was coerced under rape and other forms of torture and ill-treatment. Detainees who did confess after mistreatment were frequently taken to other sites, and told to identify and implicate others. Fearing further abuse, these detainees often identified other men and women as LTTE members or supporters even though they did not recognize them or knew otherwise.

The sexual abuse was frequently carried out by more than one person, often with multiple onlookers, including women members of the security forces. This would indicate that the practice was not something secret, but was well-known by the authorities, at least at a particular detention facility. Precise details like the names and ranks of those who interrogated and sexually abused the detainees was either not known or could not be recalled, unsurprising under the circumstances. The one exception was PR, 26, who told

⁶⁹ Prevention of Terrorism Act, No. 48 of 1979 (PTA), section 16(2): "The burden of proving that any statement referred to in subsection (1) is irrelevant under section 24 of the Evidence Ordinance [which deems confessions extracted "by inducement, threat or promise" to be irrelevant] shall be on the person asserting it to be irrelevant"; South Asia Terrorism Portal (SATP), "Prevention of Terrorism Act, No. 48 of 1979," undated, http://www.satp.org/satporgtp/countries/shrilanka/document/actsandordinance/prevention_of_terrorism.htm (accessed January 3, 2013).

Human Rights Watch that he and other detainees were raped repeatedly at night by KK, a police officer from the Colombo Crime Division at his room in the Dehiwela police station in June 2008. “Everybody knew that when he [KK] takes someone out of the cell,” PR said. “He will rape them.”⁷⁰

Both men and women were raped. Rape often occurred in cells at night or in interrogation rooms in which other acts of torture took place. It was carried out by prison guards and officers, often repeatedly and often by more than one individual. Frequently the perpetrators had been involved in interrogating the victims during the day, had used some form of sexual violence during questioning, and returned later for more serious violence. Sexual violence included groping, kicking and squeezing genitals, biting buttocks and breasts, and burning sensitive areas like inner thighs and breasts with cigarettes.

The patterns across perpetrators, places of detention, and interrogation practices noted above strongly suggest that rape and other sexual violence was a systematic practice that was known or should have been known at the highest levels of the state security apparatus.

Victims

The predominately ethnic Tamil detainees we spoke with who alleged that they were raped and otherwise sexually abused while in the custody of Sri Lankan security forces covered a broad spectrum. They included men and women, ranged in age from 16 to 50, and came both from Tamil areas of the north and east, and from Colombo and vicinity. Tamil-speaking Muslims were also among those so treated, and one case involving a Sinhalese woman suggests that the majority population has not been exempt from such mistreatment. While all were accused of being LTTE members or supporters, or were questioned about others who had such involvement, most of the individuals we spoke to denied direct involvement in the LTTE but admitted links through spouses and relatives, or said they had been forced to join the LTTE. No doubt in many cases the security forces realized the detainee was not responsible for any unlawful acts—yet continued their abusive treatment anyway. In any case, torture and other ill-treatment are prohibited under all circumstances, regardless of whether the victim may have violated the law.

⁷⁰ Human Rights Watch interview with PR, January 28, 2012.

Like many Tamils caught up in the armed conflict, the individuals we spoke to had suffered from the war in various ways. Many had been displaced by the fighting, often more than once. Some had been trapped in LTTE-controlled areas while others had escaped to government-controlled areas while the fighting continued. Others said they had been forcibly recruited into the LTTE's ranks. In one case, police and soldiers arrested BN, 17, from his home in Vavuniya in April 2008 during a search for his father, an alleged LTTE member. BN was taken to the Veppankulam camp where he was interrogated, tortured, and raped over a two-week period.

In other cases, those mistreated appeared to have been people who merely ran afoul of the government's regulations on freedom of movement that were primarily applied against the Tamil population. For example, police and soldiers conducted a joint search operation at the house of 34-year-old RN's uncle in Trincomalee in November 2008. RN and her husband were taken into custody because they did not possess a valid permit to stay in Trincomalee and had failed to register with the police on their arrival from Mullaitivu. While detained, RN was tortured and raped.

At war's end, some detained Tamils we interviewed had been taken into custody by the army out of displacement camps, while others had surrendered to government forces. Others were abducted from homes or guesthouses. Tamils in Colombo were arrested because they had IDs for the north or east. KN, 30, surrendered to the Sri Lankan army on April 19, 2009, at Iranipilai and was taken first to Omanthai and then to Arunachalam camp in Vavuniya. She shared a tent in the camp with six other young women, each of whom was ordered to come for an "inquiry" every evening. KN told Human Rights Watch that the officials asked her to provide details of her husband's whereabouts and when she failed, she was raped multiple times by four or five officials. However, the questioning stopped after the first "inquiry" and from then on she was only raped. "I resisted each time and they would beat me and rape me. This went on for a week."

Since the end of the armed conflict, other Tamils, living abroad, returned to Sri Lanka only to be arrested immediately or soon after arrival, and they too have been subjected to torture, including rape, while in custody. A number of these were questioned about alleged activities abroad, including peaceful criticism of the Sri Lankan government. For instance, YN, 46, was deported to Sri Lanka in January 2010. He told Human Rights Watch he was picked up by CID officials as soon as he cleared immigration at the Colombo's

international airport, and taken to the fourth floor of CID headquarters where he was detained for two or three days before being transferred to Joseph camp in Vavuniya. He said he was repeatedly beaten, tortured, and raped at Joseph camp.

In short, there appears to be no category of Tamil who, once taken into custody, is immune from rape and other sexual violence.

Post-War Developments

As noted above, rape and other sexual violence of persons in custody continued during the final weeks of the fighting in 2009 and in the immediate aftermath as LTTE members and civilians who had been under LTTE control were processed at screening sites and camps for internally displaced persons (IDPs). As people fled the conflict areas and surrendered to the Sri Lankan army, government authorities' conducted strip-searches and screened people for LTTE associations. Once identified, suspected LTTE were removed from the IDP camps to separate, often unknown, locations generally referred to as "rehabilitation centers."

According to the later government commission:

At Omanthai, announcements had been made requesting those who were involved with the LTTE to declare themselves. IDPs had been sent to camps and surrendees had been sent to Detention Centers. Due to the very large numbers of civilians that had crossed over on 17th and 18th May 2009, everyone had been sent to IDP centers at Vavuniya and registration had been done at this point.⁷¹

As of August 2012, 636 adult detainees under the custody of the commissioner general of rehabilitation (CGR) remained in four locations at Maramadu, Welikanda, Kandakadu, and Poonthottam. Referred to alternately as "temporary accommodation centers" and "rehabilitation centers" by the Bureau of the CGR, many of these camps were educational institutions requisitioned in order to accommodate the detainees.

⁷¹ Government of Sri Lanka, "Sri Lanka: Report of the Commission of Inquiry on Lessons Learned and Reconciliation," November 2011, http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf (accessed February 16, 2013), para: 4.222.

Available evidence, including that obtained by the UN Panel of Experts, indicates that this “screening process” directly resulted in summary executions, enforced disappearances, rapes, and other abuses of LTTE suspects.⁷² In a medical interview, PV said that she had been taken in 2009, she with her parents and her breast-feeding infant were taken to a very large camp in Vavuniya where she was separated and taken away for questioning because she had worked for the LTTE. She said she was repeatedly tortured and “taken to the Brigadier’s room over a period of three months where her hands were tied to the bed and she was raped.” She said the brigadier told her if she told anyone, he would he would kill her family, her child, and her.

Poor conditions in camps also facilitated sexual abuse. There was an absence of privacy, and soldiers and police would infringe on the privacy of women by watching them when they bathed or used the toilet. Women and girls were forced to bathe at dawn or after dusk which exposed them to further opportunistic abuse. In one example, VB, 28, from Mullaivaikal was detained at the Ramanathan camp in Menik Farm where she and other women from her tent bathed at the river every night. The river was guarded by the police so access from the other side was limited. She told Human Rights Watch, “One evening when I was returning after a bath with some others, suddenly a group of soldiers appeared. Some of the girls managed to scream and run away. I was raped.”⁷³

The office of the UN High Commissioner for Refugees, in its December 2012 eligibility guidelines for assessing protection needs of Sri Lankan asylum seekers, stated that “sexual violence, including but not limited to rape, against Tamil men in detention has also been reported recently, including reports of cases perpetrated in the post-conflict period.”⁷⁴ The UNHCR cited reports documenting high levels of sexual and gender-based violence against women and girls in the post-conflict phase as well as in the final phase of the armed conflict, including in parts of the country not directly affected by the conflict.

⁷² UN Secretary General, Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka, March 31, 2011, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed February 16, 2013) para: 148.

⁷³ Human Rights Watch interview with VB, November 20, 2011.

⁷⁴ UN High Commissioner for Refugees, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, December 21, 2012, <http://www.unhcr.org/refworld/docid/50d1ao8e2.html> (accessed February 16, 2013), page: 27.

Violations: Denial of Basic Due Process

All but one of the individuals interviewed by Human Rights Watch were denied basic due process rights after being taken into custody. They were not brought before a judge or magistrate, did not have charges filed against them, and had no access to family members or legal counsel.

They were effectively “disappeared” as none of their family members were informed about their locations. Being held incommunicado facilitated their mistreatment, including rape. MT, 30, was arrested and detained in Vavuniya police station in May 2010. She was taken to an unknown detention site where she was tortured and raped and then brought back to the police station. She told Human Rights Watch, “My mother brought my one-year-old daughter to the police station and one guard told me they were there, but I was not allowed to meet them.”⁷⁵

The Sri Lankan authorities denied detainees opportunities to challenge their mistreatment. None of those we interviewed said they had access to an independent medical representation or were examined by a Judicial Medical Officer (JMO).⁷⁶ In two instances the authorities took detainees who had been raped to a hospital for medical treatment. But many victims were too fearful to ever report the abuse to a magistrate and those who were hospitalized said police were present with them throughout their hospitalization. Human rights activists say that even if a JMO compiles a Medico-Legal Examination Form (MLEF), there is no assurance that the document will get further than the hospital. The police often force doctors and JMOs to file a false MLEF and in some cases dictate what gets written on the form.⁷⁷ According to local human rights groups, JMOs have been orally instructed not to examine and report on cases of abuses by “those in uniform.”⁷⁸

Sri Lankan law does not provide adequate protections to ensure detainees get necessary medical treatment. Suspects held under the PTA or Emergency Regulations, as well as

⁷⁵ Human Rights Watch interview with MT, December 4, 2011.

⁷⁶ A magistrate may also order that a medical examination be carried out by a Judicial Medical Officer if a suspect complains of torture or ill-treatment.

⁷⁷ See Asian Human Rights Commission, “Sri Lanka: Police torture as an indicator of the constitutional degradation of the Rule of Law,” January 12, 2011, <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-004-2011> (accessed January 3, 2013).

⁷⁸ Human Rights Watch interview with Sri Lankan human rights activist, June 6, 2012.

other legislation, do not have an independent right to a medical examination. The Code of Criminal Procedure Act in article 122(1) states that “where an officer in charge of a police station considers it necessary for the investigation, he or she may order the examination of any person by a medical practitioner.”⁷⁹ However, the decision to order a medical examination rests with the police officer.

Violations: Torture, Rape, and Sexual Violence

Sexual abuse in detention in cases investigated by Human Rights Watch appeared to be part of a broader effort to break down and degrade individuals in detention. Sexual violence frequently began with sexual humiliation and forced nakedness or semi-nakedness, either during the interrogation sessions or outside of them. Forced stripping was accompanied with verbal sexual threats and mocking, which added to the humiliation and degradation of being tortured. This psychological sexual abuse was frequently followed by physical torture and ill-treatment, including rape and various forms of sexual violence.

For victims, it is difficult to acknowledge being raped and sexually abused. Human Rights Watch stopped interviews when victims became distressed in talking about their experience. Doctors say that victims can be reluctant to speak even when signs of sexual abuse are present. “Telltale signs of sexual violence in Sri Lankan cases are cigarette and other burns around genitals and breasts and bite marks, especially on buttocks,” said Dr. Allison Callaway, who has medically reviewed over a hundred Sri Lankan asylum seekers in the UK. “Women tend to clench particularly during a physical examination and both men and women show marked signs of Post-Traumatic Stress Disorder.”

Whatever the circumstances of their abuse, the people interviewed by Human Rights Watch expressed shame in admitting rape and other sexual abuse. Most were incapable of describing being raped in detail because they could not formulate the language to explain what had happened. Many felt that they had been picked because of alleged links to the LTTE and felt this made them vulnerable. A large number did not disclose their abuse in their initial screening interviews for asylum in various countries. Instead they disclosed details of their abuse to psychiatrists and doctors only when they were specifically probed

⁷⁹ See Sri Lanka Consolidated Acts, Code Of Criminal Procedure Act (No. 15 of 1979) - Sect 122, http://www.commonlii.org/lk/legis/num_act/cocpa1501979276/s122.html (accessed January 3, 2013).

on this aspect of torture. “Victims sometimes give ‘hints’ in the substantive interviews, but these are more often than not, not picked up by the interviewing officer, unless some details are provided,” a senior immigration barrister in the UK told Human Rights Watch.⁸⁰

Cultural stigmatization and shame is a very real deterrent to seeking help for both men and women who have been raped in custody. One man told Human Rights Watch that it was impossible for him to admit being raped to anybody, including his wife.

Various forms of sexual abuse were reported to Human Rights Watch by former detainees. Men said that they were kicked in the genitals; had their testicles repeatedly squeezed; were forcibly masturbated; were forced to perform or receive oral sex; and were orally and anally raped. CR, 45, said for instance that a group of soldiers and paramilitaries raped him with a small glass bottle.⁸¹

Women told Human Rights Watch of being kicked or otherwise having their genitalia assaulted; being forced to perform oral sex; and suffering biting, scratches, and other wounds to their breasts and other parts of their bodies. All the women interviewed by Human Rights Watch suffered vaginal rape at least once, but some repeatedly. These rapes resulted in extremely heavy bleeding, miscarriages, pregnancy, and other outcomes.

Sexual abuse can have long-lasting physical and psychological effects. Some men who experienced anal rape and forced penetration with instruments said that they experienced ongoing pain in their anus and bleeding.

Many of those Human Rights Watch interviewed were receiving psychiatric care in addition to continued medical treatment. They described a range of psychological symptoms that included difficulty getting to sleep; waking with nightmares; jumpiness and irritability; trying to avoid remembering what happened in detention; and depression. A consultant psychiatrist in the UK told Human Rights Watch: “The level of trauma among those who have escaped from recent detention in Sri Lanka is extremely high. It will take them many years of counseling before they are able to lead normal lives.”⁸²

⁸⁰ Human Rights Watch interview with senior immigration barrister (name withheld), London, January 8, 2012.

⁸¹ Human Rights Watch interview with CR, December 10, 2011.

⁸² Human Rights Watch interview with UK-based consultant psychiatrist specializing in trauma and depression (name withheld), January 12, 2012.

Two men interviewed by Human Rights Watch had a sharp needle inserted in their penis. In one case, this was used to insert metal balls that later had to be surgically removed.

In addition to sexual abuse, some of the common forms of torture and cruel, inhuman, and degrading treatment reported were forceful slapping and punching; sustained kicking all over the body; stomping on limbs with hard boots; beatings with batons, rifle butts, electric cables or wires, and sand-filled plastic pipes; being thrown against a wall; hair pulling; partial suffocation by inhaling in a petrol-infused plastic bag; twisting fingers and limbs; and beating the soles of feet.

Also common were burning with a heated metal rod on the back, thighs, and soles of feet; burning with glowing cigarettes; repeated suspension from a metal bar with both hands tied at the wrists; suspension upside down; sleep deprivation including by flashing lights, loud noises, being poked with sticks, or having dry chili powder thrown into one's eyes; and having one's head pushed into dirty water.

Psychological torture and ill-treatment included being verbally abused in Tamil or Sinhala; being threatened with execution or the execution of loved ones; and hearing screams of others being tortured. In one case, an officer of the Colombo Crime Division in Dehiwela police station forced 26-year-old PR to sit on his knees with his head under the bed and the officer would sit on him, using him like a stool for hours at a stretch. When PR begged him to stop, the officer threatened to kill him.

Former detainees who spoke to Human Rights Watch said they were held in filthy, small detention rooms or cells with little or no access to toilet facilities, forcing them to defecate in a plastic bag. One bucket of water would be provided to drink and wash. The amount of food available to detainees varied, but many told Human Rights Watch that they were fed only once daily during their detention.

IV. Domestic Response

Post-War Barriers to Redress

Ethnic Tamils seeking basic assistance or redress for mistreatment during the armed conflict, including rape and other sexual violence while in custody, face enormous barriers. The Presidential Task Force Resettlement for Reconstruction and Security in the Northern Province (PTF),⁸³ established in 2009, and a heavy-handed military presence have limited their access to civil society groups that could help them pursue claims. For the first two years after the war, the PTF and the military actively prohibited any local or international nongovernmental organizations (NGOs) from conducting programs designed to address war-related trauma and other psycho-social stresses. The PTF also indirectly controlled which NGOs can provide services in the north. In practice, all NGO workers have faced serious restrictions on access and movement within the region; international NGO workers also have had great difficulty obtaining visas.⁸⁴

Groups based in Colombo, which previously had freer rein to raise concerns in the north have themselves come under threat from the government, limiting their ability to speak out.⁸⁵ On sexual abuse in particular, whether of persons in custody or by the security forces in villages and towns, governmental restraints on investigations by domestic organizations has meant a lack of reporting that has prevented any meaningful national advocacy. Legal responses through *habeas corpus* petitions on sexual violence and other human rights violations have had very limited success.⁸⁶

⁸³ The Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) was established in May 2009 and has been chaired from the beginning by Basil Rajapaksa, one of the president's brothers and now the minister of economic development. It is composed of senior central government officials and the heads of the police and all branches of the military. All its members are Sinhalese. The north's provincial governor, G.A. Chandrasiri, is a Sinhalese retired major general.

⁸⁴ Human Rights Watch interviews with Colombo-based human rights activist (name withheld), London, April 22, 2012.

⁸⁵ Human Rights Watch interview with civil society activist (name withheld), Colombo, January 28, 2012.

⁸⁶ See, e.g., K. Pinto-Jayawardena and J. De Almiada Guneratne, "Habeas Corpus in Sri Lanka; Theory & Practice of the Great Writ in Extraordinary Times," *Law & Society Trust*, January 2011, http://www.lawandsocietytrust.org/PDF/HABEAS%20CORPUS%20IN%20SRIL%20LANKA_%20THEORY%20AND%20PRACTICE%20OF%20THE%20GREAT%20WRIT%20IN%20EXTRAORDINARY%20TIMES.pdf (accessed January 3, 2013).

In 2008, community outrage over one case involving allegations of sexual harassment and abuse during a registration process in the Eastern Province resulted in the removal of the police Special Task Force (STF) camp from Alayadivembu.⁸⁷ However, this was exceptional.

During the armed conflict, the police force in Sri Lanka became significantly militarized and emergency provisions conferred police powers on the army, thus blurring the distinction between the two forces.⁸⁸ This overlap, which has continued up to the present, has made it more difficult for people to file complaints or seek redress, particularly against the military. “There is a sense in all five districts [in the Northern Province] that there is no use complaining to the police, be it about rape, murder, trafficking, disappearance as it only opens the victim to further abuse and gives the military access to people’s lives,” an activist told Human Rights Watch.⁸⁹

Since mid-2011, a small number of NGOs have been given permission to provide psychological counseling and related support so long as they work through local government health services. But the need is enormous and the available staff and programming less than adequate.⁹⁰ “The level of trauma among Tamils who survived the conflict and particularly among those who have been detained is extremely high and the need for concerted action and resources is acute,” a representative of an international peace-building organization said.⁹¹

Continuing Impunity and Military Abuses

The Sri Lankan government’s response to allegations of sexual violence by the security forces has been crude and disdainful.⁹² The government has viewed these allegations as an

⁸⁷ See The Women and Media Collective, “Shadowing the State through CEDAW: A compilation of the Sri Lanka NGO Shadow Report, CEDAW Concluding Observations and other documents 2010/2011,” June 2010, pp. 41-42.

⁸⁸ See Kishali Pinto-Jayawardena, *The Rule of Law in Decline: Study on Prevalence, Determinants and Causes of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment in Sri Lanka*, (Copenhagen: The Rehabilitation and Research Center for Torture Victims, 2009).

⁸⁹ Human Rights Watch interview with a civil society activist (name withheld), December 18, 2012.

⁹⁰ “There is an urgent need for psychological assistance in the North,” *Groundviews*, July 30, 2011, <http://groundviews.org/2011/07/30/there-is-an-urgent-need-for-psychological-assistance-in-the-north/> (accessed January 3, 2013).

⁹¹ Human Rights Watch interview with international NGO worker (name withheld), February 26, 2012.

⁹² In a Sky news interview on May 21, 2009, Rajiva Wijesinha, then-secretary to the disaster management and human rights ministry, responded to a question on allegations of sexual violence by saying: “There are a few blue-eyed children in that camp. So you know that some of the NGOs have had a jolly good time when they

LTTE conspiracy to defame and demonize the armed forces for winning the war.⁹³ The government was quick to condemn US Secretary of State Hillary Clinton's 2009 mention of Sri Lanka in a statement at the UN regarding sexual violence in conflict.⁹⁴ A senior defense official attacked the allegations, saying there was no basis whatsoever to suggest Sri Lankan security forces were involved in such serious abuses during the final years of fighting.⁹⁵

Three months after Sri Lanka declared victory over the LTTE, the UK's Channel 4 News broadcast footage apparently showing government troops summarily executing Tamils during the final push of the war. In June 2011, Channel 4 broadcast "Sri Lanka's Killing Fields" which showed footage captured on mobile phones of the extra-judicial executions of prisoners; the aftermath of targeted shelling of civilian camps; and dead female Tamil fighters who appear to have been raped or sexually assaulted, abused, and murdered. In March 2012, Channel 4 broadcast a follow-up film, "Sri Lanka's Killing Fields: War Crimes Unpunished" which examined four issues including the deliberate heavy shelling of civilians and a hospital in the No Fire Zone; the strategic denial of food and medicine to hundreds of thousands of trapped civilians; the killing of civilians during the "rescue mission"; and the systematic execution of naked and bound LTTE prisoners.

The government flatly rejected the Channel 4 findings as "fake" and in an August 8, 2011 interview with Indian television channel "Headlines Today," the president's brother, Defence Secretary Gotabaya Rajapaksa, dismissed all allegations of sexual abuse during

were up in Vavuniya. So when you go up, just have a look and try and identify the"; Sally Sara, "Sri Lanka Army asked to show restraint," *ABC News*, <http://www.abc.net.au/am/content/2008/s2573085.htm> (accessed January 3, 2013).

⁹³ Amanda Hodge, "Tamil refugees forced into sex rackets," *The Australian*, July 2, 2009, <http://www.theaustralian.com.au/news/tamil-refugees-forced-into-sex-rackets/story-e6frg6n6-1225744996639> (accessed February 1, 2013); Quotes Palitha Kohona, then-secretary to the Foreign Ministry and now Sri Lanka's permanent representative to the UN in New York, describing allegations as "absolute rubbish" and claiming "[t]hese [the military] are the guys who were winning the war – they could have raped every single woman on the way if they wanted to. Not one single woman was raped."

⁹⁴ United States Mission to the UN, "Opening Remarks by Secretary of State Hillary Rodham Clinton on the Adoption of a UNSC Resolution [1888] to Combat Sexual Violence in Armed Conflict," September 30, 2009, <http://usun.state.gov/briefing/statements/2009/september/130054.htm> (accessed January 3, 2013).

⁹⁵ Ministry of Defence and Urban Development Sri Lanka, "'Far-from-truth'- Sri Lanka refutes Clinton's baseless allegation," December 30, 2010, http://www.defence.lk/new.asp?fname=20091002_04 (accessed January 3, 2013).

the war.⁹⁶ Rajapaksa spoke disparagingly about a British Tamil woman who had worked in the government camps and raised concerns about rape in an interview with Channel 4:

[S]he says that there have been, you know, all these allegations: rape and murder and all these things. Now she is one person who will get attracted by the people (haha) soldiers that's right, because she's different from others. So, I want to know whether she was raped. She was there for one year she came with the IDPs and she was in the IDP camps. Now she was talking about the rape. How can she talk about the rape when she a person so attractive safely came into this area was in IDP camps and released? She was not raped, she was not killed. How can she comment like that?⁹⁷

The issue of male rape and sexual violence against men has neither been raised nor addressed. Suppressed by victims and perpetrators alike, male rape remains a taboo subject and strategies to combat it have been glaringly absent. In an appearance before the UN Committee Against Torture, Sri Lanka publicly committed to a zero-tolerance policy on torture,⁹⁸ yet this has not been transformed into meaningful government action to combat torture and other cruel, inhuman, or degrading treatment.

In fact, with the lapsing of the State of Emergency, the limited safeguards contained in Emergency Regulation No. 1 of 2005, such as that the armed forces must turn over suspects to police within 24 hours, are apparently no longer in effect. Relying on the more permissive PTA will have serious implications given the continued policing functions exercised by the military in northeast Sri Lanka.

Impunity for serious human rights violations, including torture and rape, by state security forces is endemic in Sri Lanka.

⁹⁶ See "Gotabaya Rajapaksa speaks to 'Headlines Today'", *Transcurrents*, August 11, 2011, <http://transcurrents.com/news-views/archives/2921> (accessed January 3, 2013).

⁹⁷ *Ibid.*

⁹⁸ UN General Assembly, Report of the Committee against Torture, Forty-seventh session (31 October-25 November 2011), Forty-eighth session (7 May-1 June 2012), 12 November 2012, A/67/44, <http://www.unhcr.org/refworld/docid/50aof9b12.html> (accessed January 3, 2013).

It is possible to identify specific problems that contribute to deep-seated impunity for torture in Sri Lanka, including that prosecutorial and judicial staff responsible for collecting and processing evidence lack adequate training, resources, and gender sensitivity, that repeatedly transferring cases without informing petitioners denies witnesses a chance to attend judicial hearings, and an absence of witness protection mechanism deters witnesses from coming forward. Legal guarantees meant to protect due process and ensure a speedy trial have been eroded by more than three decades of reliance on emergency regulations and provisions of the PTA. Even after the Emergency Regulations were withdrawn in September 2011, the PTA, with similarly broad powers, remained in force. Directives issued by the president in July 2006 to reduce the likelihood of torture and ill-treatment have largely been ignored.⁹⁹

However, these specific barriers to prosecutions and redress pale in comparison to the larger and more intractable issue: the Sri Lankan government's clear unwillingness to seriously investigate or prosecute serious violations of human rights by the military and police, particularly those committed in connection with the armed conflict against the LTTE. Despite a backlog of cases of torture, enforced disappearance, and unlawful killings going back two decades, there have been only a small number of prosecutions. Past efforts to address violations by creating ad hoc mechanisms have produced few results, whether in providing information or prompting prosecutions.

⁹⁹ On July 7, 2006, the president and Commander-in-Chief of the Armed Forces and the Minister of Defense issued Directives to the Heads of the Armed Forces and the Police Force stating that, "any officer who makes an arrest or order of detention must, according to the above Directives, within 48 hours from the time of arrest or detention, inform the HRC [Human Rights Commission] of such arrest or detention and the place of custody or detention."

V. Recommendations

To the Government of Sri Lanka

- Investigate all allegations of rape and other sexual violence by Sri Lankan security forces, including from the armed conflict period as well as the years since. Prosecute those responsible for these crimes, including persons with command or other superior responsibility, in proceedings that meet international fair trial standards. Publicize the outcome of such prosecutions, including by providing information on the punishments meted out and the redress and compensation provided to victims;
- Repeal the Prevention of Terrorism Act (PTA), and abolish the system of detention without charge or trial;
- Immediately lift access restrictions imposed by the Presidential Task Force on Resettlement, Reconstruction and Security in the Northern Province (PTF) so that medical personnel, counselors, and NGOs providing psycho-social support and independent medical examination and treatment can reach victims of human rights violations;
- Release all individuals who have been arrested under emergency or anti-terrorism laws, unless they are charged with recognized criminal offenses. Conduct prompt trials that meet international due process standards;
- Make available to family members the names and locations of all individuals detained for suspected involvement in the LTTE, including those in rehabilitation centers and undisclosed detention sites, and facilitate family visits;
- Ensure detainees' right to legal representation and access to a lawyer of their choosing upon being taken into custody and thereafter. Amend current regulations to ensure that all detainees may have legal counsel present during interrogations if they so choose,
- Permit all detainees to be examined by an independent medical practitioner immediately after they are detained and following each period of questioning, if they request such examinations;

- Establish, maintain, and publicize a centralized database of all detainees, including those detained for “rehabilitation,” providing the dates of arrest and detention, the authority issuing such orders, and all transfer, release and revocation orders;
- Ensure all ranks of the security forces, including the military, police, Criminal Investigation Department, and Terrorist Investigation Division, receive regular and appropriate training on civilian protection;
- Institute a reparations program in accordance with international standards for all victims of serious human rights violations committed during the armed conflict, including victims of custodial torture;
- Provide reproductive and sexual health services, and psycho-social support for all victims of alleged rape and other sexual violence. Permit appropriate domestic and international nongovernmental organizations to provide these services to individuals in northern and eastern Sri Lanka;
- Ratify the following international conventions: the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Rome Statute of the International Criminal Court; and the International Convention for the Protection of All Persons from Enforced Disappearance;
- Invite and facilitate the visits of UN special procedures including the UN special rapporteur on torture, the UN Working Group on Arbitrary Detention, the UN Working Group on Enforced Disappearances, the UN special rapporteur on violence against women, and the UN special rapporteur on the independence of judges and lawyers.

To the United Nations Human Rights Council

- Call for the establishment of an independent investigation in allegations of violations of international human rights and humanitarian law by all parties during the final months of the armed conflict in Sri Lanka;

To Concerned Governments

- Support the establishment of an independent international mechanism under the UN secretary-general to establish accountability for alleged violations of

international human rights and humanitarian law during the final months of the armed conflict in Sri Lanka;

- Press the Sri Lankan government to investigate allegations of rape and other sexual violence by the security forces, prosecute those responsible for these crimes, including persons with command responsibility, and publicize the outcome of such prosecutions;
- Press the Sri Lankan government to ensure that victims of rape and other sexual violence by the security forces receive prompt and adequate compensation;
- Encourage the UN Working Group on Arbitrary Detention to initiate its "urgent action" procedure for victims of state-orchestrated sexual violence in Sri Lanka, and to undertake a field mission to Sri Lanka to engage with government officials and victims of sexual violence by state security forces.
- Urge the government to allow local nongovernmental organizations and private hospitals in the north to provide reproductive and sexual health services and psycho-social support to those affected by the conflict.

Appendix:

Cases of Rape and Other Sexual Violence by Sri Lankan Security Forces, 2006-2012

(presented in reverse chronological order)

Note on sources: in 60 of the 75 cases documented in this appendix, we spoke directly with the victim and were able to obtain medical records with the consent of the victim, corroborating the victim's claims of rape and other sexual violence. In another 8 cases, we spoke directly with the victim and relied on sources other than medical records to corroborate his or her claims. In 3 of these 8 cases, no medico legal reports were prepared since the UK courts found the victims' account of rape and torture credible and granted them asylum. In the remaining 5 cases, we spoke to witnesses who were present with the victim after their rape. In 7 cases, we were not able to speak directly with the victim but obtained medico-legal reports, prepared by doctors and submitted to the courts in support of their asylum claim, that provided detailed evidence of sexual abuse. For ease of presentation below, we reference medical reports in citations only in the cases in which they were our main source for the case or in which we had no access to such records.

Name: JH (all initials are pseudonyms and bear no relation to the person's actual name)

Gender: Male

Age: 23

Date Detained: September 2012

Date Released: October 2012

Circumstances of detention: JH arrived in the UK to pursue higher studies in March 2011 and returned to Sri Lanka to attend to family matters on August 17, 2012. One evening in September 2012, JH was walking home in Colombo when a white van pulled up near him. Several men jumped out and told him to join them for an investigation. They blindfolded him and drove him for over an hour to an unknown site.

Account:

I was taken up some stairs but when they removed my blindfold I found myself in a room where four other men were present. I was tied to a chair and questioned about my links to the LTTE and the reason for my recent travel abroad. They stripped me and started beating me. I was beaten with electric wires and burned with cigarettes. My interrogators tried to asphyxiate me.¹⁰⁰ Later that night, I was left in a smaller room. I was raped on three consecutive days. The first night, one man came alone and anally raped me. The second and third night, two men came to my room. They anally raped me and also forced me to have oral sex with them. I signed a confession admitting my links with the LTTE after the rapes.¹⁰¹

JH's medico legal report, on file with Human Rights Watch, notes that the physical evidence of scars on his body strongly support his account of torture. The report further adds: "the spots of dark pigmentation on his buttocks and around his anus are consistent with an infective rash which has now healed, support in my view, a situation in which he was repeatedly subjected to anal intercourse in which his skin has become lacerated and easily infected."

JH escaped detention after his family bribed CID officials. He has since received medical care for severe anal pain.

¹⁰⁰ In a number of cases documented in this report, perpetrators forcibly covered a victim's head and face with a plastic bag soaked in petrol so that they had to breathe the toxic fumes till they almost asphyxiated.

¹⁰¹ Human Rights Watch interview with JH, October 13, 2012.

Name: KM

Gender: Male

Age: 22

Date Detained: September 2012

Date Released: Cannot recall

Circumstances of detention: KM went to study abroad in February 2011 but says he returned to Sri Lanka in August 2012 for family reasons. One afternoon in September 2012, KM was going to the market in Batticaloa when he was stopped by a man in civilian clothes and asked to go for further questioning. Despite protests, KM was pushed into a light colored van, blindfolded, and driven away to an unknown place.

Account:

I didn't know where I was taken but as soon as we reached the destination, around five or six men in civilian clothes started questioning me. They asked me about my activities abroad and my links with the LTTE. They asked me for names of supporters and fundraisers of the LTTE abroad. I was at first slapped and kicked but gradually the torture worsened. I was burned with cigarettes, hung upside down and my head was submerged in a barrel of water. I was stripped during interrogation.

I refused to sign the confession statement and the torture continued for three days. I was raped four times during my detention. The rapes occurred at night and I could not identify my assailant. I could recognize their voices. They spoke in Sinhala. I signed the confession after the second time I was raped.¹⁰²

KM's medico legal report, on file with Human Rights Watch, notes that the considerable number of scars on his body strongly supports his account of torture in Sri Lanka. The report says that KM shows symptoms of "significant anxiety, severe depression and post-traumatic stress disorder."

KM's father approached members of the group linked to Vinayagamoorthy Muralitharan, the LTTE defector formerly known as Colonel Karuna, who arranged his release from detention.

¹⁰² Human Rights Watch interview with KM, October 13, 2012.

Name: TJ

Gender: Male

Age: 19

Date Detained: August 2012

Date Released: August 2012

Circumstances of detention: TJ returned to Sri Lanka after completing his studies in the UK in August 2012. One evening in August 2012, TJ was returning home after visiting a friend in Vavuniya when a white van stopped near him. Around five or six men in civilian clothes jumped out of the van, forced TJ inside the van, and blindfolded him as they drove him to an unknown destination.

Account:

They removed my blindfold and I found myself in a room. There were five men and one of them was in a military uniform. They started questioning me about my work with the LTTE in the UK. They asked me about my connections with the LTTE abroad. I did not respond and they started torturing me. First, I was slapped and punched. Then they began to torture me severely. I was beaten with batons, burned with cigarettes, and my head was submerged in a barrel of water. I was stripped naked during interrogation.

The beatings and torture continued the next day. I was only given some water in the morning. The next night, I was given my clothes and left in a small, dark room. One person entered my room that night. It was dark, I couldn't see him. He banged my head against the wall, pushed my face against the wall and raped me. He said some words in Sinhala.¹⁰³

TJ's medico legal report, on file with Human Rights Watch, notes the presence of scars along the length of his back, thighs, shoulders, arms, and legs. It states that "there is no doubt that the injuries were caused by being brutally tortured as described by the claimant."

TJ told Human Rights Watch his release was secured after his maternal uncle managed to bribe a CID official.

¹⁰³ Human Rights Watch interview with TJ, October 13, 2012.

Name: DK

Gender: Male

Age: 21

Date Detained: August 2012

Date Released: September 2012

Circumstances of detention: One evening in August 2012, DK was returning home in Vavuniya when he was stopped on the way by two men who jumped out of a white van. They confirmed his name and asked him to go with them for an “inquiry.” DK was blindfolded and driven in the van for approximately half an hour.

Account:

When they removed my blindfold, I found myself in a dirty room. The floor of the room was covered with dried blood. I could hear some screams coming from another room. That night I was left alone in another small room. The next day, I was taken to another room, photographed, and my fingerprints were taken. One of the men in civilian clothes accused me of being an LTTE member. He told me he knew about my escape from Arunachalam camp¹⁰⁴ [at Menik Farm near Vavuniya] and asked me why I had not registered as an LTTE member when the authorities came to the camp. I denied all their allegations. Two other men came to the room. They started beating me with plastic pipes filled with sand, batons, and forced a petrol-infused plastic bag on my head and tried to asphyxiate me. They burned me all over with cigarettes during the questioning. At night when I was in a small room, a man in civilian clothes came and started touching me indecently. He told me to have oral sex with him. When I refused, he beat me and raped me. This happened every night for four or five nights. I signed the confession when I could not bear this torture any more. But the rapes continued after I signed the confession.¹⁰⁵

DK’s records from a medical general practitioner note obvious injury marks on his body and the need to refer him for specialist counseling on post-traumatic stress disorder on account of being tortured in Sri Lanka.

DK told Human Rights Watch he managed to escape from detention after his uncle bribed CID officials using the services of a member of the Eelam People’s Democratic Party (EPDP), a pro-government Tamil group.

¹⁰⁴ In Sri Lanka, a military “camp” is the equivalent of a military “base.”

¹⁰⁵ Human Rights Watch interview with DK, October 21, 2011. DK was receiving medical care at the time of the interview.

Name: SA

Gender: Male

Age: 42

Date Detained: April 2012

Date Released: April 2012

Circumstances of detention: SA, a Tamil political activist, was abducted by a group of men in civilian clothes in April 2012.

Account:

They were all armed with pistols and T56 [military assault] rifles.¹⁰⁶ They all seemed drunk. They told me to kneel and removed my clothes and used my shirt to blindfold me. I was threatened with a pistol and beaten for around 15-20 minutes. They kicked my genitals. They sexually assaulted me. It was clearly done to humiliate me. I was blindfolded and taken to an unknown detention site. I was repeatedly beaten up and interrogated. When I was not being questioned, my legs and hands were cuffed to a steel bed. That night I was taken to a third place, which was like an abandoned motel. I was kept blindfolded throughout but questioned more systematically. After two days, I was dropped in front of a police station. My abductors did not appear to have any fear of the police and told me, “If you try to escape, go elsewhere, or contact colleagues, you’ll be shot.”¹⁰⁷

Before SA was released, his captors told him that he was being dropped at a police station, saying: “You should go right in, don’t look back at our vehicle. We will use different number plates so it won’t be useful.”

At the police station, SA was taken to see the senior superintendent of police and subsequently released from detention.

¹⁰⁶ The T56 or Type 56 is the Chinese version of the Russian Kalashnikov assault rifle.

¹⁰⁷ Human Rights Watch interview with SA, April 26, 2012.

Name: VV

Gender: Male

Age: 29

Date arrested: April 2012

Date Released: Cannot recall

Circumstances of detention: At about 7 p.m. sometime in April 2012, five uniformed policemen arrived at VV's home in Vavuniya. They announced that they were arresting VV and gave his uncle an arrest receipt. VV told Human Rights Watch he was blindfolded and dragged into a jeep and taken to the Vavuniya police station where he was questioned and his responses recorded.

Account:

The police officials accused me of being an LTTE member and returning to Sri Lanka from abroad to revive the LTTE in the country. They blindfolded me and pushed me into a jeep. We drove for around 10 to 15 minutes and I was pushed into a small room. They kept asking me the same questions, about which other LTTE members I worked with, my activities abroad and I kept refusing to answer them. They tortured me in several ways. I was beaten up with several objects, burned with cigarettes, suspended from the ceiling, sexually abused, and raped. I think I was raped by different people for three nights—it was dark so I couldn't tell their faces. They used abusive language and spoke in Sinhala although they knew a few Tamil words. They smelled of alcohol. I was forced to strip down to my underwear during my interrogation. They kicked my genitals with their boots during questioning. I broke down after the rape and agreed to sign anything they wanted me to sign. I admitted to everything they said.¹⁰⁸

VV's scar report, on file at Human Rights Watch, states that the injuries on his body are consistent with the treatment he describes. The report notes that the scars are "highly consistent with repeated beatings" and "there is a high degree of likelihood that the scars were caused by being tortured in the way described."

VV told Human Rights Watch that he managed to secure his release from detention after his uncle bribed the authorities. He managed to flee from the country using the services of a former parliamentarian who escorted him to the airport and organized assistance through immigration.

¹⁰⁸ Human Rights Watch interview with VV, May 13, 2012.

Name: SJ

Gender: Female

Age: 32

Date Detained: April 2012

Date Released: April 2012

Circumstances of detention: SJ was on her way home from work in Kilinochchi when a white van pulled up beside her. Two men in civilian clothes got off and asked her to accompany them for questioning.

Account:

I was taken to a room in a derelict building. Around three men in civilian clothes started questioning me. I came to know one of the men was a senior official as the others were talking respectfully to him. The men asked me to take my clothes off and took photographs of me naked. They told me they had all the information about me and my activities with the LTTE. They told me to confess about everything. I refused to confess as I thought they would kill me. I was beaten up and tortured continuously. On the second day, a man came to my room and raped me. I was raped by different men on at least three days. I can't remember how many times. They would always touch my private parts after they raped me. They spoke in Sinhala but also spoke some broken Tamil. I signed a confession statement as I wanted the rapes to stop. While I was in detention, my family tried to lodge a complaint with the NHRC [National Human Rights Commission] but they refused to register a complaint. My family also approached some members of parliament. Nobody helped us.¹⁰⁹

SJ told Human Rights Watch that she managed to escape detention after her family bribed members of the military. At the time of the interview SJ was undergoing medical treatment abroad.

¹⁰⁹ Human Rights Watch interview with SJ, October 13, 2012.

Name: BL

Gender: Male

Age: 28

Date Detained: March 2012

Date Released: Cannot recall

Circumstances of detention: In March 2012, BL was on his way back from Jaffna to Colombo when he was abducted by a group of armed men in civilian clothes who blindfolded him and pushed him into a van. BL said he was driven for over an hour and taken to a room where he was fingerprinted, photographed, and his details recorded.

Account:

I was stripped down to my underwear and tied to a chair. My interrogators started slapping and punching me. I continued to deny their charges that I was an LTTE member. They made me lie flat on a bench and started beating me with a baton. The torture grew worse and I was subsequently burned with cigarettes. I was raped by those who were interrogating me for three consecutive days. The rapes occurred at night and they would come drunk to my detention cell. Finally, I could not bear the torture anymore and signed a confession statement on the fourth day. My interrogators groped and pulled my genitals during the interrogation but the rapes happened at night.¹¹⁰

BL's medical records from his general practitioner notes that he has several scars on his body and suffers from anxiety and depression on account of his experience of torture in Sri Lanka.

BL said he was released from detention after his father bribed authorities through an EPDP interlocutor.

¹¹⁰ Human Rights Watch interview with BL, May 13, 2012.

Name: GD

Gender: Female

Age: 31

Date Detained: November 2011

Date Released: December 2011

Circumstances of detention: At around 10 p.m. one evening in late November 2011, GD was at her house in Dehiwala, a suburb of Colombo, when four men in civilian clothes arrived at her house. GD told Human Rights Watch that they introduced themselves as CID officials and asked to inspect ID cards of all family members present at her home. GD said that they confiscated the ID card of her husband who was abroad and asked her to accompany them for questioning.

Account:

I was taken to the fourth floor of the CID office in Colombo and kept in a room. I was not given any food or water. The next day, the officials, who included a uniformed armed official, photographed me, took my fingerprints, and made me sign on a blank sheet of paper. They told me that they had all my husband's details and kept asking me to disclose his whereabouts. When I told them my husband was abroad, they continued to accuse him of supporting the LTTE. I was beaten with many objects. I was burned with a cigarette during questioning. I was slapped around and beaten with a sand-filled pipe. Throughout the beatings, they asked me for my husband's details. I was raped one night. Two men came to my room in civilian clothes. They ripped my clothes and both raped me. They spoke Sinhala so I could not understand anything. It was dark so I couldn't see their faces clearly.¹¹¹

GD's medical legal report, on file with Human Rights Watch, shows she was tortured several times and raped, which led to a heavy vaginal bleed. The report notes she is suffering from "severe depression and PTSD."

GD was released from detention on in early December 2011 after her father bribed the authorities using the services of a Tamil-speaking "agent" or middle-man with close connections with the security forces.

¹¹¹ Human Rights Watch interview with GD, February 18, 2012.

Name: KP

Gender: Male

Age: 31

Date Detained: August 2011

Date Released: August 2011

Circumstances of detention: One evening in August 2011, KP was on his way to his parent's home in Vavuniya when a white van pulled up close to him and five men, three military personnel and two in civilian clothes, got out of the van. KP told Human Rights Watch that two of the men overpowered him while another tied his hands behind with a rope and another blindfolded him. He was pushed into the back of the white van.

Account:

The van stopped after 15 to 20 minutes and I was pushed out of the van. When my blindfold was removed, I found myself in a small, dirty room. Over the next 10 days I was questioned and tortured. The officials asked me about my links with the LTTE. They told me to admit that I was supporting the LTTE as a student abroad. They kicked me with their boots and punched me with fists. They beat me on my back with a hot, metal rod. They covered my head with a petrol-infused, plastic bag. I was hung upside down and beaten severely. They burned me with cigarette butts. During the first interrogation, the official in the military fatigues forced me to undress. He tried to have oral sex with me. He forced himself on me and raped me. During questioning, the officials would squeeze my penis. They would force me to masturbate them. One of them masturbated me. I was severely tortured when I resisted. The officials would furiously say some words in Sinhala when they sexually abused me. I couldn't understand what they were saying. They abused me in Tamil and used slang words. I was sexually abused many times during my detention. On some days, the army official who had arrested me sexually abused me during interrogation. On two nights I was raped by prison guards. The sexual abuse by the officials stopped after I signed the confession.¹¹²

KP's psychiatric records, on file with Human Rights Watch, note that he "suffers from Severe Depression secondary to Post Traumatic Stress Disorder related to the physical, sexual and emotional trauma that occurred while he was in Sri Lanka."

KP said he escaped from detention after his family bribed the authorities. He used the services of a politician to arrange his escape from Sri Lanka.

¹¹² Human Rights Watch interview with KP, January 8, 2012.

Name: YJ

Gender: Female

Age: 36

Date Detained: July 2011

Date Released: Cannot recall

Circumstances of detention: In July 2011, YJ landed at Colombo's international airport from the UK where she had been invited to a conference. YJ said that on clearing immigration, she was approached by a group of officials claiming to be CID who took her to another room for questioning.

Account:

They asked me for detailed information about my travels, about whom I met in the UK. They warned me not to hide any information as the Sri Lankan government had full knowledge of my activities of fundraising for the LTTE and anti-government propaganda in the UK. They took my fingerprints and allowed me to leave. I went to my house in Colombo.¹¹³

YJ told Human Rights Watch that she was frightened and asked her father to come and stay with her from Vavuniya. She said someone tried to break into her house in the early hours of July 19, 2011. Later in July, on her way back from her office to the local temple, in an area between Wellawatte and Kirulaphona in Colombo, she was stopped by two men who got out of a white van. They dragged her inside the van. Once in the van, they slapped her, confiscated her mobile phone, and blindfolded her. When her blindfold was removed, she found herself in a small room. She says she was tortured and raped in custody:

Two army officials came into the room and asked me to stand up. They took me to another room that had a table and two men in civilian clothes seated across from each other. They asked me to sit down and remove my blouse. I refused but a woman police official forcibly removed it. The two men in civilian clothes told me, "We have all the information on you." They accused me of doing propaganda against the government and security forces. They said they would murder me. They forced me to sign on blank sheets of paper, took my fingerprints and photographs, and sent me back to the room. I was kept in the room for two days. They gave me food once a day. A few days later, two men in civilian clothes came to my room. My hands were tied together and I could not fight them. Both men raped me. They behaved like animals and bit me. They were smoking and burned me with cigarettes on my breasts and genitals. They used abusive and obscene language.

¹¹³ Human Rights Watch interview with YJ, December 30, 2011.

They left me naked with my hands tied back the whole night. The same men came back in the morning and untied me. They made obscene comments and said they would come back that night. However, they did not come back.¹¹⁴

YJ's medical records from her general practitioner, on file with Human Rights Watch, notes that she was found suffering from post-traumatic stress disorder and depression. The report also notes marks on her breast, groin, wrist, and leg which were consistent with cigarette burns.

YJ told Human Rights Watch a female police officer brought her clothes to her the next day and blindfolded her. She was blindfolded and released in Colombo after her father paid a bribe to CID officials.

¹¹⁴ YJ was granted asylum by the UK Home Office under a fast track scheme. YJ's legal representatives were informed of this decision. A copy of this decision is available with Human Rights Watch.

Name: PN

Gender: Female

Age: 37

Date Detained: May 2011

Date Released: August 2011

Circumstances of detention: In May 2011, PN was returning home in Vavuniya when a van pulled over next to her and two men jumped out, pushing her into the van. In the van, the men tied her hands, blindfolded her, and drove for about 45 minutes.

Account:

I was taken inside a building. When my blindfold was removed, I found myself in a dusty room. Four men and a woman were already present there; they wore civilian clothes. They spoke to me in Sinhala. They accused me of being an LTTE member. I said I wasn't. They started kicking me with their boots and beating me with exposed wires. They knew I was with the LTTE, they had this information. They just wanted me to say it. The torture got worse. I was burned with cigarettes—my back is covered with marks. I was raped on three or four occasions. I cannot remember how many times. All I can remember is that those who raped me spoke in Sinhala. At some point during the torture, I signed a confession in Sinhala.¹¹⁵

PN's medico legal report, on file with Human Rights Watch, notes that "hyper-pigmented scars on her back were caused after being beaten with batons during her detention in 2011. The appearance of the scars is typical of injuries caused by being beaten with a long narrow object/surface. The hyperpigmentation could be the result of post inflammatory changes after contusion in areas of thin skin overlying bones, which occurs more often in darker skins. These scars cannot be explained by skin infections or other inflammatory skin condition and cannot be self-inflicted."

PN told Human Rights Watch she escaped from detention in early August 2011 after her uncle bribed the authorities using the services of a Tamil Parliamentarian.

¹¹⁵ Human Rights Watch interview with PN, October 21, 2012.

Name: MB

Gender: Male

Age: 27

Date Detained: May 2011

Date Released: June 2011

Circumstances of detention: MB told Human Rights Watch that in May 2011, he was awaiting a decision on a visa application near an embassy in Colombo when a light blue van stopped near him. Four men in civilian clothes got out and one of them asked MB for his ID. He was detained immediately.

Account:

I was pushed into a van and taken to the fourth floor of the CID headquarters in Colombo. Once we got there, I was stripped and photographed. The men who stripped me saw the scars from my torture. They told me I was with the LTTE and was trying to escape from the country. I told them I was arrested and tortured in Joseph Camp [in Vavuniya]. One of the officials went out. After a while, he came back and said he had confirmed that I was arrested in Vavuniya. I was beaten with wires. I was hung upside down and beaten. One day, two officials came and put a pistol in my mouth. They said unless I confessed to the crime of actively supporting the LTTE, I would be killed. I said what they wanted me to say.

It was not the first time that MB had been tortured by Sri Lankan government authorities. On November 14, 2009, he was at his home in Vavuniya when a white van pulled up outside his home. A few men in civilian clothes got out of the van and introduced themselves as CID officers from Chetti Kulam in the Vanni. MB told Human Rights Watch that the men pushed him into the van saying they had to question him and would take him to Chetti Kulam police station.

I was taken to the Joseph Camp in Vavuniya. I was stripped and photographed. After that, they took me to a dark room. The officials started asking me about a friend who they said worked for the LTTE. They asked me where he was. I said, I did not know. One of them slapped me so hard, I fell down. They would question me again and then beat me. I was hung upside down and beaten, I was burned with cigarettes. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. They forced my head into a bucket of ice water. They also pushed my penis into a wooden pipe. For three weeks, at night times I was left alone in the small, dark room. At nighttime, two or three officials would come to the room. They would be in civilian clothing. They would smell of alcohol. They forced me to have oral sex with them. In the beginning one official would hold me down while the other raped me. Afterwards, it was only one person at a time. After three weeks, I was moved into a larger room, which I shared with six other Tamils. I was raped 15-20 times after I was moved.

The officials would take me out for questioning at night. They would take out the other detainees in my cell too. I started working with the [Tamil] paramilitary groups that openly visited the camp. They would take me outside to identify others who had been involved with the LTTE. The people in the paramilitary groups knew how the officials were treating us. It was common knowledge that we were raped. The paramilitary members helped me escape from the camp on in early July 2010. I arrived in Colombo in a van and stayed at my uncle's house.¹¹⁶

MB's medical notes from his medical practitioner, on file with Human Rights Watch, show that he is currently under treatment for post-traumatic stress disorder.

MB said he remained in Colombo until he decided to apply for a UK visa and was detained again. He was released from detention following payment of a bribe in June 2011.

¹¹⁶ Human Rights Watch interview with MB, December 30, 2011.

Name: JV

Gender: Male

Age: 28

Date Detained: April 2011

Date Released: Cannot recall

Circumstances of detention: JV, a resident of Trincomalee, had a cousin who worked in the media wing of the LTTE. In 2007, JV's cousin asked him to carry some documents to Chennai when he was on a pilgrimage to India. JV's cousin asked him to carry papers again in January 2008, January 2009, and September 2009. JV's family sent him to the UK to study in 2010. However, his mother fell ill and had to be hospitalized in Colombo, forcing him to return to Sri Lanka in April 2011. In his medical interview, JV said the CID took him aside for questioning soon after his arrival in Colombo from the UK.

Account:

JV said the CID accused him of participating in anti-government demonstrations in London. He denied the charge and was released. The following day CID officials came to the place he was staying in Colombo and arrested him. They told him they had proof of his involvement with the LTTE and photographs of him with Seeman [Indian Tamil activist], founder of the Naam Tamilar Iyakkam in India. JV confessed to taking papers to India, but denied involvement in any activities with the LTTE.

His medical records, made available to Human Rights Watch with his permission, include transcripts in which JV describes various forms of torture. He told doctors he was hung by his wrists with his feet above the floor while he was interrogated, and beaten all over with batons. He said his interrogators deliberately beat him in areas where his skin broke because of the beating. He was returned to a small and dark cell after hours of beating and rarely given food and drink.

JV said he was anally raped several times by interrogating officers during questioning.

After about eight days he was taken to a court where he could not understand the proceedings as they were conducted in Sinhala. He was released at the end of the proceedings and taken to hospital where the worst wounds were sutured and others dressed. During his medical interview he revealed that he later learned that his father and uncle bribed officials in the CID to secure his release.¹¹⁷

¹¹⁷ Medical personnel interview with JV, January 30, 2012, contained in a medico legal report prepared for the UK courts in support of an asylum claim.

Name: HG

Gender: Male

Age: 29

Date Detained: March 2011

Date Released: March 2011

Circumstances of detention: In March 2011, HG returned to Sri Lanka from the UK to help his brother's wife trace his mother and brother who went missing in the last months of the Sri Lankan conflict in 2009. HG told Human Rights Watch his brother was an LTTE member who had surrendered to the SLA in May 2009 and was forcibly disappeared.

Account:

On arriving in Colombo, I lodged a complaint with the Sri Lankan Red Cross and the NHRC. One day in mid-March, I came out of St. Anthony's Church in Kotahena [an area of Colombo] after my prayers. I was waiting to meet a friend. Suddenly, five or six men in civilian clothes appeared around me. They told me they were CID officials. They got hold of me and took me to Kotahena police station and detained me. The next day, I was blindfolded and taken to another place. The officials over there photographed me and took my fingerprints. I was kept in a small room. I was not given any food. From the second day, they started beating me. They asked me whether I was an LTTE member. They asked me why I came back to Sri Lanka. They said, "We know you. You are helping LTTE from London." When I refused their charges, they started beating me. They kicked me with their boots, they beat me with metal pipes and plastic pipes filled with sand. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. The officials harassed me sexually. They groped my penis during questioning. I was raped twice by two different officials in my cell. They forced me to have oral sex with them too. They spoke little Tamil but it was mostly abusive. They said Tamils are dogs."¹¹⁸

HG's medical records, including documents of his admission into a UK hospital for treatment for post-traumatic stress disorder, are on file with Human Rights Watch.

HG was released from detention in late March after a Tamil politician assisted with bribing relevant authorities. HG has tried to take his life on one occasion and was under psychiatric care when Human Rights Watch interviewed him.

¹¹⁸ Human Rights Watch interview with HG, January 8, 2012.

Name: IR

Gender: Female

Age: 29

Date Detained: February 2011

Date Released: March 2011

Circumstances of detention: IR arrived at Colombo international airport in February 2011. She told Human Rights Watch that soon after she collected her baggage, two officers from the TID approached her and asked her to show them her documents.

Account:

The officials picked up my bags and took me to a separate room at the airport. In a little while, another officer in civilian clothes came into the room and accused me of supporting the LTTE while abroad and spreading propaganda against the government. I denied this and told them I was a student and had come back to Sri Lanka as my mother was sick in hospital. They photographed me and took my details including my Vavuniya address. They told me they would check the information they had on me. In a while they returned and said that their information had been confirmed by the Vavuniya Police station. They said I was a member of the LTTE. They took me in a white van. After travelling an hour, they took me into a building where a lady body-searched me. She took off my belt, shoes, and hair-clip, and pushed me into a room. After a few minutes two men came into the room. They asked me whether I had been helping the LTTE abroad. They also wanted to know who else was helping the LTTE in the foreign country. I told them that I knew nothing. They said I was lying. They grabbed my hair and smashed my head against the wall. I collapsed and fainted. The next day, they brought XX [name withheld], with whom I had worked in the LTTE, to my room. XX told me in front of them that they knew everything and asked me to confess to them. After XX left, they resumed beating me with wires and their boots. On the fourth or fifth day since I was detained, the interrogators again came into my room. They forced me to sign on a blank piece of paper and also took my fingerprints. Then one of the men said that they would kill me but before that they would use me. They tried to undress me. When I resisted, one kicked me to the ground, another tightly held my hands, while a third burned my body with a cigarette. When I regained consciousness, I was in terrible pain and also realized that I had been raped.¹¹⁹

IR's medical documents by her general practitioner, on file at Human Rights Watch, records "multiple cigarette burns and whip marks on her body." The medical report notes her being subject to serious physical assault including rape.

IR told Human Rights Watch she was released from custody after her family managed to bribe the authorities. She said that one night during her detention, an official asked her to sign a form written in Sinhala. The same official drove her out of the place she was detained to a deserted building where he locked her up in a room. IR was released the following day.

¹¹⁹ Human Rights Watch interview with IR, November 27, 2012.

Name: CK

Gender: Female

Age: 38

Date Detained: Interrogated in her home in February 2011

Circumstances of detention: In February 2011, seven Sri Lankan army soldiers arrived at CK's house in the town of Mullaithivu in northeastern Sri Lanka. CK told Human Rights Watch that soldiers forced her four children into the backroom and locked the door from outside.

Account:

A few soldiers came forward and pushed me. They started questioning me about my husband. They said, "We know your husband is LTTE. Tell us where he is now. Who does he work with now?" I said I didn't know anything. My children were crying in the other room. One of the soldiers took his belt off and said "You are not listening." He started beating me. Then one of them pulled off my clothes. I lost consciousness but when I came round, I knew I had been raped because I was bleeding heavily. I don't know, but I think I was raped many times. I put on my clothes and opened the door so my children could come in. I cannot leave the country as I don't have the money. If I complain, everybody will come to know. I will have no respect. It will be very dangerous for me and my family.¹²⁰

¹²⁰ Human Rights Watch interview with CK, November 16, 2011. Medical documentation was not available in this case.

Name: KI

Gender: Female

Age: 29

Date Detained: January 2011

Date Released: March 2011

Circumstances of detention: KI returned from the UK to Sri Lanka in January 2011. She told Human Rights Watch she was arrested by officials from the TID soon after her arrival and taken to an unknown detention facility for questioning.

Account:

KI worked as a teacher in northern Sri Lanka when she entered into a relationship with a young man who persuaded her to join the LTTE in 2002. KI underwent some training and joined the LTTE's intelligence wing. KI's boyfriend died during the final stages of the conflict in 2009 and her family persuaded her to leave to study in the UK in order to avoid arrest. In her medical interview, which Human Rights Watch obtained from her doctor with her consent, KI said she arrived in the UK in October 2009 and enrolled at the East Thames College. In early 2011, her mother suffered a heart attack and KI left the UK to visit her mother in Sri Lanka soon after. KI said she arrived at Colombo's international airport on January 27, 2011, and was arrested by CID officials soon after arrival.

She said she was asked to wait in a room and asked to hand them her jewelry, belongings and shoes. She was subsequently taken to an unknown detention facility where officials began to question her about her involvement with the LTTE. She said she was beaten, punched, and kicked. Officials grabbed her hair and bashed her head against the wall. The following day, KI said an LTTE member whom she was familiar with through previous contact was brought to her. The LTTE member asked her to confess everything. KI said she continued to deny her involvement in the LTTE. She was then burned with cigarettes on her back, breasts, and thighs. She was stripped and raped by three officials one after another. Throughout the torture, the officials demanded that she confess to being an LTTE member. They demanded to know the names of people she knew in the LTTE and the locations of other LTTE members. KI said she was released from detention in March 2011 after her aunt managed to bribe the authorities.¹²¹

¹²¹ Medical personnel interview with KI, August 11, 2011; Contained in a medico legal report prepared for the UK courts in support of an asylum claim.

Name: TT

Gender: Female

Age: 27

Date Detained: January 2011

Date Released: Cannot recall

Circumstances of detention: During the early morning one day in early January 2011, a group of CID and uniformed military personnel came to TT's home in Kilinochchi. TT told Human Rights Watch she was blindfolded, handcuffed, and taken to an unknown detention site.

Account:

The room where I was detained had blood stains and was very dirty. The military personnel started questioning me on the second day. They took all my details. I was fingerprinted and photographed. The officials forced me to take all my clothes off. I was tortured severely. I was beaten up with several instruments and burned with cigarettes. The officials who questioned me behaved indecently with me. They groped at my breasts during questioning. I was raped at night in my cell. Sometimes two and sometimes three men came into my room at night. Some of them were uniformed. They said abusive words to me in Tamil and Sinhala. I tried to defend myself but I think they raped me at least six times. Each time when I resisted, they threatened to kill me. The officials and guards did not let me sleep. They threw water at me or shouted very loudly through the night. They constantly accused me of being an LTTE member during questioning.¹²²

TT's medico legal report, on file with Human Rights Watch notes: "she is a young woman who describes a twenty day history of extreme sexual violence and torture in detention in Sri Lanka, with multiple physical scars and psychological sequelae." The report points to the various burn marks on her body as being "typical of burns made with a cigarette."

TT told Human Rights Watch she was detained for around 22 days and made to sign a confession in Sinhala. She said she was unofficially released from detention after her uncle bribed officials in the CID.

¹²² Human Rights Watch interview with TT, January 8, 2012.

Name: YS

Gender: Female

Age: 27

Date Detained: December 2010

Date Released: January 2011

Circumstances of detention: In mid-December 2010, YS was arrested by a joint team of the CID and police during a search and seizure operation at a motel in Walwatte, Colombo, where she was staying. YS told Human Rights Watch she was pushed into a police van and taken to a CID camp in Colombo.

Account:

I worked with the Tamil Rehabilitation Organization (TRO) [an LTTE-controlled humanitarian organization] for four years and was forcibly recruited by the LTTE in 2009. I was scared that the security forces would arrest me, so I went to Colombo from Vavuniya to apply for a student visa to the UK. I was detained in a small cell in the CID camp for nearly 15 days. The CID officials who interrogated me would take me out of the cell for questioning. They asked me about my role with the LTTE. I told them that I wasn't a member. They then started beating and torturing me. I was burned with cigarettes all over my chest; I was beaten with hot metal wires on my thighs and my buttocks. During the interrogation, the officials would pull me by the hair and drag me around the room. I was raped repeatedly by my interrogators. I cannot talk about my rape. I want to forget about my rape. My life has been ruined. The officials forced me to sign confession sheets of paper written in Sinhala. They asked me to identify various people as being LTTE operatives. I did not know these people, but said they were LTTE as I wanted them to stop the torture.¹²³

YS's medico legal report, on file at Human Rights Watch, notes that "the appearance of scars indicates that the insult was caused by heated metal burning on the skin." The report also notes her distress and despair on talking about the rapes she suffered.

YS told Human Rights Watch she was released from detention after her father managed to bribe the authorities. She fled Sri Lanka using the services of a human-smuggling agent. After her departure from Sri Lanka, YS's father was arrested by the army and detained in an army camp in Vavuniya before being released on condition that he report to the camp on a weekly basis.

¹²³ Human Rights Watch interview with YS, January 8, 2012.

Name: SV

Gender: Male

Age: 29

Date Detained: December 10, 2010

Date Released: January 8, 2011

Circumstances of detention: On December 10, 2010, SV, a poet and writer from Vavuniya, was deported from Dubai to Sri Lanka, having exhausted his asylum claims in France. SV told Human Rights Watch he was detained on arrival at the airport.

Account:

The officials introduced themselves as CID and told me they had to take me for questioning. I was taken to the fourth floor of CID headquarters in Colombo. I did not know where I was being taken at the time. I was photographed once we reached the CID headquarters and then pushed up the stairs to a small dark room. The officials kept hitting me on the head as they pushed me up the stairs. I was kept in detention for more than a month. During this time, I was questioned and beaten up every day. They asked me about my activities with the LTTE in France, they brought pictures of my participating in anti-war protests in France and accused me of betraying the government. They asked me for the names of others who had organized the protests in France. I was locked in a dark room and my hands were tied in the position of a crucifix. They then burned me all over my arms. I was beaten with hot metal rods on my back and thighs. I was sometimes poked with the end of a hot poker and they kicked my head with metal-toed boots. I was raped many times. Two men would come to my room and one would hold me down. They would take turns.¹²⁴

SV's medico legal report, on file with Human Rights Watch, notes the scars on his back and the back of his thighs are considered "highly consistent with his account of torture." The medico legal report also notes that he meets the criteria for post-traumatic stress disorder and major depressive disorder.

SV told Human Rights Watch that during his detention he was taken out to identify various people and inform the security forces about their involvement with the LTTE. He was released from detention on January 8, 2011, after his aunt bribed CID and military personnel using the services of a member of the Eelam People's Revolutionary Liberation Front (EPRLF), a Tamil political party. SV arrived in the UK on January 20, 2011, and sought asylum.

¹²⁴ Human Rights Watch interview with SV, London, February 4, 2012.

Name: FJ

Gender: Male

Age: 20

Date Detained: June 2010

Date Released: September 2010

Circumstances of detention: One day in late June 2010 at about 2 o'clock in the afternoon, FJ was waiting for a decision on his visa application to the United Kingdom at a tea stall near the UK High Commission in Colombo. A light colored van stopped beside the tea stall where FJ was having soda.

Account:

There were five or six people in the van. They pushed me into the van, handcuffed me, and took me to an unknown destination. We drove for approximately 30 minutes. When the van stopped, they pushed me out of the van and into a room in an abandoned building. The room was very dark and smelled of dust. They locked me in the room and left me overnight. The next morning the torture began. I was beaten and kicked with boots, hung upside down, and beaten. I was made to inhale fumes from chilies that were burned in a container under my face. I was burned with cigarettes all over my pubic area. I was beaten with hot metal rods. The officials who interrogated me stamped on my private parts with their boots. They twisted and crushed my buttocks with pliers. I was kept in this location for two weeks during which I was beaten and tortured every day. There was no toilet so I had to defecate in the room. They would beat me for this but would not take me to a toilet. A piece of bread or a food packet would be thrown into my room once and sometimes twice a day. I could not bear the pain of my torture and signed some documents in Sinhala. The officials took my fingerprints and photographs. After two weeks in this location, I was blindfolded and transferred to another location. I was taken naked to the second location and my hands were tied. The second room was also dirty and smelly. There were three other Tamil men detained in the same room. I was raped 4 or 5 times during this detention. The rapes always happened at night. Sometimes it was the prison guards and at other times, they were officials in civilian clothes. During the rape, they beat me and also burned me with cigarettes. They used abusive, Tamil slang words. If I didn't cooperate with them [with oral sex], they would slap me across the face.¹²⁵

FJ's medico legal report, on file with Human Rights Watch, notes that the scars on his body "are consistent with the manner of injuries he describes having suffered." In particular, the report states that the scars on his sacral area, said to be caused by being pinched with pliers are "consistent with this mechanism of injury."

FJ told Human Rights Watch his uncle paid for his release from detention in September 2010.

¹²⁵ Human Rights Watch interview with FJ, December 28, 2011.

Name: NH

Gender: Male

Age: 34

Date Detained: June 2010

Date Released: February 2011

Circumstances of detention: One morning in June 2010, NH was at the office of the Shipping Corporation in Colombo when a group of 15 to 20 Sri Lankan army and police personnel arrived at the office. NH told Human Rights Watch they approached him and asked for his ID. They then arrested him.

Account:

The officials pushed me into a military jeep parked outside and took me to Kalutura jail [south of Colombo]. They took me to a room where they recorded my details and photographed and fingerprinted me. They asked me to sign on a sheet of paper that had something written in Sinhala. They asked me about my connections with [name withheld] who worked for the LTTE. They asked me about my role in the LTTE. I did not say anything, so they started beating me. I was beaten with sand-filled plastic pipes and kicked with boots. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. They hung me upside down and beat me with metal rods. They burned me with cigarettes during the questioning. At night, when I was alone in the room one of the investigating officers came and raped me. He wore a uniform and I recognized him as he had also questioned me. He raped me many times. He used to abuse me in Sinhala. He raped me whenever he was on duty.¹²⁶

NH's psychiatric records, on file with Human Rights Watch, indicate "severe major depressive disorder and post-traumatic stress disorder." NH was granted asylum on grounds of his psychiatric condition.

NH told Human Rights Watch that, fearing more torture, he signed a confession in Sinhala after which he was transferred to another cell. NH was in detention for eight months and managed to escape detention in February 2011 after his uncle bribed the authorities through someone in the EPDP.

¹²⁶ Human Rights Watch interview with NH, November 18, 2011.

Name: DB

Gender: Male

Age: 19

Date Detained: May 2010

Date Released: June 2010

Circumstances of detention: On evening in May 2010, DB was arrested at his home in Kalutara by four men in civilian clothes who said they were members of the security forces but would not say which branch. DB told Human Rights Watch he was handcuffed, pushed into a van, and taken to a local police station.

Account:

The officials started questioning me about my links with the LTTE. They told me that I supplied goods to the LTTE. I told them, “I only help my father in his business.” They did not believe me and started beating me. They took me to another place. I was blindfolded and handcuffed. They pushed me into a room. It was dark, dirty, and smelly.

I was severely beaten and kicked and punched. The officials kicked me with military boots and beat me with a belt. One official beat me with the butt of his rifle. All along they kept asking me questions.

At night, I was left in a small cell. One official in civilian clothes came to my room. He spoke in Sinhala and forced me to remove my clothes. He took his trousers off and tried to have oral sex with me. He told me that if I didn’t cooperate, he would torture me. He abused me and called me a “dog.” He raped me. I screamed in pain but nobody came to help me. He bit my buttock and my thigh. He took my clothes and left me naked in the room that night. I was in detention for a month. I was beaten and tortured every day. The interrogators tied my hands and feet and hit the soles of my feet with batons, they forced me to lie face down and stamped on my hands with their boots. My head was pushed under water and I was almost drowned. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. I was burned on my legs, thighs, back, and chest with cigarettes. I was whipped with stripped electric cables and Palmyra sticks.¹²⁷ I was forced to sign a confession document in Sinhala. I was photographed and fingerprinted.

¹²⁷ Palmyra sticks are made from the long sharp leaves of the Palmyra tree, a tall palm tree native to Sri Lanka.

I was given a rusty bucket of water for drinking and washing up. There was no toilet. They asked me to urinate and defecate in a plastic bag in the room. I was given food once a day. The food was bad. They would push it in my room from under the door.¹²⁸

DB's medico legal report, on file with Human Rights Watch, notes that he had severe anal bleeding on account of multiple rapes, pain in defecation and constipation from which he suffers till date. The report also confirms that the scars on his body, attributed to cigarette burns, beatings and human bites, "strongly support his account of torture."

DB told Human Rights Watch he was released from detention in late June 2010 after his father managed to bribe government officials who secured his release. He subsequently escaped from Sri Lanka with the help of an agent who belonged to the EPDP.

¹²⁸ Human Rights Watch interview with DB, December 28, 2011.

Name: PP

Gender: Female

Age: 29

Date Detained: April 2010

Date Released: May 2010

Circumstances of detention: PP arrived back at the international airport in Colombo in April 2010 after being deported from an African country (prior to which she had spent over a year in a European country). She told Human Rights Watch that after clearing immigration she was detained by three officials who took her to the fourth floor of the CID headquarters in Colombo.

Account:

The officials beat me with metal pipes and plastic rods filled with sand. They questioned me continuously about my links with the LTTE and my activities abroad. The officials dragged me up the stairs and took me to another room. I was sexually abused and raped five times by officials when I was there. The officials spoke Sinhala and wore civilian clothes. I could not understand much of what they were saying. They took turns raping me. This happened four or five times. I remember that I fainted the first time. When I came to, I saw that I was bleeding from my genitals and was in terrible pain.¹²⁹

PP's medico legal report, on file with Human Rights Watch, notes the presence of "17 scars on her body which corroborate her account of torture." A second medical report notes "her behavior reflects the continuing distress caused by her related to her experiences, death in the family, rape, and torture."

PP told Human Rights Watch that she secured her release from detention in May 2010 after her family arranged to bribe the authorities.

¹²⁹ Human Rights Watch interview with PP, February 4, 2012.

Name: CR

Gender: Male

Age: 45

Date Detained: April 2010

Date Released: June 2010

Circumstances of detention: In April 2010, CR went back to Mullaithivu town from Colombo to reclaim a piece of land to which he had lost access during the armed conflict. He was staying in a relative's house when an army truck drove up one evening and parked outside the house. CR told Human Rights Watch that six soldiers got out of the truck and dragged him into the truck. CR said he was taken to Kilinochchi for five days and then taken in the truck to Joseph Camp in Vavuniya.

Account:

I was taken by truck from Kilinochchi to Joseph Camp in Vavuniya where I was detained in a small, dark room. I was repeatedly questioned by a mixed group of army officials in uniform and civilian clothes, and some members of the EPDP. They repeatedly questioned me about my travel abroad and my links with the LTTE. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me while they beat me. They hung me upside down and beat me with wires and sand-filled pipes. I was raped with small, glass Coke bottles. The officials would do this as they were questioning me. The officials inserted an iron rod in my penis. I screamed and said I would confess everything. After I signed the confession paper in Sinhala, the officials only harassed me and beat me. They did not sexually abuse me after I signed the confession.¹³⁰

CR's medico legal reports, on file with Human Rights Watch, note that the injuries on his back and thighs "are typical of the events described by him of being intentionally burnt with a hot long instrument." CR's psychiatric assessment notes that he is suffering from complex post-traumatic stress disorder along with features of major depressive disorder and an enduring personality change."

CR said he was released from detention after his uncle bribed the authorities in June 2010.

¹³⁰ Human Rights Watch interview with CR, December 10, 2011.

Name: LP

Gender: Male

Age: 20

Date Detained: March 2010

Date Released: March 2010

Circumstances of detention: In early March 2010, LP was walking back to his parents' house in Vavuniya when he was stopped by a group of four or five soldiers, including some in civilian clothes, who were traveling in a white van. LP told Human Rights Watch that the officials asked him to get into the van. LP said when he refused, he was dragged into the van and pushed face-down at the back of the van.

Account:

I was taken to Joseph Camp. Once we got there, the officials took my ID away, photographed me, and recorded my details. I was blindfolded and taken in the van to another location where I was kept in a dark room. An official came to my room and advised me to admit my role with the LTTE. I refused. It was only after I refused that they started first beating and then torturing me. I was not given any food or water the first day. The second day I was taken to a different room. The officials questioned me and severely tortured me. They kicked my knees and hung me upside down and beat me. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me and burned me with cigarette butts. I was kept in my underwear during my entire detention. During interrogation, I was stripped naked. At one point, one of the interrogators squeezed my penis very hard and I was in unbearable pain. I was raped at night. Different people came to rape me either singly or in groups of two. One of them held me down, while the other raped me. Those who attacked me wore civilian clothes. They spoke Sinhala but swore at me in Tamil. The guards threw some bread or a food packet into my cell once a day. At times the guards spat on my food before they gave it to me. I could not eat because of the torture. I had injuries on my hands and my lips were battered and swollen.¹³¹

LP was detained for 15 days and made to sign a confession in Sinhala prior to his release. He was released in March 2010 after his family managed to bribe Sri Lankan army officials.

¹³¹ Human Rights Watch interview with LP, December 10, 2011.

Name: AR

Gender: Male

Age: 30

Date Detained: February 2010

Date Released: March 2010

Circumstances of detention: Towards the end of February 2010, AR went to register his residency at the police station in Welawatte, in Colombo. AR told Human Rights Watch he had recently returned from the UK and was moving in with his aunt and uncle in Colombo.

Account:

When I gave my details at the police station, I was asked to wait. After some time, the policemen took me out and pushed me into a van. I was blindfolded and my hands were tied behind my back. I was kicked and punched on the way. When the van stopped, I was taken to a room. I was stripped naked and questioned about my links with the LTTE and my activities abroad. I was severely tortured during my interrogation. I was burned on my back with cigarettes and was thrashed with a hot metal rod. I was raped and sexually abused many times. The interrogators kept asking me about my role within the LTTE and my relationship with an individual named XX [name withheld]. Unable to take any more torture, I agreed to their charges and told them I was a member of the LTTE. They forced me to sign a confession in Sinhala, and took my fingerprints. They forced me to agree to become an informer.¹³²

AR's medico legal report, on file with Human Rights Watch, notes that he is suffering from complex post traumatic disorder and major depressive disorder compounded by his rape."

AR told Human Rights Watch he was released from detention in early March 2010 after his family managed to bribe the police.

¹³² Human Rights Watch interview with AR, December 10, 2011.

Name: RC

Gender: Female

Age: 30

Date Detained: February 2010

Date Released: May 2010

Circumstances of detention: One day in mid-February 2010, RC was at her home in Kondavil, Jaffna when, at about 11 p.m., a white van stopped outside. Five men in civilian clothes entered her house after jumping over the boundary wall of the house. Two of the men grabbed her and dragged her out to the van.

RC told Human Rights Watch she was pushed into the van. She was then gagged, handcuffed, and blindfolded. The van drove for about 15 minutes and stopped; she was dragged out and taken into a room in a building.

Account:

I was kicked and beaten. They beat my legs with a rifle. They told me, “You dance with these legs for LTTE. We will break your legs.” They knew that I worked for the cultural wing of the LTTE. I told them I did not support the LTTE but they kept beating me. When they left they opened my blindfold. The room was dark and smelled dusty. The next day, one senior army official and some other people came to see me. They fingerprinted me, took my photograph, and asked me to sign two blank sheets of paper. I refused to sign. They started beating me with the back of a rifle. I was very scared and signed the paper. They left after that. That night, the senior officer returned to my room. He smelled drunk. He locked the door from inside. He removed his clothes. He came close to me and started licking my face and my body. He spoke broken Tamil. He called me “cow” and said I must have good milk. I kept trying to push him away. At one time I managed to push him away. He grabbed me again. He tried to kiss me. When I wouldn’t allow him that, he bit my lips. He told me he would rape me. He was very angry with me. He pushed me on the ground, kicking and beating me. He was swearing at me in Sinhala. I did not understand anything else. He tore my clothes off and raped me. I lost consciousness. I did not see him leave the room.

The following night two other men came to my room. They blindfolded me and forced me into a van. We drove for a very long time. When we stopped they removed my blindfold and I saw a derelict house surrounded by some trees and a compound. I was taken into a room where a group of men in civilian clothes were present. They started questioning me about my involvement with the LTTE. They took my photograph and fingerprints. They beat me with a rifle.

I stayed in a bloodstained and dirty room in that house for nearly eight days. I was made to do menial work in that house. I was not sexually abused or tortured in this second detention. I got talking to someone who used to bring food into that house twice a day and learned that this was a People's Liberation Organization of Tamil Eelam [PLOTE, a pro-government Tamil paramilitary group] camp.¹³³

RC's medico legal report, on file with Human Rights Watch, notes 29 scars on her body including nine near her genitals, provide "strong support to her account of sexual abuse." In addition, the report notes, that "her pronounced anxiety and fear match the criteria for post-traumatic stress disorder."

RC told Human Rights Watch she escaped from detention with the help of a man who delivered food to the PLOTE camp. She paid an "agent" to bribe authorities and facilitate her departure from Sri Lanka in May 2010.

¹³³ Human Rights Watch interview with RC, November 16, 2011.

Name: MT

Gender: Female

Age: 30

Date Detained: May 2010

Date Released: June 2010

Circumstances of detention: In May 2010, MT's husband left for India while she stayed behind with her mother and 1-year-old daughter at their home in Vavuniya. She told Human Rights Watch that someone banged at her door very loudly one day at about 3 p.m. She opened the door to find 5 or 6 men in civilian clothes. They asked her to accompany them to the police station. MT said the men told her they were police and wanted to record her statement. She left her daughter with her mother and accompanied the men to the police station.

Account:

As soon as we reached the police station, I was handcuffed and pushed into a cell. There were two young girls in the cell. The girls told me they were brought in that morning. Late at night, I was taken out for questioning to the duty room where two female officials in uniform were already waiting for me. They started questioning me about my husband and his links with the LTTE. I told them I did not know anything. I begged them to spare me. I was repeatedly beaten with a stick and a wire across my leg and back. After a few hours, they sent me back to the cell. Later that night, another policewoman came to the cell and told me that they would take me away to identify someone. Four officials forced me into a van. We travelled for around half an hour and arrived at a house. They pushed me inside the house and in a room that was very dirty and had no furniture. The officials brought two blindfolded men in the room. They asked me whether I had seen these men visit my husband. I did not know these men so said I did not. They took me to another room and left me there. I could hear noises outside. There were men singing songs. They sounded drunk. One man in civilian clothes came to my room. He told me that he would help me if I told him everything. I was wearing a *shalwar kameez*¹³⁴ and had a shawl. The official started pulling at my shawl. I moved back a little and he came closer and said, "Don't shout. I will kill you if you shout."

He chained my handcuffs to a chair so I couldn't move. He tore my shirt and tried to remove my *shalwar*. I kept shouting and crying, but he was stronger than me. He raped me. When he finished he went outside. A second official came to the room. He raped me too. The second official smoked cigarettes and he burned my breast, my inner thighs and legs. Both men beat me. They bit my breast and my thighs. It was still dark when I was brought back to the police station the next day. The official

¹³⁴ Traditional dress worn by women in South Asia, comprising loose trousers and a long shirt.

who raped me first warned me not to tell anybody about this. They told me they would kill my husband. I started bleeding very heavily. I think I was pregnant prior to the rape and miscarried. My mother brought my daughter to the police station, but they didn't let me meet them. The third day after I was arrested, my husband returned from India. He came to the police station and surrendered. The police then released me but locked up my husband. I cried and begged them to give me an arrest receipt [official acknowledgement of arrest] for my husband. They gave me a receipt.¹³⁵

MT told Human Rights Watch she secured her husband's release from detention a month after his arrest after she paid Rs 10 lakhs [US\$7,800] as a bribe to an EPDP member.

¹³⁵ Human Rights Watch interview with MT, December 4, 2011. Medical records were not available in this case.

Name: YN

Gender: Male

Age: 46

Date Abducted: January 2010

Date Released: February 2010

Circumstances of detention: YN had been deported from the UK to Sri Lanka in December 2005 after he exhausted his asylum claims. He told Human Rights Watch he made another attempt at fleeing Sri Lanka after he was detained by the police in 2007. He was deported to Sri Lanka in January 2010 where he was taken into custody.

Account:

I was picked up by CID officials as soon as I cleared immigration at Colombo's international airport. I was taken to the fourth floor of CID headquarters where I was detained for two or three days before being transferred to the Joseph Camp in Vavuniya. I was kept handcuffed in a single cell in Colombo. I was tortured in Vavuniya in the room where I was questioned. During questioning, I was beaten with batons and metal rods. The officials poured kerosene on the floor and threatened to set it alight. In another instance, they held a gun to my head and threatened to pull the trigger. I was hung upside down and beaten with truncheons and hot metal rods. I was stripped naked in both detention sites. I was sexually abused by being forced to have oral sex on two or three occasions when I was detained in Vavuniya.¹³⁶

YN's medico legal report, on file with Human Rights Watch, notes "at least 13 scars on his body on account of cigarette burns in addition to scars due to beatings by truncheon and a chain. The report notes that he has suffered "marked physical damage which supports his account of torture."

YN told Human Rights Watch he did not sign a confession statement, but managed to escape detention after his uncle bribed army personnel in Vavuniya.

¹³⁶ Human Rights Watch interview with YN, February 5, 2012.

Name: TR

Gender: Male

Age: 16

Date Detained: December 2009

Date Released: January 2010

Circumstances of detention: In December 2009, TR was at his home in Welawatte, Colombo, when a white van stopped outside his house. He told Human Rights Watch that five or six men in civilian clothes jumped out and grabbed him. He said he was handcuffed, blindfolded, and pushed face down in the back of the van. He says he later found himself in the custody of government forces.

Account:

We drove in the van for about 30 minutes. I was taken to a room where they removed my blindfold. I was stripped, fingerprinted, and photographed. They asked me to confess my involvement with the LTTE. I refused. The torture started soon after that. I was beaten with heated iron rods and sand-filled plastic pipes; I was hung upside down. The officials kicked me with their boots and burned me with cigarettes. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. They took my underpants off and groped my genitals. The guards threw one food packet every day into my room. The food was generally not fit for consumption.

I was raped about five or six times by members of the security forces. They came to my room at night after the interrogation was over. Some of them wore civilian clothes, others were in military uniform. They spoke in Sinhala but could say some words in Tamil. I could smell alcohol on them. They used bad language and called me a Tamil dog.¹³⁷

TR's medico legal report, on file with Human Rights Watch, notes that "he has experienced several traumatic events on account of his torture, sexual assault, sexual violence, and rapes."

TR was released from detention following payment of bribe towards the end of December. He managed to flee from Sri Lanka, using the services of an agent in January 2010.

¹³⁷ Human Rights Watch interview with TR, November 12, 2011.

Name: DS

Gender: Male

Age: 17

Date Detained: November 2009

Date Released: December 2009

Circumstances of detention: DS's father owned a photocopy shop in Jaffna and helped the LTTE by printing propaganda leaflets and distributing them. In 2005 when he was 13 years old, DS was forcibly taken away by the LTTE and provided compulsory military training for 10 days. On completing his training, he returned to Jaffna and worked for the LTTE by distributing pamphlets in his school and participating in LTTE cultural festivals like Pongu Thamil. In 2008, DS's father was arrested and detained by the authorities for providing shelter to an LTTE member. He was released on payment of bribe and on the condition that he stop providing services to the LTTE. DS told Human Rights Watch he was returning from his school in November 2009 when he was arrested by a joint team of police and army officials. He was blindfolded and taken to an unknown detention site.

Account:

They asked me to tell them all about my activities with the LTTE. They said that if I told them everything about my work, they would let me go. I refused to admit to anything. Then they started beating me. I was stomped with boots and punched. They then forced me to undress completely. I was hung upside down and burned with cigarettes. I was beaten with sand-filled pipes and wires. The officials beat the soles of my feet with rubber and forced a petrol-infused plastic bag on my head and tried to asphyxiate me. One officer performed sexual acts in front of me. He then raped me. I lost consciousness. I was bleeding heavily from my anus. There was no toilet and I had to use a plastic bag. The officials who were questioning me did not let me sleep. They did not give me any food for the first two or three days. They fingerprinted and photographed me. I finally signed a confession document in Sinhala and admitted to everything they said.¹³⁸

DS's medico legal report, on file with Human Rights Watch, notes that he suffers from post-traumatic stress disorder, and secondary depression, coupled with an ongoing risk of suicide on account of his experiences of torture.

DS said he was released from detention in December 2009 after his father secured his release by bribing the officials through the services of a Tamil parliamentarian.

¹³⁸ Human Rights Watch interview with DS, November 28, 2011.

Name: UM

Gender: Female

Age: 25

Date Detained: August 2009

Date Released: April 2010

Circumstances of detention: UM was detained at Arunachalam camp (at Menik Farm near Vavuniya) after she managed to flee Mullivaikal in the northeast during the last stages of the conflict in April 2009. She told Human Rights Watch that army personnel took her to another camp in October 2009.

Account:

I was sexually abused and raped repeatedly by soldiers in the other camp. They questioned me about my links with the LTTE and asked about my activities. I said I was forced to work for LTTE and didn't know anything. They didn't believe me. They beat me, pulled my hair and banged my head on a wall. They beat me with their hands and kicked me with their boots. One of the soldiers said, "We will teach you a lesson." I lost consciousness that day and when I came to, I realized I had been raped. Then more soldiers came and raped me. This went on for many days. I can't remember how many times and how many soldiers raped me.¹³⁹

UM told Human Rights Watch she was released from detention in April 2010 after her uncle paid for her release through an EPDP member. She made her way abroad through an agent and has subsequently received asylum in the United Kingdom.

¹³⁹ Human Rights Watch interview with UM, London, January 10, 2011. UK asylum authorities found UM's claims credible. Medical records were not available to Human Rights Watch in this case.

Name: HB

Gender: Male

Age: 22

Date Detained: September 2009

Date Released: September 2009

Circumstances of detention: One afternoon in September 2009, around seven or eight uniformed policemen forcibly entered HB's home near Colombo. HB told Human Rights Watch they handcuffed him and took him to the local police station.

Account:

They took me to a room where they started questioning me. They asked me if I knew [name withheld]. I said I didn't. One policeman slapped me and told me, "[name withheld] is in our custody. We know everything you are doing here." I was locked up in a small cell that night. The next morning I was taken to another room where I was photographed. I was then handcuffed again, blindfolded, and taken to another place in a van. The officials took my clothes away and I was kept only in my underwear. I was questioned every day about my work with the LTTE. They repeatedly asked me who had worked with me. I was kicked and slapped. They kicked me on my stomach with boots. I was beaten on my back with heated metal bars. I was beaten with stripped electrical wires. They burned me with cigarette butts. They forced me to lie down and beat the soles of my feet. They kicked my genitals. I was sexually abused and raped. I told the psychiatric counselor about my sexual abuse. I did not tell anybody else. I am too ashamed of this. I cannot describe the shame.¹⁴⁰

HB's medico legal report, on file with Human Rights Watch, notes "the presence of specific and distinctive scars whose causation is consistent with his account and no other plausible causation is likely."

HB was released from detention around September 2009 after his mother arranged for his release by bribing officials in the Sri Lankan military. While he has left Sri Lanka, his family continues to face harassment from the Sri Lankan security forces.

¹⁴⁰ Human Rights Watch interview with HB, December 10, 2011.

Name: VP

Gender: Female

Age: 20

Date Detained: September 2009

Date Released: December 2009

Circumstances of detention: In September 2009, VP was arrested by a group of soldiers and men in civilian clothes from the Ramanathan Camp in Vavuniya. VP told Human Rights Watch that while in custody she was identified by two masked informants as being involved with the LTTE. She said the LTTE had forcibly recruited her in February 2009.

Account:

My hands were tied and I was blindfolded and pushed into a van. I couldn't see where they were taking me. I was held in a small, dark room. The officials beat me and questioned me. They asked me to identify places where the LTTE had hidden weapons. They asked me about details of other LTTE members. They threatened to kill me if I did not show them the location of the weapons. During the interrogation, I was burned with cigarette butts; they tied me to a chair and slapped and punched me. They then pushed my head in a barrel of water and tried to suffocate me. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. They threatened to kill me. At night, two or three different officials came to my room. They wore civilian clothes and spoke Sinhala. They raped me. They used bad language and Tamil slang words. They raped me because they wanted to put pressure on me to reveal information about the LTTE to them. I admitted I was an LTTE member and signed on blank sheet of paper and some documents in Sinhala.¹⁴¹

VP's medico-legal report, on file with Human Rights Watch, confirms her account of torture and notes that "scars and other injuries are highly consistent and typical with the history provided,"

VP told Human Rights Watch she was unofficially released in December 2009 after her relatives used connections with the EPDP to bribe authorities.

¹⁴¹ Human Rights Watch interview with VP, December 28, 2011.

Name: CN

Gender: Female

Age: 32

Date Detained: August 2009

Date Released: July 2010

Circumstances of detention: In August 2009, CN was at the Arunachchalam Camp, finally reunited with her children and parents-in-law after having been separated from them during the Sri Lankan army's capture of Matalan in April that year. CN told Human Rights Watch that one evening in August, four officials in plainclothes, who introduced themselves as belonging to the CID, came to her tent and asked her to go with them for questioning. She says she was taken to an office within the camp premises.

Account:

I was scared to go, but I had no alternative but to listen to them. They threatened me that if I did not tell them my husband's whereabouts, they would kill me. I was raped by a number of officers. They would take turns raping me. I was only allowed to go back to my tent at dawn. Then again in the evening they would come again and take me and rape me. They said that I knew how my husband had escaped and wanted me to reveal the names of the people who helped him to escape. When I said I didn't know, they would rape me. I was raped by two or three people at a time. They also threatened that if I told anyone they would kill me and my children.¹⁴²

In February 2010, CN was taken to another CID camp, where she was photographed and fingerprinted. CN told Human Rights Watch she was tortured and raped by CID officials in the second camp as well and had to be admitted to hospital because of torture. She said, "They kept saying to me 'We know you know the whereabouts of your husband.' They would beat me and rape me when I said I did not know. I became a creature without feelings."

CN's medico legal report, on file with Human Rights Watch, notes that the scars on her body are consistent with her history of torture in detention in Sri Lanka. The report also describes her "feelings of guilt, self-blame, and disgust on account of her experience of being raped."

CN told Human Rights Watch she escaped from the detention camp in July 2010 after her family bribed a CID officer through a Muslim agent.

¹⁴² Human Rights Watch interview with CN, December 10, 2011.

Name: WP

Gender: Male

Age: 31

Date Detained: August 2009

Date Released: January 2010

Circumstances of detention: WP was from Puthukkudiyiruppu in northeastern Sri Lanka near the coast. He worked with the LTTE treating injured LTTE fighters in Poonakari until he surrendered to the Sri Lankan army in May 2009. He was taken to an IDP camp in Vavuniya where he provided voluntary first aid to injured civilians. Fearing his arrest by the CID for his previous association with the LTTE, WP's aunt made arrangements to have him leave Sri Lanka for India. In August 2009, WP was stopped by TID agents at Colombo's international airport. He was taken to a small room and questioned about his links with the LTTE.

In his medical interview, WP said that the interrogators took hold of his hair and forcibly banged his chin several times on the table, splitting his chin open. They grabbed his right thumb and pulled it back causing it to dislocate. WP said that the following day he was taken to the fourth floor of the TID headquarters where he detained alone in a cell. He was told to strip naked and then he was shackled at the wrists and ankles and a broomstick was placed behind his knees. He was forced into a squatting position, his feet were lifted from the floor and he was turned around as "if on a spit." In this position, he was beaten with cricket wicket stumps, mainly on the soles of his feet.

On the second day of torture his interrogators pushed a piece of pipe into his anus. They then inserted a piece of barbed wire into the pipe and pulled out the pipe. The interrogators then ripped out the piece of barbed wire from his anus causing him to pass out unconscious with pain. Afterwards, WP was detained naked in a 5 foot by 3 foot cell.

He was not provided any bedding. He told his medical specialist that he could hear the sounds of others being tortured and that he was hidden by TID officers during a visit by representatives from the International Committee of the Red Cross (ICRC).

WP was held in the TID detention center for eight days in August 2009. Following this, he was moved to Boosa Camp where he shared a hall with such a large group of people that they could not all lie down on the floor at night. After three months in the detention center at Boosa, WP was transferred to a remand prison in Colombo where he stayed until his aunt bribed authorities to secure his release in January 2010.¹⁴³

¹⁴³ Medical personnel interview with WP, February 9, 2012, contained in a medico legal report prepared for the UK courts in support of an asylum claim.

Name: GW

Gender: Female

Age: 40

Date Detained: July 2009

Date Released: Cannot recall

Circumstances of detention: In July 2009, GW was outside a camp in Vavuniya enquiring about six members of her family who had been reported killed in the fighting. GW told Human Rights Watch that she had been outside the country with relatives since April 2009 and returned to Sri Lanka only in early July 2009. She says she was captured by soldiers who took her into custody.

Account:

It was midday and I was standing at the gate of the camp. Four or five army officers came towards me. They asked me my name and then pushed me into a military jeep and took me to Nelukkulam camp [in Vavuniya] where I was taken into a small, dark room.

I was detained for nearly one-and-a-half months. The officials questioned me and tortured me almost every day. The torture stopped only after I confessed. During the torture, I was beaten with metal pipes and burned with cigarettes. The officials inserted pins under my toe nail and it came off. I was kept naked during the torture. I was raped at night. Most of the female detainees were raped. In my case, sometimes one, sometimes two people came to my room and raped me. I have lost consciousness of how many times I was raped. They bit me and scratched me on my breasts and thighs when they raped me. I have marks all over my body.¹⁴⁴

GW's medico legal report, on file with Human Rights Watch, confirms the scars on her body.

GW told Human Rights Watch that in order to avoid being raped further, she did not clean herself as she wanted to make herself as unattractive as possible. However, this was not a deterrent as the officials continued to rape her until she signed the confession sheets. GW said she was released from detention after her relatives bribed officials. At the time we spoke with her, she was under psychiatric care.

¹⁴⁴ Human Rights Watch interview with GW, January 11, 2012.

Name: EB

Gender: Male

Age: 31

Date Detained: June 2009

Date Released: January 2010

Circumstances of detention: In June 2009, EB was detained by personnel from the Sri Lankan military and CID after being identified by ex-LTTE cadres during an “identification parade” at the Vavuniya Sivapragasam Welfare Centre. EB said the LTTE had forcibly conscripted him in June 2008 and following training for 45 days, he served with an LTTE field medical team. EB told Human Rights Watch that he was taken to Velikkulam School detention camp in Vavuniya where he was photographed, fingerprinted, and his ID card was seized.

Account:

I was tortured severely by CID and Sri Lankan army personnel. I was kept alone in a dirty room at first and then transferred to a larger room where there were around 100 to 150 people present. I was always taken to a separate room for interrogation and torture. We were all kept stripped in detention and only had our pants on. During interrogation, the pants were removed. I was hung upside down and whipped by various types of wires. I was hung upside down and they forced a petrol-infused plastic bag on my head, and tried to asphyxiate me. My testicles were rubbed against a rough wall on numerous occasions and this has led to permanent scars. I was sexually abused. I am so ashamed of this that I did not mention this in my interviews. But after I was sexually abused and tortured, I confessed to everything and signed a blank piece of paper. The CID and army officials kept asking me why I did not surrender. When I gave the reply that I was scared, they would torture me further. They did this on a numerous occasions. On some of these occasions, I would collapse and lose consciousness. They also forced me to identify other LTTE cadres within the camp. If I failed to do so, I would be tortured.¹⁴⁵

EB’s medico legal report, on file with Human Rights Watch, notes that he is suffering from complex post traumatic disorder along with major depressive disorder.

EB said he escaped from detention one evening in January 2010 after his family members managed to bribe army officials. He fled Sri Lanka in late January 2010.

¹⁴⁵ Human Rights Watch interview with EB, November 26, 2011.

Name: VM

Gender: Female

Age: 26

Date Detained: June 2009

Date Released: January 2010

Circumstances of detention: In June 2009, VM was staying at a lodge in Colombo when a group of army soldiers knocked on the door. VM told Human Rights Watch they were accompanied by some masked men in civilian clothes. She says she and another woman from the lodge were detained and brought in a van to a police station (name of station withheld). Their identification cards were seized by the soldiers.

Account:

I was photographed and my fingerprints were taken. They took all my details. Then they started questioning me and beating me. I was kept in the police station for a few days and then moved to another site. The officials questioned me about my links with LTTE. They asked me for details of LTTE cadre. When I said I did not know, they started torturing me. I was punched and kicked. I was beaten on my back and legs with wooden sticks and metal rods. I was stripped naked during questioning. The officials, who questioned me, groped me. I was raped repeatedly at night in detention. There were always two or more perpetrators. I could not see their faces. I had a lot of bleeding because of the rapes. They told me they would kill me if I told anybody about the rapes.”¹⁴⁶

VM’s medico legal report, on file with Human Rights Watch, confirms that the injuries on her body are consistent with her account.

VM told Human Rights Watch her release from detention was secured in January 2010 after her uncle bribed police and army officials.

¹⁴⁶ Human Rights Watch interview with VM, December 10, 2011.

Name: LB

Gender: Male

Age: 20

Date Detained: May 2009

Date Released: June 2009

Circumstances of detention: In May 2009, LB was at his home in Vavuniya when a group of four or five men, including some Sri Lankan army soldiers, arrived at his house in a military jeep. The men in civilian clothes introduced themselves as CID officials. LB told Human Rights Watch that the officials claimed to have information on his LTTE links from an LTTE member.

Account:

I was dragged to the jeep and driven to Joseph Camp. Once we reached the camp, the officials took me to a small room where they tied my hands behind my back to a gas cylinder. I was beaten up with hot metal rods. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. The officials held a lighter close to the gas cylinder and told me they would blow me up. I was kept naked during detention. During the night, two women police officials who were on duty raped me; they threatened to torture me if I didn't cooperate. They took their clothes off and got on top of me. They grabbed my penis and took pictures of it on their mobile phone. They would not let me sleep. They sprayed my wounds with a chili powder that made them burn. The women didn't question me. They raped me when they were on duty. I was fingerprinted and photographed and the officials took all my details. They produced some photographs and asked me to identify the people in the photograph.¹⁴⁷

LB's medico legal reports, on file with Human Rights Watch, notes that "there is a very high degree of likelihood that the scars was caused in the manner described."

LB told Human Rights Watch he was kept in detention for a month during which he was sexually abused on six occasions. He secured his release following payment of a bribe in June 2009.

¹⁴⁷ Human Rights Watch interview with LB, December 23, 2011.

Name: MH

Gender: Female

Age: 35

Date Detained: May 2009

Date Released: cannot recall

Circumstances of detention: MH said he was forcibly conscripted into the media unit of the LTTE but managed to escape in 2009. MH told Human Rights Watch she left Mullivaikal in the Vanni with a group of people on May 17, 2009, and reached Omanthai the same day. On May 19, MH was separated from other members of her group at Omanthai and sent to an unknown destination with 40 other female ex-LTTE cadres.

Account:

The soldiers started harassing us on the bus. They particularly targeted the younger girls and asked them questions like: “Will you marry me? How many men have you slept with? Will you sleep with me?” We did not answer them. We knew what was going to happen. We were taken to Poonthottam Technical College in Vavuniya. When we reached the camp, there were a lot of women and girls, perhaps nearly a thousand. Some of these women were previously with the LTTE. We were photographed and fingerprinted by the soldiers on arrival; they asked us for some basic information and kept us in the compound. The army drove in a lot of armored vehicles into the compound of the college. The soldiers on top of these vehicles had their guns pointed at us. We were terrified.

I was in the technical college for a week. During this time, I was taken away on two occasions by a group of soldiers. They questioned me about my links with the LTTE. They slapped me and beat me with their canes. I was raped after that. I don’t want to remember how many soldiers raped me. I was bleeding and in a lot of pain.¹⁴⁸

Towards the end of May, MH and all the women were moved to the Pampaimadhu University building. According to MH, the living conditions were cramped and unhygienic, but she was not tortured again. MH said she escaped detention after her family successfully bribed officials in the army and arranged her departure from Sri Lanka through a human smuggler.

¹⁴⁸ Human Rights Watch interview with MH, November 18, 2011. Medical records were not available in this case.

Name: KD

Gender: Female

Age: 32

Date Detained: May 2009

Date Released: Cannot recall

Circumstances of detention: KD was from Mullaithivu and worked for the cultural unit of the LTTE before she was forcibly conscripted by the LTTE for military service in 2008. KD told Human Rights Watch she crossed into government-held territory in mid-May 2009 and was detained at Omanthai in Vanni.

Account:

I was taken to the Pampaimadu Technical College in Vavuniya after 10 days or so. We were photographed when we got to the camp. The conditions were very bad, there were so many of us cramped in a small room. We were lined up and questioned every day; they wanted to check our stories. I noticed that some younger and beautiful women and those who had scars on their bodies were taken aside. Quite a few women had shrapnel scars on their faces and arms. In some cases of women who had some visible scars, the soldiers asked the women to lift their clothes to check for more scars. They wanted to see if they were scars from fighting with the LTTE. Sometimes these women came back to our group. Some of the women didn't come back. One day, I was asked to step aside. I was very frightened. I was taken to another room where the officials started questioning me. They asked me about my links with LTTE, what I did for them, where other LTTE supporters were. I did not know, so I told them I was forcibly conscripted. As I had not said this before, they became very angry and, they started beating me. They asked me to sign a confession. I refused because I thought they would kill me if I signed the confession. A senior official said he would make me sign. He started removing his belt and trousers. I lost consciousness and don't know how many times I was raped. I signed the confession after that and was sent back to the room where we all stayed.¹⁴⁹

KD managed to escape from detention after her family bribed authorities.

¹⁴⁹ Human Rights Watch interview with KD, November 20, 2011. Medical records were not available in this case.

Name: VB

Gender: Female

Age: 28

Date Detained: May 2009

Date Released: Cannot recall

Circumstances of detention: VB from Mullaivaikal was detained at the Pon Ramanathan camp at Menik Farm in Vavuniya after she surrendered to the army in Omanthai. VB told Human Rights Watch she shared a tent with eight others. She said that soldiers would often physically touch her and “misbehave” with her and others whenever she came into contact with them.

Account:

We would go to bathe in the river but only when it got a bit dark. The river was guarded by police. Nobody else could access that area without being checked by the police. One evening, I was returning to the camp from the river with five other women. Suddenly, a group of soldiers appeared. It was dark, so I couldn’t see how many. Some girls managed to run away. The rest of us were overpowered. The soldiers tore my clothes off and raped me. When I got back to the tent everybody knew what happened but nobody said anything.¹⁵⁰

VB told Human Rights Watch she was released from the camp after military personnel concluded she had no links with the LTTE.

¹⁵⁰ Human Rights Watch interview with VB, November 20, 2011. Medical records were not available in this case.

Name: GF

Gender: Male

Age: 25

Date Detained: May 2009

Date Released: January 2011

Circumstances of detention: GF said he was forcibly conscripted by the LTTE in 2008, underwent brief training, and was employed as a food supplier in the LTTE's medical wing. His identical twin, a member of the Black Tigers suicide unit, had been an LTTE member for many years. In May 2009, GF, his mother, and brother surrendered to the Sri Lankan army and were taken to a camp in Vavuniya. In his medical interview, GF said he was identified as an LTTE member and was taken to a detention camp in Vavuniya.

Account (via a UK based medical doctor who interviewed GF):

GF said that at the detention camp, army personnel mistook him for his twin brother, and began to interrogate him. He said he was placed in solitary confinement with no light or bedding. He was frequently deprived of food and drink and provided a bucket as a toilet. GF said he was stripped naked, handcuffed, and beaten with an electric wire. He said he was beaten all over, but mainly on his back and legs and also on his feet with batons. He was slapped, his hair was grabbed, and his head banged against the wall many times. GF said he was ill treated for over a year until August 2010, when he was released after his uncle managed to bribe a guard to release him unofficially.

GF said that he made his way to Colombo where a human smuggling agent supplied him with a false identification card. Soon thereafter, however, he was rearrested for carrying this false card and taken to the fourth floor of CID headquarters. GF said that the conditions here were worse than in the previous interrogation camp: the cell was smaller, the toilet bucket was full of feces, and he could hear screams of other people being tortured. His hands were cuffed behind his back.

GF said he was severely tortured during questioning. He was stripped naked and hung upside down for several hours, until he started bleeding from his mouth. He was burned with cigarettes over his arms, chest, back, and legs. His interrogators pulled off his toenails and hit him in the face with a rifle butt. The medical report confirms that severe trauma caused two of his front teeth to "die." GF said he was raped with a piece of wood during questioning. His interrogators held a gun to his head and threatened him with death if he did not reveal the names of Black Tigers. GF said his mother and uncle secured his release in January 2011 with the help of an agent who bribed the guards once again.¹⁵¹

¹⁵¹ Medical personnel interview with GF, January 20, 2012; Contained in a medico-legal report prepared for the UK courts in support of an asylum claim.

Name: PV

Gender: Female

Age: 26

Date Detained: Unclear date in 2009

Date Released: Cannot recall

Circumstances of detention: PV said she was forcibly recruited into the LTTE in 2006 and trained as a medical assistant, learning how to move and bandage injured persons, administer medications, and perform other nursing tasks. She met a man there as he was distributing medicine for the LTTE; they married in 2007 and had a daughter in June 2008. Soon thereafter PV's husband was captured by the Sri Lankan army and she has not seen him since. After Sri Lankan forces defeated the LTTE in 2009, PV, along with her parents and breast-fed infant were taken to a large camp in Vavuniya where she was separated and taken away for questioning since she had worked for the LTTE.

Account (via a UK-based medical doctor who interviewed PV):

PV said she was taken for questioning by military officials, she beaten with batons, her hair was grabbed, her head was smashed against the wall, and her lactating breasts were squeezed. She said she was taken to the brigadier's room over a period of three months. Her hands were tied to the bed and she was raped repeatedly. She said he burned her with cigarettes on her breasts and inner thighs. She said the brigadier told her if she told anyone he would he would kill her family, her child, and her.

After three months, PV said she had very heavy vaginal bleeding and was so ill that she had to be taken to a hospital outside the camp. She thought in all likelihood she had miscarried. Her uncle arranged for her to be taken to his house from the hospital. Fearing her re-arrest, her uncle told her to go to the National Human Rights Commission (NHRC). Before she did so, however, PV was picked up by the CID from the NHRC office in Vavuniya, and taken to a darkened cell and left without food or water for several hours. She was then taken to another camp and put in a room with about 30 others crowded together.

She says she was beaten with pipes filled with sand, stripped, and humiliated. Her head was covered with a petrol-infused plastic bag in an attempt to asphyxiate her. She was asked to identify other LTTE cadres in the camps. PV said she could not identify anybody but, unable to bear the torture, went ahead and identified people she did not know. She said her release was facilitated by a Tamil-speaking CID officer after her family arranged payment of a bribe.¹⁵²

¹⁵² Medical personnel interview with PV, January 11, 2012, contained in a medico legal report prepared for the UK courts in support of an asylum claim.

Name: AP

Gender: Male

Age: 33

Date Detained: May 2009

Date Released: Cannot recall

Circumstances of detention: In May 2009, AP surrendered to the army in Mullaivaikal and was taken to Omanthai Central College. AP told Human Rights Watch he was identified by an informant as being involved with the LTTE and was subsequently taken by army personnel to the Veppankulam Camp in Vavuniya.

Account:

I was questioned about my links with the LTTE and tortured severely. The officials who tortured me wore military trousers and camouflage T-shirts. They spoke Sinhala. One official who asked the questions spoke Tamil. They beat me mercilessly with sand-filled pipes and wires; they hung me upside down and forced a petrol-infused plastic bag on my head and tried to asphyxiate me. I was kept in my underwear in detention. During the questioning, the officials removed my underwear. On the second day, two officials held my arms back. A third official held my penis and inserted a metal rod inside my penis. They inserted small metal balls inside my penis. These had to be surgically removed after I escaped from the country. I was sexually abused in detention. I was in detention at Veppankulam for almost three weeks. There were seven detainees in my room. I know all of them had similar experiences. I know that they too had metal balls inserted in their penises. It was very painful for us to pass urine. I heard the others cry as they passed urine. I was given some bread and water but I couldn't eat because I was in severe pain. My lips were cut and bleeding because of the torture. The fear of death was always in front of us.¹⁵³

The medico legal report and hospital discharge papers, on file with Human Rights Watch, note "removal of foreign body inserted at the base of penis as a means of identification during the recent military conflict."

AP told Human Rights Watch his captors forced him to sign documents written in Sinhala and transferred him to an unknown detention site after he confessed. He said he was released from custody after his family bribed those in positions of authority at the detention site.

¹⁵³ Human Rights Watch interview with AP, November 20, 2011.

Name: EN

Gender: Female

Age: 28

Date Detained: April 2009

Date Released: May 2009

Circumstances of detention: In April 2009, EN was among the thousands of civilians and LTTE cadre rounded up by the Sri Lankan army as they fled the “no fire zones” that had been under LTTE control. EN told Human Rights Watch she was taken to an overcrowded camp in Vavuniya. She was picked up from there by Sri Lankan army soldiers.

Account:

One day, five or six days after I arrived in the camp, I was standing in a food queue when soldiers came with a masked man. The masked man identified me and some others from the queue. We were all taken away to a small center near the camp. The soldiers photographed me, took my fingerprints, and details. My hands were tied behind my back. I was taken into another small room. The officials started questioning me. They hung me from my wrists and beat me with batons. I was burned with cigarettes on my chest, arms, and thighs. I was kicked and punched. I was beaten and questioned repeatedly for 12 or 13 days. In the end, I signed a confession in Sinhala. Soon after I signed the confession, I was dragged into a room by two soldiers. One held me down, while the other stripped off my clothes and raped me. Then the second man raped me. I don't know how many times I was raped.¹⁵⁴

EN's medico legal report, on file with Human Rights Watch, confirms the presence of widespread scarring on her body which corroborates her account of ill treatment.

EN told Human Rights Watch her relatives managed to secure her release from detention after bribing officials through a member of People's Liberation Organization of Tamil Eelam (PLOTE).

¹⁵⁴ Human Rights Watch interview with EN, January 6, 2012.

Name: ZS

Gender: Female

Age: 22

Date Detained: First detained in April 2009 and again in November 2010

Date Released: January 2011

Circumstances of detention: In April 2009, ZS and her husband were in a bunker in Matalan when they were found by Sri Lankan army soldiers. ZS told Human Rights Watch she was taken to Omanthai and then to Arunachalam camp where she was questioned about her links with the LTTE. ZS said she and many others were rounded up and taken to another camp for questioning.

Account:

I was kept with at least 20 others in a very small space. It was hot and we were taken aside and questioned every day. The soldiers would beat and punch me. They pulled my hair and banged my head against the wall. They hit me with wooden batons, thick wires, and belts. They made me sign documents in Sinhala. One of my family friends managed to get me released from this place after paying two lakh rupees [US\$1,550] to the officials in the camp.

ZS said she escaped hidden in a truck used to transport rubbish and reached Vavuniya, but was captured again.

I stayed with my mother-in-law. In November 2010, some soldiers came to my house. They handcuffed me and took me to Jacob Camp in Vavuniya. I was tortured severely in this detention. I was beaten with batons and hung upside down and beaten with heated metal rods. The officials questioning me pushed me on the floor and stamped on me. I was stripped during questioning. I was raped. I cannot remember how many times this happened as I fell unconscious.¹⁵⁵

ZS's medico-legal report, on file with Human Rights Watch, corroborates that the "appearance of scars which are typical of injuries caused by being beaten in the manner described by her."

ZS's family secured her release from detention in January 2011. ZS told Human Rights Watch she was placed in a van with darkened windows and driven to Colombo. CID officials told her she was being sent for further questioning to Colombo, but she was instead released.

At the time we interviewed her she was being treated for post-traumatic stress disorder.

¹⁵⁵ Human Rights Watch interview with ZS, December 4, 2011.

Name: ST

Gender: Female

Age: 50

Date Detained: March 2009

Date Released: November 2009

Circumstances of detention: In late March 2009, ST and her daughter surrendered to the Sri Lankan army in Matalan during the height of the fighting. ST told Human Rights Watch that the army personnel divided those who surrendered into subgroups, and that she and her family were in a group of 20.

Account:

The army made us strip completely in front of the children. All the women were made to walk around the soldiers in a circle. The soldiers were laughing at us. All the women were then raped in front of everyone. My daughter and I were raped in front of her children. I was raped in front of my grandchildren.

After about two hours, the soldiers asked a naked boy and girl, who didn't know each other, to hug each other at gunpoint. As they hugged due to fear, they were shot in front of our eyes. I can still picture that moment. They then separated all young boys and girls from us and took them away (they never came back). We heard screams, wailings, and shootings continuously. During the time, we were in the forest, we heard men and women crying and the sound of gunshots constantly. We were too scared to utter a word. We were not given any food or water for the first two days. On the third day, we were given dhal curry and rice. We were all transferred to Mirusuvil camp [on the Jaffna peninsula] after five days. I was questioned about my husband's links with the LTTE when I was in that detention. The official who questioned me also touched me indecently during the questioning.¹⁵⁶

ST managed to escape from the camp with another family in November 2009. Her children, who are settled abroad, arranged the services of a human smuggler, who helped her leave the country.

¹⁵⁶ Human Rights Watch interview with ST, December 18, 2011. Medical records were not available in this case.

Name: TF

Gender: Female

Age: 34

Date Detained: February 2009

Date Released: February 2009

Circumstances of detention: TF and her 9-year-old son managed to flee the shelling around Mullaivaikal in early 2009 and reached Trincomalee by boat. TF told Human Rights Watch she was accosted by a team of Sri Lankan army soldiers and members of Karuna's paramilitary force in February 2009 and taken aside for questioning.

Account:

They asked all of us if we had any links with the LTTE. I did not want to lie and get caught, so I told them I had worked as an assistant in the LTTE judiciary. I was taken to Veppankulam camp in Vavuniya. The officials kept accusing me of being a member of the LTTE and of moving from the Vanni to Trincomalee to spy on the army and set off bombs. I denied their charges and told them that I left with my son to save our lives. I was questioned by Sri Lankan army personnel, some who were in uniform. They immersed my head in water and tried to drown me. They burned me on the back and legs with hot metal rods. They would beat the soles of my feet with batons and force a petrol-infused plastic bag on my head in an attempt to asphyxiate me. I was raped many times. I cannot recall how many times. I was kept in detention for 15 days. Finally, I agreed to sign papers and admit that I was a full member of the LTTE. I was made to identify various people as LTTE supporters and I did that even though I did not know them. I just wanted the rapes and torture to stop.¹⁵⁷

TF's medico legal report, on file with Human Rights Watch, notes that the physical evidence of scarring confirms her account of torture and abuse in Sri Lanka.

TF told Human Rights Watch she managed to secure her release from detention in February 2009 after her family members arranged for authorities to be bribed.

¹⁵⁷ Human Rights Watch interview with TF, December 14, 2011.

Name: OP

Gender: Male

Age: 20

Date arrested: January 2009

Date Released: June 2009

Circumstances of detention: On January 31, 2009, OP went to the Colombo's international airport to receive his friend's uncle arriving from Canada. OP told Human Rights Watch that when he and his friend tried to enter the arrivals terminal, they were stopped by police officials in a random search operation.

Account:

We were asked to produce our ID cards, which the officials took away. Since my ID showed my Puthukudiruppu address [northeastern town where fighting was ongoing], the officials took me aside and asked me to join the officials for further interrogation. The officials handcuffed me and my friend and took me to a jeep waiting outside. We were taken to the sixth floor of the TID office in Colombo. There we were put into a room and locked up. They took us one by one and questioned us in another room. They asked me whether I was LTTE. They kept insisting I was. They registered my details and took my fingerprints. I was also photographed. I was not given anything to eat on that day, and they did not allow me to sleep. The next day, we were transferred to the Boosa detention camp [near Galle in the south]. I was detained in a small room with another person. There was a lavatory in the room and a cement bed, but I had to sleep on the floor. I was taken to a bigger room. The room was dirty and I noticed many torture instruments lying around. There were bloodstains on the floor and on the wall and cigarette butts on the floor. They stripped me to my underwear and made me sit on a stool in front of them. They kept asking me whether I was an LTTE member and whether we were sent to plan any attacks in Colombo. They told me they would release me if I told them the truth. I denied the charges and insisted that I had no involvement with the LTTE. My denials infuriated the officers. Two officials were now standing behind me. They hit me with batons and pipes, kicked me with boots, and hit me with iron rods. I was carried back into my room. I was taken out every day and beaten and questioned. They submerged my head in water in between the beatings; they hung me upside down and beat me. They sexually abused me. As it was a terrible experience, I am ashamed to talk about this in detail to anyone. The torture continued for about five days. I was forced to sign a document written in Sinhala. I agreed to sign the document in the hope that they would stop torturing me.

OP told Human Rights Watch he was handcuffed and produced before the Colombo chief magistrate's court in February 2009. He said that he could not understand any of the proceedings

as they were conducted in Sinhala. OP was not released at that time.

I was sent back to the detention camp in Boosa. My parents visited me in the camp a few days later and instructed a family lawyer to represent me. ICRC officials also came to the camp and gave me a card with a reference number and asked me to keep it till I was released. I was produced before the court once again but was not released.¹⁵⁸

OP's medico legal report, on file with Human Rights Watch, notes that "the burnt scars on his body are typical of the events described by him."

OP said he was detained for five months in the Boosa camp during which he was sexually abused by the inmates and guards. He said he was released from detention in June 2009 after his uncle managed to bribe the officials at Boosa prison.

¹⁵⁸ Human Rights Watch interview with OP, January 10, 2012.

Name: YT

Gender: Female

Age: 22

Date Detained: January 2009

Date Released: February 2009

Circumstances of detention: Late one evening in January 2009, YT was at her home in Vavuniya when army personnel conducted a search operation in her house and found a bag full of explosives. YT told Human Rights Watch she was asked to keep the bag safe by one of her friends and told the soldiers that she did not know its contents.

Account:

The soldiers asked for my ID card and found I was originally from Mullaithivu. They immediately handcuffed me and asked me to get into a van. In the van they kept calling me LTTE and punching me and hitting me with a rifle butt. I was photographed and my fingerprints were taken when we arrived at an army camp. I do not know where this was. From that point, I was beaten and tortured severely. The army officials questioning me would bang my head against the wall. I was burned with cigarettes and beaten with wooden batons and metal pipes. One day one female interrogator threw a fistful of chili powder on my face. I was not given any water to wash. I was raped in detention. Two soldiers came to my cell at night. I screamed and they gagged me. They forced me down and raped me in turn. They also burned me with cigarettes. They left me naked. I was bleeding profusely after the rape and was in severe pain. I told the woman duty officer about this the next day. I wasn't raped again, but the beatings continued.¹⁵⁹

YT's medico-legal report, on file with Human Rights Watch, confirms that she attended an accident and emergency clinic in a hospital abroad in March 2009, where her heavy bleeding was diagnosed as a miscarriage confirming sexual intercourse resulting in conception. Her medico-legal report states that "the scars on her body and her psychological state match her account of rape and torture."

YT told Human Rights Watch she was forced to sign a confession in Sinhala prior to her release in February 2009. YT said she was released after her father arranged a bribe to officials.

¹⁵⁹ Human Rights Watch interview with YT, December 28, 2011.

Name: NJ

Gender: Female

Age: 20

Date Detained: January 2009

Date Released: January 2009

Circumstances of detention: In January 2009, NJ was arrested by the Sri Lankan army at Nedunkeerni (equidistant between Kilinochchi and Vavuniya), taken to the Gamini Mahavidyalayam camp, and then taken to Joseph camp in Vavuniya.

Account:

The soldiers told me I worked for the LTTE and must tell them about my activities. I was very scared but said that I did not. They started beating me. I was slapped and kicked with boots. They burned me with cigarettes on my arm and back. Two men forced a petrol-infused plastic bag on my head in an attempt to asphyxiate me and I was unconscious.

I was pushed around and my head was smashed against the wall. Throughout the questioning, the men groped my genitals and breasts. They raped me during interrogation. I am too ashamed about this. This has ruined my life.¹⁶⁰

NJ's medico legal report, on file with Human Rights Watch, notes that the scarring on her body was due to cigarette burns and blunt instrument trauma.

NJ told Human Rights Watch she was released from detention after her family bribed soldiers through members of PLOTE.

¹⁶⁰ Human Rights Watch interview with NJ, January 10, 2012.

Name: RS

Gender: Male

Age: 27

Date Detained: Sometime in 2009

Date Released: cannot recall

Circumstances of detention: RS was friendly with R., a known LTTE political member in his village near Vavuniya. R. moved away from the village when fighting between the LTTE and the government forces renewed in 2006. In January 2007, the LTTE bombed a bridge while an army vehicle was crossing it and R became a prime suspect. Looking for R., CID officials arrested RS in 2009. In his medical interview, RS said he was blindfolded, dragged, pushed into a jeep, and told he was being taken to a police station.

Account (via a Europe-based medical worker/doctor who interviewed RS):

RS told his medical interviewer he was taken to a small room where he was photographed and fingerprinted. His hands were then tied behind his back and he was taken to a smaller room. The smaller room was dark except during interrogations, the floor was bare, and there was no bedding. The toilet was a hole in the floor. For the first three weeks of his imprisonment, RS said he was interrogated in this room and repeatedly questioned about R.'s whereabouts. After a few more weeks, he was moved to a cell that he shared with four other inmates. He was later informed that he was in Joseph camp.

RS said he was stripped to his underpants, kicked and beaten, hung upside down by his ankles, and beaten with sticks, heavy PVC pipes, and wires. He said he was burned on his thighs and elbows with a heated wire plate and burned with cigarettes on his hands and feet. RS said his interrogators pushed his head in a bucket of water and forced a petrol-infused plastic bag on his head and tried to asphyxiate him.

RS told his doctor he was forced to perform oral sex and raped anally by one prison guard every night. He said he was interrogated by the guard during the rape, and was raped continually for four months. RS said that the living conditions were extremely hard during detention; he and his fellow inmates had to use one corner of their room as a toilet and were provided food once a day.

RS said he managed to secure his release from detention in 2009 after his family bribed officials in the CID. He said he was in Colombo later that year to apply for a visa to the UK when he was stopped by the police for an identity check. He was blindfolded, rearrested, and taken

away in a van. He said he was thrown into a room where he was fingerprinted and photographed. RS said he was once again questioned about his relationship with R. and the latter's whereabouts. He was burned with cigarettes, hung upside down, kicked and beaten, including on the soles of his feet. He said his interrogator put a gun in his mouth threatened to kill him. His family once again secured his release after nearly 40 days by bribing officials. ¹⁶¹

¹⁶¹ Medical personnel interview with RS, February 6, 2012; Contained in a medico legal report prepared for the UK courts in support of an asylum claim.

Name: KN

Gender: Female

Age: 30

Date Detained: April 2009

Date Released: cannot recall

Circumstances of detention: KN lived with her husband and child in Kodikaman, Jaffna, when fighting between the Sri Lankan army and LTTE intensified. KN told Human Rights Watch that her husband, a farmer, was conscripted by the LTTE in March 2009 to dig trenches and provide other support. She said she joined her fleeing neighbors with her young child in April 2009, and reached Iranaipalai in the northeast where she “surrendered” to the Sri Lankan army.

Account:

We were taken to Omanthai on April 21, 2009. All of us were stripped naked. The soldiers asked all the women and men to bend over and laughed when we did. They groped us and felt our breasts. On April 22, a bus took us to Arunachalam camp at Chettikulam Vavuniya. I was questioned on numerous occasions at the camp and before being taken to the camp. My husband has been missing since April 2009. The soldiers knew I was without my husband. They asked me in each inquiry. I shared the tent with six other young women. Each of us was invited for an inquiry. The officials who conducted the inquiry wore military uniforms. The inquiry happened only at nighttime. The officials who interrogated me took turns to rape me. They took my photographs and fingerprints. They asked about my husband’s whereabouts and how he supported the LTTE. I told them I didn’t know anything. They slapped me and then said they would fix me. They raped me by turn. There were four or five people. I went back to my tent after they finished. They would call different girls from the tent and I was called at least six times. They did not ask me to sign a confession document.¹⁶²

KN managed to secure her release from the camp after bribing EPDP members and Sri Lankan security forces. She made her way to Germany with her son in January 2011.

¹⁶² Human Rights Watch interview with KN, November 18, 2011. Medical records were not available in this case.

Name: JS

Gender: Female

Age: 51

Date Detained: May 2009

Date Released: Unknown

Circumstances of Detention: JS, from eastern Sri Lanka, was returned to Sri Lanka by the UK in May 2009. JS told Human Rights Watch that on arrival at Colombo's international airport, she was detained for around nine hours and interrogated by CID officials.

Account:

I was returned to Sri Lanka with an emergency travel document in May 2009. The CID officials kept me waiting in the arrival lounge and after a while they told me that I was going to be questioned. I was initially kept at the airport for around 8-9 hours. The CID officials accused me of being a supporter and fundraiser of the LTTE in the UK. I denied their allegations but they showed me video clips of demonstrations where I was holding a banner criticizing the Sri Lankan government and its inhumane attitude. The CID officials took me to another place for questioning. They took my fingerprints, photographs, and family details. I was questioned about my husband and my son. I was transferred to the Batticaloa army camp where I was treated like a slave. I was made to clean and do all the chores and treated very badly. I was kept in this army detention for nearly five months during which I was frequently raped.¹⁶³

JS's medico legal report, on file with Human Rights Watch, confirms her account of torture in Sri Lanka. It notes in particular, "deep scars from scratch marks on her breast which support her explanation."

JS managed to flee Sri Lanka with the help of a human smuggling agent in April 2010 and arrived in the UK where she was granted asylum.

¹⁶³ Human Rights Watch interview with JS, February 4, 2012.

Name: JM

Gender: Female

Age: 31

Date Detained: December 2008

Date Released: December 2008

Circumstances of detention: In December 2008, JM was visiting her parent's home in Jaffna when a group of around 10 to 15 Sri Lankan army soldiers surrounded the house. JM told Human Rights Watch they banged loudly at the door and asked LTTE cadre to come out. JM was taken into custody.

Account:

My parents opened the door and the soldiers rushed in and grabbed me. They handcuffed me and pushed me into the back of a big army vehicle. On the way they started beating me and calling me an LTTE cadre. I could not understand Sinhala, but I could understand they were calling me LTTE. I was pushed into a dimly lit room when we reached the camp. They made me sit on a chair, but my wrists were tied behind me. The officials started kicking and punching me. They said I was LTTE. They told me I came to Jaffna for LTTE work. The next day, they told me to sign some sheets of paper written in Sinhala. They had taken my ID card. I refused to sign and they got very angry. They started punching me. One of them caught my hair and banged my head against a table, and then a wall. They burned me with cigarettes and beat me with electric wires. One of the interrogators cut my arm with a metal blade. I agreed to sign the documents. They asked me to identify some LTTE cadre in an identification parade. I did not know them, so I refused. I was tortured again. They tried to force my head in a bucket of dirty water to drown me. One night, four soldiers came to my room. They pulled me and started abusing me. They were very rough, and grabbed at my breasts and genitals. I was screaming, so one of them gagged me. I fainted at one point, but I know they raped me in turns. When I regained consciousness, I was lying naked waist down and my underwear had been torn. My thighs were covered with blood. The soldiers came to my room again. I could not tell whether they were the same ones. The only thing I knew was they wore uniforms. One night, I screamed for water and one of them poured boiling water over my thigh.

I identified some people in the identification parade. I did not know them but I wanted the torture to stop.”¹⁶⁴

JM's medico legal report, on file with Human Rights Watch, notes that the scars on her body confirm her account of torture in Sri Lanka.

JM told Human Rights Watch she was released from detention in early December 2008 when her uncle bribed army officials through an EPDP member.

¹⁶⁴ Human Rights Watch interview with JM, November 18, 2011.

Name: MG

Gender: Female

Age: 28

Date Detained: November 2008

Date Released: December 2008

Circumstances of detention: In November 2008, MG was travelling by bus from Trincomalee to Vavuniya to meet her aunt who was in hospital. MG told Human Rights Watch that her bus was stopped at 11 check points during which all passengers were required to get off the bus and have their ID cards checked by a team of Sri Lankan army and police officials. At the 12th checkpoint, which was at Irambakulam, MG said she was questioned by a team of five or six officials and taken into custody.

Account:

I explained to the officials I was going to Vavuniya to look after my hospitalized aunt, [but] they did not believe me. They asked me to step aside. When they finished checking other passengers, they handcuffed me and took me to Vavuniya police station in a jeep. At the police station, they accused me of being an LTTE member and of penetrating into [an] army controlled area for planting bombs. The officials slapped me while questioning me. They took my photo, fingerprints, and all my family details.

I was then taken to the Veppankulam CID camp and locked up in a small room. A team of officials, some in Sri Lankan army uniform and some in civilian clothes started interrogating me and pressuring me to admit I was a member of the LTTE. I kept denying these charges and that is when they started torturing me.

They tied my legs with nylon ropes, hung me upside down and submerged my head in water. They burned me on my inner thighs with cigarette butts and beat the soles of my feet with batons. They punched me on my back and hit me on the head with heavy plastic pipes. I was beaten on the back of my legs with thick nylon ropes and they tried to suffocate me by covering my face with a sack that was used to carry chili powder.

I fainted frequently during the torture. When I came to, I realized I had been raped by the four men who were questioning me. I was bleeding heavily from the vagina and my lower abdomen was very sore. This happened continually for three or four days by the same people in the same place.¹⁶⁵

¹⁶⁵ Human Rights Watch interview with MG, November 18, 2011.

MG's medico-legal report, on file with Human Rights Watch, notes her "psychological symptoms are typical of torture and rape." It also notes that "all her scars together strongly support her account of being tortured as she describes."

MG told Human Rights Watch she admitted to all charges against her and signed documents in Sinhala that she was unable to read. On signing the documents, MG remained in custody for a month during which she was taken to other detention camps and compelled to identify other LTTE supporters. They beat her when she refused or failed to identify people. MG's family managed to secure her release from detention by bribing security officials in December 2008.

MG said she didn't tell anyone about the rape even after she left the country. She said: "I felt so embarrassed and scared that society may outcast me if I was a rape victim. However, I could talk to the female GP about this and am now receiving psychiatric treatment."¹⁶⁶

¹⁶⁶ Ibid.

Name: RN

Gender: Female

Age: 34

Date Detained: November 2008

Date Released: December 2008

Circumstances of detention: One evening in November 2008, Sri Lankan police and army personnel searched the house of RN's uncle in Linganagar, Trincomalee district. RN told Human Rights Watch that during the search it was discovered that she and her husband did not possess a valid permit to stay in Trincomalee and had failed to register with the local police on their arrival from Mullaithivu in September 2008. The authorities took RN and her husband into custody.

Account:

We were accused of being LTTE collaborators and were immediately taken into custody by the Sri Lankan army. We were handcuffed, blindfolded, and pushed into a vehicle. We were not allowed to talk to each other. I was taken out of the vehicle in one place while my husband was still in the vehicle. When my blindfold was removed, I found myself in a dark and smelly room. From the sounds I heard, I thought I was in an army or police detention center.

I was not given anything to eat or drink that day. I was taken for interrogation the next day when I was questioned about my role in the LTTE and why we came to Trincomalee. I kept telling them that we came because we were scared for our lives, but they did not believe me.

I was kept handcuffed throughout my detention. I was always taken into another room for questioning and that is where the torture started. The torture became worse every day. I was whipped with metal wires and plastic rods, burning chilies were held in front of my face, and my head was periodically submerged in a bucket of water. I was repeatedly burned with cigarettes during questioning and beaten with plastic pipes filled with sand.

The officials would drag me back into my cell and continue to kick me with their boots when I fell on the floor. At night, a group of four or five soldiers entered my room and raped me. It was dark so I couldn't see their faces, but they smelled of alcohol. They gagged me to prevent me from screaming. I was gang-raped repeatedly for six days. I recognized that some of the perpetrators remained the same, on some days, some new people joined. The men all spoke Sinhala and abused me while they raped me. I lived in terror. I would dread the sound of approaching footsteps.

I could not endure the torture anymore, so I told them that I was employed by the LTTE, that my husband was a home guard with the LTTE, and that my brother was an LTTE member. I also signed a confession written in Sinhala that I did not understand.¹⁶⁷

RN secured her release from detention following payment of a bribe in December 2008. She was told to report to the Trincomalee police station every week following her release but, fearful of being detained again, arranged to leave Sri Lanka using the services of a human smuggling agent.

RN's medico legal report, on file with Human Rights Watch, confirms her account of rape and notes that she suffers from depression and post-traumatic stress disorder.

¹⁶⁷ Human Rights Watch interview with RN, November 24, 2011.

Name: GL

Gender: Female

Age: 34

Date Detained: October 2008

Date Released: November 2008

Circumstances of detention: GL was at her uncle's house in Vavuniya in October 2008 when she was identified as an LTTE operative during a random search operation conducted by police and military intelligence. GL told Human Rights Watch she was taken to the local police station with a group of other people.

Account:

I was detained in a cell in the police station. There were always three or four officials who questioned me, some in police uniforms while others who spoke Tamil were mostly in civilian clothes. I was beaten up severely during questioning and burned repeatedly with cigarette butts on my inner thighs. I was kept undressed during questioning, and the men in civilian clothes groped my breasts and genitals. They did not rape me during questioning. Some of the officials who questioned me came to my cell at night with some other people. This happened repeatedly. Often one would watch while the other raped me. Sometimes, I smelled alcohol on them. They would say things like "You are LTTE" in Sinhala. I did not understand the other things they said. I was raped almost every night for 18 days. The men would come to my cell after 10 p.m. I was given one food packet during the day. The interrogation and beatings took place in the evening. The officials forced me to admit that I was with the LTTE and sign documents in Sinhala.¹⁶⁸

In her medico-legal report, on file with Human Rights Watch, GL was diagnosed with complex post-traumatic stress disorder and major depressive disorder.

GL told Human Rights Watch she secured her release from detention in November 2008 after her uncle bribed officials in the police and army.

¹⁶⁸ Human Rights Watch interview with GL, November 22, 2011.

Name: TH

Gender: Female

Age: 28

Date Detained: September 2008

Date Released: September 2008

Circumstances of detention: In September 2008, TH, a Sinhalese woman was asleep in her rented accommodation in Kelaniya, a Colombo suburb, when she was awakened by someone banging on the door of her landlord's house.

Account:

My "uncle" [landlord] opened the door and there was a group of people, some in army uniform and others in civilian clothes. One man in civilian clothes came forward and showed his ID. He said he was from the CID and asked if someone by the name of Sundaram [a pseudonym] lived there. I overheard this and came forward as Sundaram was the name of my boyfriend.

The officials searched my room and found Sundaram's gym bag and a suitcase. They asked me to open the suitcase, but I did not know how to. They broke the lock and found a suicide-bomber's green jacket and bomb-making equipment. They started kicking me and punching me. They grabbed my hair and kept banging my head against the wall. They kept saying, "Where is the Tamil you wanted to marry? This is the man you wanted to marry."

They blindfolded and handcuffed me and took me away. On the way, I was kicked and punched. At the detention center, I was questioned and tortured. I was burned with cigarettes, beaten on the soles of my feet with batons, and beaten all over with electric wires. The interrogators were both male and female. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. They almost drowned me by forcing my head down in a barrel of dirty water. They kept asking me about Sundaram and his friends and acquaintances. During the interrogation, the officials kicked me and spat at me. They treated me worse than an animal.

I was taken to another place after I signed a confession statement. I think it was the CID fourth floor office. Over there, I was raped again and again. I am not sure how many times. I was forced to sign another statement in Sinhala that said that I worked against the Sri Lankan government and supported the LTTE.¹⁶⁹

¹⁶⁹ Human Rights Watch interview with TH, December 28, 2011.

TH's medico legal report, on file with Human Rights Watch, confirms that the physical evidence of scarring corroborates her account of torture.

TH told Human Rights Watch she was released from detention in September 2008 after her brother-in-law organized payment of a bribe of two million rupees [US\$1,555] to the CID.

Name: DJ

Gender: Female

Age: 23

Date Detained: July 2008

Date Released: July 2008

Circumstances of detention:

Around noon one day in July 2008, DJ was walking to her sewing class on the outskirts of Vavuniya town when she was approached by a group of uniformed and armed army and police personnel and two or three men in civilian clothes. DJ told Human Rights Watch that army officials asked to see her ID card, which revealed her original residence was Mullaithivu. DJ said that the army officer told her that she would need to accompany them for questioning.

Account:

I was pushed into an army vehicle and taken to Joseph Camp for interrogation. There were three officials in army uniform who told me I was with the LTTE and had come to spy in Vavuniya. I kept denying this, but they kept insisting. I was pushed around, but not beaten. I was then sent to a small, dark cell that had a squatting latrine in the corner. There was no water. The room was filled with insects and mosquitoes.

On the second day, I was again questioned and beaten in the office. I lost consciousness due to the beating and was dragged back into my cell. The soldiers pushed some dry bread and dirty water through a low hatch in the door.

On the third day, a uniformed soldier with a rifle came into the cell. He dragged me to a different room that had a table on the side and three chairs for the interrogators. There were pipes, metal rods, and some other instruments on the table. There were bloodstains and other stains on the floor and on the walls of the room. Three men in uniform and one in civilian clothes started questioning me. I kept denying any involvement with the LTTE. The men called two women in uniform and the women came and tied my arms to the bars of a small window that was quite high. I was facing the interrogators and my arms were tied, stretched over my head. The two uniformed women left the room.

The uniformed men started questioning me again. The man in civilian clothes kicked me on the knees with his boots and I almost fainted with the pain. A military officer burned me with a cigarette on my arms while the others questioned me. The armed military officer then tore off the front of my dress and started to fondle and grasp my breasts, and grab between my legs and

genitals. He also punched me on the chest, and I could not breathe. It was terrifying and brutal. The men then untied me and pushed me on the floor. One of them kicked me in my back with heavy boots and I collapsed in pain. I remembered that one after another the men were on top of me. I was shouting and crying and screaming and someone stuffed some cloth into my mouth. I was raped by three men. I regained consciousness and felt someone splashing water on my face. I saw that my clothes were torn even more and my pants were lying on the floor torn into two pieces. I was half carried to the cell. I could feel that my legs and genitals were sticky and sore. I wanted to wash myself, but there was no water in my cell.¹⁷⁰

In July 2008, DJ was given a white cloth to cover herself and was photographed and fingerprinted. She told Human Rights Watch her captors forced her to sign various documents, and released her only after her cousins paid a large bribe to Sri Lankan army officials.

DJ's medico legal report, on file with Human Rights Watch, confirms that her injuries are consistent with her account of torture in Sri Lanka.

¹⁷⁰ Human Rights Watch interview with DJ, December 28, 2011.

Name: PR

Gender: Male

Age: 26

Date Detained: June 2008

Date Released: September 2008

Circumstances of detention: In June 2008, PR was out shopping when he received a phone call asking him to get back home immediately as the police were waiting for him at his house. PR told Human Rights Watch he saw nearly 30 army and police officials waiting outside his home in Wellawatte [in Colombo].

Account:

The officials immediately overpowered me. They blindfolded me and pushed me into a police vehicle. They removed my blindfold when we reached a small, dark room. I did not know where I was. They started questioning me and taking down my details. Different people came to speak to me. Some of my friends rang me on my phone. The officials put my phone on a loud speaker and made me take calls from my friends. They told me not to say that I was in detention.

On the second day, [name withheld], an Officer in Charge from the Dehiwela crime branch, took me to Dehiwela police station. At the police station, I was questioned by various people, some of who said they were from CID. I was beaten with a baton when I refused to admit involvement with the LTTE.

At the Dehiwela police station, I was handed over to a CID officer. He blindfolded me and took me out to various detention sites and asked me to identify people once we were there. I did not know any of the people, so I refused to identify them as LTTE. They started torturing me as I wasn't cooperating. They tied my hands behind my back, hung me upside down and beat me. They tied my hands and legs separately with a rope and placed me inside a barrel made of metal bars; they rolled the barrel, constantly poking and beating me with a wooden pole.

Since S. [name withheld] was an officer of the Colombo Crime Division, he had a room in the Dehiwela police station. He took me to his room at night and raped me many times. He would make me sit on my knees with my head under the bed and he would sit on me, using me like a stool. At times he would sit on me for hours. I used to beg him to stop. He threatened me that he would kill me if I did not comply.

There were other people detained with me. They knew what happened when S. called us out. Everybody knew that when he takes someone out of the cell, he rapes them.¹⁷¹

PR told Human Rights Watch he was in detention for over a month. He said he was released after he begged S. for help. According to PR, S. offered to organize his release from detention for a bribe. S. advised PR's family to file a complaint about his arrest with the NHRC, which would prompt him to have PR moved to New Magazine prison in Welikanda, a town in northern Sri Lanka, from which he could be released through the courts. PR said he was released from prison in September 2008 after his mother arranged to pay 11 lakhs Rs [US\$8,500] to Colombo Crime Division officials. PR said he was arrested for a second time in March 2009 at Colombo's international airport when he was trying to leave the country. PR said his parents contacted S. again after his second arrest, and they were told not to complain to any organization including the ICRC and NHRC. PR was released from his second detention following another bribe payment in April 2009.

PR's psychiatric report prepared in support of his asylum application, on file with Human Rights Watch, confirms that he is suffering from post-traumatic stress disorder due to ill treatment suffered in Sri Lanka.

¹⁷¹ Human Rights Watch interview with PR, January 28, 2012.

Name: MJ

Gender: Female

Age: 32

Date Detained: May 2008

Date Released: July 2008

Circumstances of detention: One evening in May 2008, MJ was in her house in Vavuniya when CID officials and members of PLOTE arrived and asked for her by name. MJ told Human Rights Watch she had recently moved from Kilinochchi to Vavuniya and CID officials starting accusing her of doing so in order to spy on the army. MJ said that the CID officials took her to Anuradhapura in a van.

Account:

I was kept in a detention site, but I don't know where I was. They started interrogating me and took all my details. They photographed me and took my fingerprints and asked me to sign a form written in Sinhala. They accused me of being an LTTE spy. They said I had come to plant a bomb in Vavuniya and spy on the army. Then they started torturing me. It was a group of about six people. They told me they were from the CID and PLOTE. They also said that they had all the information on me and my activities. They knew that my sister was with the LTTE.

I could hear the screams of other people who were being tortured in the same building. I was burned all over my body with cigarettes. At night, one of the persons who said he was from PLOTE came to my room and raped me. I was raped on three occasions by the same person. I became pregnant as a result of these rapes. My daughter was born in March 2009.¹⁷²

MJ's medico legal report, on file with Human Rights Watch, notes the presence of 20 scars on her body that confirm her account of torture in Sri Lanka.

MJ was detained in the camp for two months until July 2008. She told Human Rights Watch that an agent secured her release from detention after arranging to pay 10 lakhs Rs [US\$ 7,750] as a bribe to the CID.

¹⁷² Human Rights Watch interview with MJ, December 28, 2011.

Name: BN

Gender: Male

Age: 17

Date Detained: April 2008

Date Released: cannot recall

Circumstances of detention: One evening in mid-April 2008, BN was studying at his home in Vavuniya when there was a loud banging at the door. BN told Human Rights Watch that his mother saw two uniformed policemen standing outside their front gate. He said that when she opened the door, four men in civilian clothes stormed into the house, followed by the policemen.

Account:

The authorities were looking for my father because he had worked for the LTTE. The police officials asked my mother where my father was. He was in hiding, but my mother said she did not know where he was. They handcuffed me and dragged me to the van. My mother was crying and pleading with them not to take me away. They drove me to a camp in Veppankulam.

Once we reached the camp they put me into a small dark room and locked the door that was made of iron bars. The room had no lights and was dirty. I was left all night in handcuffs, and they did not allow me to sleep. I was crying all night. I couldn't sleep, as they would either throw a bucket of water through the door at me or shout loudly when they passed the room.

For the next three days, I was taken to an office where officials in civilian clothes questioned me about my father's whereabouts. I refused to tell them anything. I was provided one meal a day. On the fourth day, they took me to large room with a wooden table where three uniformed officers were seated. There were a lot of things on the table like sand-filled pipes, metal rods, pieces of thick wire, and batons. There were bloodstains on the walls and cigarette butts on the floor.

The officers forced me to remove all my clothes except my underwear. They made me sit on a metal chair to which they tied my hands with a nylon rope. Two officials stood behind me. They spoke Tamil but the officer in front spoke in Sinhala. They repeatedly asked me, "Where is your father?" "How is your father connected to the LTTE?" They told me that they had information on my links with the LTTE. They punched and beat me during the questioning.

They took me to the room every day for two weeks. They would tie me to the chair, question me repeatedly, slap and punch me, kick me with their boots. They hung me upside down and beat me. They laid me on the table and beat the soles of my feet. They tied my hands behind my back and submerged my head in a bucket of dirty water. They made me kneel naked in the hot sun for hours.

They kicked me on my genitals and repeatedly grabbed and squeezed my genitals. The torture would continue till I fainted and then they would drag me back to my room. One night, two other officials in civilian clothes came to my room. One held me down while the other raped me. The same people came every night. One of the men bit me repeatedly on my buttocks. This continued for two weeks.¹⁷³

BN told Human Rights Watch that two officers approached him and promised to lessen the frequency and intensity of the torture if he agreed to help them identify LTTE supporters and members. The officials took him to his school, Vavuniya railway station, the market, the main bus stand, and various checkpoints. BN was handcuffed and asked to identify LTTE members from a distance. One night in May 2008, he was taken to Puttalam to identify LTTE members during a roundup operation.

The officials kept hitting me until I started identifying some people. I didn't know whether they had any connection to the LTTE or not. I identified them so that the beatings would stop.¹⁷⁴

A few days later, BN said, two uniformed police officers took him outside the detention center through the backdoor. He told Human Rights Watch he was released on payment of a bribe that evening and started making arrangements to leave the country.

BN's medico legal report, on file with Human Rights Watch, confirms that the injuries on his body are typical of the events described and could not be caused intentionally.

¹⁷³ Human Rights Watch interview with BN, January 28, 2011.

¹⁷⁴ Ibid.

Name: QF

Gender: Male

Age: 25

Date Detained: February 2008

Date Released: March 2008

Circumstances of detention: In February 2008, a group of five military personnel came to QF's home in Colombo. QF told Human Rights Watch that two of them forcibly entered his house and started questioning his father. QF said that he came out of his room and introduced himself. He was immediately detained.

Account:

The officials grabbed and handcuffed me. They told my father they were taking me for questioning and took me to Wellawatte police station. In the police station, they started questioning and beating me. They pushed me into a cell. I was not given any food or drink that night. The next day, I was blindfolded, my hands were tied, and I was taken to another place in a van. I was pushed into a room and my blindfold was taken off. The room was small, dark, and dirty.

I was stripped and left in my underwear. I was taken to another room where the officials in civilian clothes started questioning me. They accused me of helping the LTTE. They showed photographs and asked me to identify people. They made me bend over the table and then hit me with a hot, metal rod. They burned me with cigarettes and beat me with a sand-filled plastic pipe. They punched me and kicked me with their boots. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me till I fainted.

They covered my penis with something like Vicks.¹⁷⁵ They would grope my genitals during questioning. One official tried to make me have oral sex with him. Other men sexually abused me around three times. They wore civilian clothes and did not speak Tamil.¹⁷⁶

QF's medico legal report, on file with Human Rights Watch, confirms his account of ill treatment and Sri Lanka.

QF told Human Rights Watch he was fingerprinted and photographed and made to sign a confession statement in Sinhala. He was blindfolded and taken to different places in a van where he was asked to identify people involved with the LTTE. He was released in March 2008 after his family bribed the authorities.

¹⁷⁵ A mentholated, topical cream used on nose and chest for providing relief in a common cold.

¹⁷⁶ Human Rights Watch interview with KF, January 10, 2011. Medical records were not available in this case.

Name: DH

Gender: Female

Age: 32

Date Detained: February 2008

Date Released: Cannot recall

Circumstances of detention: DH moved to Colombo from the Vanni on February 16, 2008, and soon after that went to register herself and her son at a police station. She was immediately detained.

Account:

I was taken into custody as soon as I arrived at the police station but I was not formally arrested. I was detained in a cell. The police got some men from the Karuna group to identify me. I was moved to another detention site after this.

As soon as I was brought to the second detention site, two policemen started behaving indecently with me. They groped me, grabbed my genitals and breasts, and tore off my clothes. They raped me by turn. They kept shouting at me in Sinhala but I could not understand what they were saying.

I was beaten up and tortured during the detention. The interrogators punched me and kicked with metal-tipped boots, they hit me on my back and legs with rifle butts. They kicked the soles of my feet with boots and also beat my soles with wooden batons. The interrogators submerged my head in water and tried to drown me. I was burned with cigarettes and hot iron rods during my detention. I was constantly accused of being an LTTE member.

Frequently, my interrogators removed my clothes, stripped me naked, and taunted me during the interrogation. Even though I was not raped again, they threatened that they would kill me.¹⁷⁷

DH's medico legal report, on file with Human Rights Watch, confirms her account of ill treatment and torture, including rape, in Sri Lanka.

DH told Human Rights Watch she admitted to the allegations and signed a confession document as she believed it would stop the torture. She managed to secure her release from detention after her brother arranged for police officials to be bribed.

¹⁷⁷ Human Rights Watch interview with DH, February 4, 2012.

Name: MK

Gender: Female

Age: 21

Date Detained: January 2008

Date Released: February 2008

Circumstances of detention: In January 2008, MK was staying with her relatives in Vavuniya after attending a primary teachers' training organized by the Tamil Eelam Educational Society. MK told Human Rights Watch that one evening, their house was surrounded by four or five army vehicles and at least a dozen soldiers rushed into her house.

Account:

The soldiers banged on the door and asked for me. When I came out, I was instantly handcuffed and pushed at the back of an army jeep. The soldiers started hitting me with the butts of their rifle and calling me an LTTE agent. They took me to Veppankulam camp where I was pushed into a tiny room.

I was beaten and tortured for nearly a month. The interrogators kicked and punched me. They grabbed me by my hair and hit my head against the wall. I was beaten everyday with heavy boots, metal pipes, and wooden batons. I was burned with cigarettes and hot metal rods. The interrogators threw chili powder in my eyes and covered my body with a white powder that caused an unbearable itch. They nearly drowned me in a barrel of water and forced a petrol-infused plastic bag on my head and tried to asphyxiate me.

The interrogators groped at my breasts and genitals during interrogation. I was repeatedly raped during and after the interrogation.¹⁷⁸

MK's medico legal report, on file with Human Rights Watch, confirms her account of ill-treatment and torture.

MK told Human Rights Watch she agreed to sign a confession as she could not bear the torture. She also assisted the army in identifying those who had worked with the LTTE. MK was released from detention in February 2008 after her aunt bribed army personnel.

¹⁷⁸ Human Rights Watch interview with MK, February 4, 2012.

Name: LV

Gender: Female

Age: 38

Date Detained: Not applicable

Date Released: Not applicable

Circumstances of detention: In mid June 2007, five or six Sri Lankan army personnel, including some men in civilian clothes, arrived at FJ's home in Vavuniya. LV told Human Rights Watch they asked her to surrender her husband or pay them 20 lakhs Rs. LV denied any knowledge of her husband's whereabouts.

Account:

Two of them stayed outside my house while one man in civilian clothes and two of the uniformed officers came inside and shut the main door. The army officers spoke in Sinhala and one person in civilian clothes spoke Tamil. They said, "You are lying about your husband's whereabouts. You are lying that you don't work for the LTTE." They beat me with their fists and boots and pushed me on the floor. I kept struggling.

The army officers raped me by turns. I was very scared. They waited for my husband to return until about 7 p.m. and then left. Before they left, they warned me to surrender my husband, otherwise they would come back to rape me again.

We paid them Rs. 10 lakhs (US\$ 7,877) in August. We did not have any more money. The same officials came back to my house in November 2007 and arrested my husband and son. They were the same officials who raped me. I lost all contact with my husband from that day.¹⁷⁹

LV's medico legal report, on file with Human Rights Watch, confirms her account of suffering sexual abuse in Sri Lanka which contributed to her post traumatic stress disorder.

LV told Human Rights Watch that the army officials worked closely with members of Tamil paramilitary groups who were assisting them in providing information about those who had worked with the LTTE. LV managed to flee from Sri Lanka using the help of a human smuggler.

¹⁷⁹ Human Rights Watch interview with LV, February 4, 2012.

Name: JT

Gender: Male

Age: 28

Date Detained: September 2007

Date Released: October 2007

Circumstances of detention: In mid-September 2007, JT said, he had escaped from the LTTE after having been conscripted from his home in Puthukudiyiruppu in the northeast four months earlier. JT told Human Rights Watch that he went to Puttalam on Sri Lanka's west coast, where he stayed at his uncle's house.

Account:

Around 4 p.m. officials in civilian clothes arrived at my uncle's house. They did not say anything, but handcuffed me and threw me in the back of a van. I was kept face down in the back of the van but when I came out, I saw it was an army camp.

I was beaten and questioned every day in the camp. After four or five days I was taken to Colombo for further investigation. The officials told me, "You are an important person so we have to take you to Colombo."

I don't know where they took me in Colombo. I was questioned again in Colombo. They accused me of being an LTTE member and of having penetrated Puttalam to launch attacks against the army. I was forced to sign a paper which had something written in Sinhala. I was also taken to identify LTTE suspects in other camps. They forced me to undress during the questioning and torture. They beat me with sand-filled pipes and burned me with cigarettes. I was hung upside down and beaten. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me. I was raped in detention. I was bleeding for two weeks and could not go to the toilet for a long time.¹⁸⁰

JT's medico legal report, on file with Human Rights Watch, notes the severe anal pain he suffers following his rapes in Sri Lanka and the incidence of scarring that matches his account of torture.

JT told Human Rights Watch he secured his release from detention in October 2007 after his family bribed the authorities.

¹⁸⁰ Human Rights Watch interview with JT, January 28, 2011.

Name: DV

Gender: Female

Age: 37

Date arrested: February 2007

Date Released: April 2007

Circumstances of detention: In February 2007, a group of soldiers and men in civilian clothes took DV's husband from their house in Mt. Lavinia. When DV lodged a complaint about the illegal detention at the Mt. Lavinia police station, the police provided no information on her husband's whereabouts. A few days later, a similar group of officials— six or seven army personnel, including some men in civilian clothes—came to the house again, this time looking for DV.

Account:

The officials who came for me behaved indecently. They abused me and called me a “Tamil bitch” in Sinhala. They pushed me into a van. I was held face down in the van. They drove me for an hour, then stopped and took me out. I was taken to a small, dark room where they recorded my details. I later came to know that they took me to Panagoda army camp. They started questioning me. They asked me about my husband's involvement with the LTTE. They beat me with sticks and wires. Always, the questions were followed by beating. They sexually harassed me during the questioning. They touched me indecently and told me I was beautiful. There were always two or three people who questioned me and tortured me. They showed me some photographs and asked me to identify the LTTE members. The officials who questioned me were in Sri Lankan army uniform. At night, I was left alone in the room. On the first night, two officials came to my room and dragged me to another room that looked like the duty officers room. There was a bed in the room. The two officials raped me one after the other on the floor.¹⁸¹

DV's medico legal report, on file with Human Rights Watch, notes that she suffers from severe post-traumatic stress disorder on account of her ill treatment and torture in Sri Lanka.

DV told Human Rights Watch that her uncle managed to secure her release from detention after arranging payment of a bribe to a brigadier at the Panagoda army camp in April 2007. DV was released in April 2007 on “reporting conditions.”¹⁸²

¹⁸¹ Human Rights Watch interview with DV, January 10, 2012.

¹⁸² Conditions for release from custody involving regular visits to the police station.

Name: VA

Gender: Female

Age: 24

Date Detained: February 2007

Date Released: February 2007

Circumstances of detention:

VA, from Jaffna, moved to Colombo to work as an accounts clerk in 2006. She was asked by a cousin, an LTTE sympathizer, to use the accounts database to obtain details of members of the army and police. In her medical interview with a UK-based medical worker, VA said she was taking a walk with a friend on February 3, 2007, when they were stopped by the police and asked to produce identity cards. Her friend did not have a card, hence both women were arrested and taken to the police station.

Account (via a UK -based medical doctor who interviewed the victim):

At the police station, they were kept in separate rooms. VA was interrogated by the police who accused her of working for the LTTE.

She said she was beaten with wooden batons on the back of her head and shoulders, and burned with cigarettes on her breasts, arms, and thighs. VA said that on the second day, her interrogators poured boiling water over her right foot. On the third day, in addition to the beatings, her interrogators poked her burns with a plastic pipe till she lost consciousness.

In her medical interview, VA said her interrogators tried to rape her on at least two occasions during her four days in detention, but was not sure whether they succeeded as she was semi-conscious.¹⁸³

She was released from detention in February 2007 and following her release, met with her friend and discovered that she had been similarly tortured in custody.

¹⁸³ Medical personnel interview with VA, June 16, 2011, contained in a medico legal report prepared for the UK courts in support of an asylum claim.

Name: PT

Gender: Male

Age: 23

Date Detained: December 2006

Date Released: December 2006

Circumstances of detention: One evening in early December 2006, a large group of military personnel, including some men in civilian clothes, arrived at PT's home in Vavuniya. PT told Human Rights Watch he was forcibly taken to the Joseph Camp in Vavuniya where he was detained in a toilet for 28 days.

Account:

The military officials took me to a larger room for torture every day. I was hung upside down and beaten repeatedly with sand-filled pipes. I was burned with cigarettes while being held upside down.

During the course of the interrogation, I was sexually harassed by a male army officer who told me to get undressed. He crushed my penis with his hands. The next day, a male army official showed me naked photos of Asian girls and started making fun of me when I was aroused. The following day, they beat me with wires and inserted a beer bottle in my anus.

I was repeatedly sexually abused by officials in detention at night. This happened every night for 28 days. Some perpetrators were the same while some different people came every night. They wore civilian clothes and did not speak Tamil.

The torture kept getting worse. On one occasion, they hung me upside down with my head touching the used toilet bowl and threatened me that they would make me eat my feces. While I was in detention, I heard the screaming of others, so I knew that I was not the only one being tortured.¹⁸⁴

PT's medico legal report, on file with Human Rights Watch, notes that the scars and the physical pain he currently experiences confirms his account of ill treatment and torture.

PT managed to escape from detention after his family arranged to bribe officials in December 2006.

¹⁸⁴ Human Rights Watch interview with PT, February 8, 2012.

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“We Will Teach You a Lesson”

Sexual Violence against Tamils by Sri Lankan Security Forces

Government security forces in Sri Lanka have used rape and other forms of sexual violence to torture suspected members or supporters of the Liberation Tigers of Tamil Eelam (LTTE). This practice has continued even after the defeat of the LTTE in May 2009.

“*We Will Teach You a Lesson*” documents 75 cases of alleged rape and sexual violence of people in the custody of the military and police from 2006 to 2012. The victims were all subjected to a broad range of torture and other ill-treatment, including beatings, hanging by the arms, partial asphyxiation, and cigarette burns. None of the victims had access to legal counsel, family members, or doctors while detained. Most said they signed confessions hoping the abuse would stop, but the torture, including rape, often continued after they signed.

Most of the rape victims spoke to Human Rights Watch outside of Sri Lanka, and corroborated their accounts with medical and legal reports. Because Human Rights Watch was not able to openly conduct research in Sri Lanka or interview people still in custody, these cases likely represent only a tiny fraction of custodial rape in political cases. They suggest that the use of sexual violence was not just a local occurrence or actions of rogue security force personnel, but a widespread practice that was known or should have been known by higher-level officials,

Human Rights Watch calls for impartial investigations into all allegations of rape and other sexual violence by Sri Lankan security forces. The government should ensure prosecutions of those responsible for these crimes, including persons with command responsibility, in proceedings that meet international fair trial standards.



A survivor of sexual abuse at the hands of Sri Lankan authorities while in detention.

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