



Sri Lanka: Rape of Tamil Detainees ^[1]

Politically Motivated Sexual Assaults in Custody Continue Since Conflict

February 26, 2013

(London) – Sri Lankan security forces have been using rape and other forms of sexual violence to torture suspected members or supporters of the Liberation Tigers of Tamil Eelam (LTTE), Human Rights Watch said in a report released today. While widespread rape in custody occurred during the armed conflict that ended in May 2009, Human Rights Watch found that politically motivated sexual violence by the military and police continues to the present.

The 141-page report, “‘We Will Teach You a Lesson’: Sexual Violence against Tamils by Sri Lankan Security Forces,” ^[2] provides detailed accounts of 75 cases of alleged rape and sexual abuse that occurred from 2006-2012 in both official and secret detention centers throughout Sri Lanka ^[3]. In the cases documented by Human Rights Watch, men and women reported being raped on multiple days, often by several people, with the army, police, and pro-government paramilitary groups frequently participating.

“The Sri Lankan security forces have committed untold numbers of rapes of Tamil men and women in custody,” said Brad Adams, ^[4] Asia director at Human Rights Watch. “These are not just wartime atrocities but continue to the present, putting every Tamil man and woman arrested for suspected LTTE involvement at serious risk.”

Most of the rape victims spoke to Human Rights Watch outside of Sri Lanka, and corroborated their accounts with medical and legal reports. All suffered torture and ill-treatment beyond the sexual violence. 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.

Many of the cases followed a pattern of an individual being abducted from home by unidentified men, taken to a detention center, and abusively interrogated about alleged LTTE activities, Human Rights Watch said. A 23-year-old man who had recently returned from abroad said he was abducted, held without charge, and then raped on three consecutive days until he signed a confession. A woman, 32, said she was detained by two plainclothes men who stripped and photographed her naked.

“They told me to confess about everything,” she told Human Rights Watch. “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."

Rape and other sexual violence of detained men and women by the security forces during and ever since the armed conflict suggests that sexual abuse has been a key element of the broader use of torture and ill-treatment against suspected LTTE members and supporters, Human Rights Watch said. This torture is intended to obtain "confessions" of involvement in LTTE activities, information on others including spouses and relatives, and, it appears, to instill terror in the broader Tamil population to discourage involvement with the LTTE.

The victims also described being beaten, hung by their arms, partially asphyxiated, and burned with cigarettes. None of those who spoke to Human Rights Watch had access to legal counsel, family members, or doctors while they were detained. Most said that they signed a confession in the hope that the abuse would stop, though the torture, including rape, often continued. The individuals interviewed were not formally released but rather allowed to "escape" after a relative paid the authorities a bribe.

"Two officials held my arms back [while] a third official held my penis and inserted a metal rod inside," said a man who had surrendered to government forces in May 2009. "They inserted small metal balls inside my penis. These had to be surgically removed after I escaped from the country." A medical report corroborates his account.

Women and men who alleged rape 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.

"The government has hindered medical and psychological treatment for rape victims," Adams said. "In the largely Tamil areas in the north, the army has effectively prohibited local and international organizations from providing services for sexual violence survivors."

No member of the security forces has been prosecuted, let alone convicted, for rape in custody in the final years of the conflict or since the war's end, Human Rights Watch said.

Interviewees told Human Rights Watch that military and police personnel seldom made any effort to disguise being members of state security forces. These included the military, military intelligence and the police, including specialized units such as the Criminal Investigation Department (CID) and Terrorism Investigation Department (TID). Victims frequently reported that members of several state agencies would together conduct abusive interrogations. They also identified the specific camps and detention sites where the abuse

occurred.

Human Rights Watch said that the cases 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. The cases reported to Human Rights Watch were not just in battleground areas of northern Sri Lanka, but occurred in military camps and police stations in the capital, Colombo, and other locations in the south and east far from any fighting. These included the notorious fourth floor of the CID headquarters and the sixth floor of TID headquarters in Colombo.

Acts of rape and other sexual violence committed as part of armed conflict are war crimes. 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.

In February, the United Nations Human Rights Council will be examining whether the Sri Lankan government adequately followed up on its commitments in a March 2012 resolution to provide justice and accountability for wartime abuses. The council should direct the UN High Commissioner for Human Rights to conduct an independent international investigation, Human Rights Watch said.

“The government’s response to allegations of sexual violence by its security forces have been dismissive, deeming them as ‘fake’ or ‘pro-LTTE propaganda,’” Adams said. “It’s not clear who in the government knew about these horrific crimes. But the government’s failure to take action against these ongoing abuses is further evidence of the need for an international investigation.”

Accounts From “We Will Teach You a Lesson”:

All initials are pseudonyms and bear no relation to the person’s actual name.

Case of JH

JH, a 23-year-old Tamil man studying in the United Kingdom, returned to Colombo in August 2012 for family reasons. A month later, while returning home from work, a white van pulled up and several men jumped out. Telling him he was needed for an investigation, they blindfolded him and drove him for over an hour to an unknown site. He told Human Rights Watch:

They removed my blindfold [and] 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, burned with cigarettes and suffocated with a petrol-infused polythene bag. 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.

Case of TJ

TJ, 19, returned to Sri Lanka after completing his studies in the UK. One evening in August 2012, TJ was returning home after visiting a friend in Vavuniya when a white van stopped near him and around five or six men in civilian clothes jumped out. They forced TJ inside the van, blindfolded him, and drove him to an unknown destination. He told Human Rights Watch:

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

Case of GD

In November 2011, GD, a 31-year-old Tamil woman, was at her house in a Colombo suburb when four men in civilian clothes arrived. GD told Human Rights Watch they introduced themselves as CID officials and asked to inspect ID cards of all family members at her home. She said that they confiscated the ID card of her husband, who was abroad, and asked her to accompany them for questioning. She said:

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.

Case of DS

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, the LTTE forcibly took him away for 10 days of compulsory military training. After returning to Jaffna, he worked for the LTTE by distributing pamphlets and participating in LTTE cultural festivals. In November 2009, when he was 17, a joint team of police and army officials arrested him when he was returning from school. He was blindfolded and taken to an unknown detention site. DS told Human Rights Watch:

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.

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