# The Forgotten Victims of the Unfinished War in Sri Lanka:

Tragic Plight of the Tamil Widows& Victims of Sexual Violence In Sri Lanka and Abroad



A Speech at the GLOBAL Summit WPD Fringe "Justice for Widows in Conflict and After" Mr Kulasegaram Geetharthanan, LLB (Hon), PG.Dip Legal Practice, Human Rights Lawyer, UK

I am delighted by the UK's Initiative of Preventing Sexual Violence and drawing attention to the much-neglected issue of sexual violence in conflict and post-conflict situations.

## Introduction:

As a Human Rights Lawyer, representing victims of rape and torture in Sri Lanka on a daily basis, I am extremely shocked and saddened to note that the UK Government has chosen to ignore the on-going systematic and widespread sexual violence in Sri Lanka despite the unchallengeable evidence emerged very recently. It's upsetting to see our elected representatives talk about sexual violence elsewhere in the world and ignore the plight of the Tamil victims, including the War-Widows in Sri Lanka. I wish to thank Margret Owen, the Director of Widows for Peace through Democracy (WPD) for taking this very serious and offering me this opportunity to express our deep concern and to talk about the Tamil Widows of Sri Lanka who are totally forgotten by the UK Government.

A brief introduction of my own experience and background would be relevant here. I am a Tamil from Sri Lanka and I started my carrier in 1990s as an NGO worker with ICRC in Vanni, which was under the control of the LTTE. I decided to resign my job when I witnessed the mass massacre in the famous Madhu Church, which was knowingly bombed by the Sri Lankan forces, killing several pregnant women and children who sought refugee at the feet of the Holy lady Mary. In a desperate attempt to save a pregnant mother, whose abdomen was torn apart and the baby was protruding, I was also seriously injured. The guilt of not only being unable to save a baby, but also being unable to bring the truth to the outside world, made me change my carrier into an independent journalist. As a result, I founded the first independent News Agency, called "Tamil News Information Centre (TNIC)" within the war zone and began to successfully challenge the very strict news embargo imposed by the Sri Lankan government. We faced several threats and raids to our office by the Para military and the Government forces, which wanted us to shut down. When we began to gather evidence against the Sri Lankan army in relation to the infamous case of Kirushanthy Kumarasamy, a 16-year-old schoolgirl who was gang raped by the Sri Lankan forces, we faced the most dreadful consequences. Three of my colleagues were shot dead and my office was set on fire. The Para military's official Radio publicly announced death penalty for me, which forced me into exile. My desperation to seek justice for the survivors made me to change my carrier again and enter into the field of Law. Since 2006, after gualifying in the UK, I am practicing as a lawyer, representing the victims of torture and sexual violence. This gives me the direct and first hand knowledge and experience of the problems and issues faced by the Tamil women, mainly widows, in Sri Lanka and in the UK as asylum seekers.

#### Background & History in a Nutshell:

When Sri Lanka was granted Independence in 1948, the British failed to ensure the safety of Tamils, which lead to a detrimental civil war. The Tamils were forced to take arms and fight to protect themselves from the ethnic cleansing and the Genocide staged by the successive Singhalese Governments. Finally the armed struggle of the Tamils was brought to bloody end in



2009, killing up to 1,00,000 Tamils in the most ruthless manner<sup>1</sup>. Five years passed on, but no justice was given to the Tamils or the mass multiple crimes committed during the war. Despite the end of the armed conflict, the war continues in an alternative form where Rape and Sexual Violence are used as a weapon to continue the Genocide against the Tamils.



<sup>&</sup>lt;sup>1</sup>http://www.huffingtonpost.co.uk/frances-harrison/one-hundred-thousand-

#### Situation of the Tamil Widows & Women in Sri Lanka:



A survey carried out by the Deputy Minister of Women's Affairs of the Provincial Council of the East confirmed that there are 86,000 widows in the North and East of Sri Lanka<sup>2</sup>. Although the "*War Widows*" form a large majority, other calamities such as the tsunami of 2004 and the on-going extra judicial killings also contributes to the increase of this figure.

There is another category, which is referred as "*Half Widows*", who do not know the whereabouts of their husbands. This is because of a large number of former LTTE members disappeared without trace after surrendering to the Sri Lankan army. The prevailing horror of "White van" abductions also adds to this figure.

As a result, many of the families have become female-headed households. The UN Office for Coordination of Humanitarian Affairs has issued a statement to the effect that women have taken over as breadwinners in the North. A survey conducted by the Jaffna-based Centre for Women and Development revealed that the Northern region has, as stated earlier, 40,000 female headed households includes more than 20,000 in the Jaffna District alone. Consequently the Widows began to face numerous problems.

**Rape and Sexual Violence** by the Security forces against Tamils is in common practice in Sri Lanka since 1956.TarzieVittachi, the author of Emergency-58 documented rape of Tamil women during the 1958 riots<sup>3</sup>. Again 1983 pogrom was

<sup>&</sup>lt;sup>2</sup>N-Peace - Women's Perspectives of Peace & Security-Vol 2. Nov 2012.

<sup>&</sup>lt;sup>3</sup>Emergency'58 – The Story of the Ceylon Race Riots: Tarzie Vittachi, 1958.

marked by rapes of Tamil women in their homes by the Sri Lankan armed forces<sup>4</sup>.

In 1983, in "The tragedy of Sri Lanka", William McGowan describes some of the incidents. He wrote:

"In another incident, two sisters, one eighteen and one eleven, were decapitated and raped, the latter 'until there was nothing left to violate and no volunteers could come forward,' after which she was burned.<sup>5</sup>"

Sporadic reports of sexual violence against Tamil men and women are emerging over the course of Sri Lanka's armed conflict and after. Specific cases of rape of Tamil women and girls by Sri Lankan military personnel were raised by the UN special rapporteur between 1997 and the end of the war.



From 1990 to 2002, Sri Lankan civil society organizations reported hundreds of alleged rapes of Tamil women by the security forces primarily in the North and Nast.



In 2010 UNHCR noted that despite the end of hostilities, there were increased incidents of sexual and gender based violence against women and girls in former conflict areas. In 2013, Freedom House confirmed that violence against women remained endemic.

The Research conducted by the Human Rights Watch in 2003, into rape and other sexual violence by Sri Lankan security forces, uncovered disturbing patterns, strongly suggesting that it was a widespread and systematic practice. They concluded that Rape appears to have been a key element of broader torture and ill-treatment. This torture was intended to instill terror in broader Tamil population. Human Rights Watch also found that politically motivated sexual violence by the military and police continues to the present<sup>6</sup>.

"The Sri Lankan security forces have committed untold numbers of rapes of Tamil men and women in custody," said <u>Brad Adams</u>, Asia director at Human Rights Watch. "These are not just wartime atrocities but continue to the present, putting every Tamil man and woman at serious risk."

<sup>&</sup>lt;sup>4</sup> Tamil Guardian, "Anatomy of a pogrom" -

http://www.tamilguardian.com/article.asp?articleid=735

<sup>&</sup>lt;sup>5</sup>Only Man is Vile: The tragedy of Sri Lanka, William McGowan, 1<sup>st</sup> edition March 1992.

<sup>&</sup>lt;sup>6</sup> We will Teach You a Lesson, Human rights Watch – 26 Feb 2013.

The most recent report released by <u>Yasmin Sooka</u> and the Bar Human Rights Committee of England paints a picture of the brutal tactics used in Sri Lanka's continuing war against ethnic Tamils<sup>7</sup>. The research found:

- Abduction, arbitrary detention, torture, rape and sexual violence have increased in the post-war period.
- These widespread and systematic violations by the Sri Lankan security forces occur in a manner that indicates a coordinated, systematic plan approved by the highest levels of government. Members of the Sri Lankan security forces are secure in the knowledge that no action will be taken against them.
- This report establishes a prima facie case of post-war crimes against humanity by the Sri Lankan security forces, with respect to (a) torture and (b) rape and sexual violence.

Tamil Widows in Sri Lanka are the most vulnerable prey for this state sponsored ongoing rape and sexual violence. Some of these widows are under 50 years of age while there are others who are over 50 years of age. While these widowed mothers are having a tough time protecting their daughters, the young widows are having an equally tough time protecting themselves from the sexual advances of the state forces and Paramilitary.

Lack of Safety and Culture of Impunity are major problems for Tamil Widows, in terms of their safety, sense of security and ability to access assistance. Particularly they live in the heavily militarized and centralized control of the north and east - with almost exclusively male, Sinhalese security forces. Sri Lanka is ruled by a family dynasty. President Mahinda Rakapaksa and his relatives control the executive, the judiciary and the legislature. Impunity and authoritarianism have deepened and the rule of law is dangerously undermined.

The recent ICG report Sri Lanka reports that the Women in the North and East are at 'desperate lack of security'<sup>8</sup>.

Sexual violence, as with other serious abuses are committed against a backdrop of deeply entrenched impunity. 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.

The US Department of State in its country report on Sri Lanka 2012, says: "A number

<sup>&</sup>lt;sup>7</sup> http://www.stop-torture.com/

<sup>&</sup>lt;sup>8</sup>Sri Lanka: Women's Insecurity in the North and East, Intenqitnakl Crisis Group, Asis Report N217- 20 Dec 2011

of women did not lodge official complaints due to fear of retaliation".

Numerous cases of rape reported to the UN special rapporteur in 1997 went similarly unpunished. Complaints made to the local police and the Human Rights Commission were also declined.

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. Fear of reprisal owing to 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.

Mrs Koneswary lodged a complaint at the police station against an officer for harassment in 1997. The alleged police officers entered her home and raped her, then detonated a grenade at her genitals that caused her death. No one was convicted for the crime<sup>9</sup>.

Constitutional remedies have proved to be as ineffective as penal remedies. The Sri Lankan Supreme Court ordered compensation to Yogalingam Vijitha, a 27-year-old Tamil woman, who was torturedand raped by police officers at Negombo police station<sup>10</sup>. However, there were no prosecutions.



In numerous other cases, perpetrators always manage to evade accountability. In 1996, Ms Krishanthi Kumaraswamy, a 16-year-old schoolgirl was raped and murdered at a checkpoint near Jaffna. Her mother, brother and neighbor, who went in search of her, were also killed. Due to the public pressure, only six low-level personnel were convicted by the High Court, but never served sentence. The trial revealed information about various mass graves in Jaffna. Years later, no proper further investigations or prosecutions have ensued.

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 of women and girls.

In a January 2002 report, Amnesty International noted that not a single member of

<sup>&</sup>lt;sup>9</sup>http://www.lls.edu/media/loyolalawschool/academics/concentrations/MarielaCabrera .pdf

http://www.wsws.org/en/articles/2001/07/sri-j10.html

the security forces had been brought to trial in connection with incidents of rape in custody<sup>11</sup>.

A government-appointed commission found that *"Rapes and killings of women areused as a tool of control of a community"*. This keeps the Tamil Widows in Sri Lanka to loose hope in the judicial system and continue to live in terror.

**Social Stigma, Shame & Cultural Taboo** are other major impediments that keepTamil Widows including the victims of rape and sexual violenceaway from public discourse. The stigma of sexual abuse in the Tamil community inculcates a deep sense of shame. The degrading nature of rape and the silence that surrounds it makes women 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.



In addition to all this, many of these widows find members of their own communities distancing themselves from widows due to their outdated medieval cultural and religious practices. Instead of treating such persons with empathy, our society looks down upon widows as *'unlucky'* persons who should take the back seat at any social function. They are even expected to dress modestly at functions and not wear any embellishments or jewels.

Not only are they looked upon with scorn, but they are also considered to be persons who could lure away the husbands from families in the areas where they live.

Consequently many keeps a watchful eye on her husband when in the company of widows. To cap it all, our culture does not permit a widow to re-marry without a hassle. In view of all these cultural barriers, these widows are bound to live a life of misery<sup>12</sup>.

The Lack of Mental Health Treatments and Psychological Support is causing detrimental effect in the lives of the Widows. Almost all Widows are left with permanent mental scars either by sexual abuse or witnessing the death of loved ones. They continue to suffer Post Traumatic Disorder for the rest of their lives. Most believe there is no future for them; they will not have a career, a marriage, or live very long. Such women can easily become prey to exploiters individuals while others could be led to commit suicide.

<sup>&</sup>lt;sup>11</sup>Sri Lanka: Rape in custody, Amnesty International Report: January 2002

<sup>&</sup>lt;sup>12</sup>Tragic plight of the war-widows in Sri Lanka; Rajani Iqbal, 4 July 2011

There had been news reports, which speak of an unspecified number of women from the war affected areas committing suicide almost every day<sup>13</sup>. Despite the "*profound*" and "*massive*" trauma of the survivors, the Sri Lankan government has restricted NGOs from performing counseling service.



Another rarely spoken issue faced by the young widows their

biological needs, which remain unfulfilled. Many of us do not realize how serious this problem is. How could we expect these sex-starved widows to lead a normal life in the absence of any other diversions or entertainments to sublimate their natural desires?

Additional Family Burden becomes another challenge to the Widows. A widow with children has to play the role of the father and the mother of her children. It is difficult to keep an eye on their children while they are away from home for work or otherwise. The widows who have grown up girls in their homes dare not leave them alone. Hence they cannot think of engaging themselves with any livelihood activities away from home.

In the absence of a male in the household makes a Widow feels insecure. Besides, the so-called houses in which they live could hardly be locked up and made safe from intruders who come in the night under various excuses. Consequently they become easy prey for those who come in the night looking for women.

**Poverty** levels among the Women-headed families continue to be unacceptably high. Around 90,000 people still remain displaced in the north and east. Children, who had been attending Schools despite the bombardments during the war, are forced to drop out of school due to poverty. The UN High Commissioner described civilians in the former conflict area as, "scratching out a living among the ghosts of burned and shelled trees, ruined houses and other debris of the final battle of the war"<sup>14</sup>.

On an average each widow has at least two or three children to feed and look after. Besides they have to pay for the education and health care of the children. Most of these Widows have not learnt any skills that could be used to earn a living. Consequently most of these widows have become destitute hardly able to feed either themselves or their children. I need not stress the risks they face during job search and while working in a male dominated environment. In desperation, there are others who have ventured out to do jobs, which women do not usually do. Taking advantage of the poverty, Tamil women are being forcibly recruited into the Sri Lankan army

<sup>&</sup>lt;sup>13</sup>Combat Trauma And Post War Sri Lanka; Ruwan M Jayatunge, 16 January 2014

<sup>&</sup>lt;sup>14</sup>Opening remarks by UN High Commissioner for Human Rights NaviPillay at a press conference during her mission to Sri Lanka Colombo, 31 August 2013.

where they face the worst abuse.

A research by the Jaffna University recently has indicated that a large number of children of such destitute women in the North are being sent to orphanages and other women are sending their children to work as cheap labor for those who need them. This has exposed these children to being abused sexually or otherwise by some of those who avail of their services.

**Forced Marrige and Prostitution** are becoming common among the Tmail Widows.Two state supported Tamil paramilitary groups (EPDP and Karuna Group) are invoved in forcing young girls to be taken to the Sri Lankan military to be sexually abused. This was confirmed by the US ambassador Robert O'Blake's memorandum which was leaked by Wikileaks in September 2013<sup>15</sup>.

This source also confirmed that many female Ex-LTTE members are forced to *"marry*" Sri Lankan military men. Mr Guruparan, a leading academic from Jaffna has told the same to a western media<sup>16</sup>. This type of forced marriage is achieved by regular harassment of the women who eventually finds getting into a *"marriage"* might be the better of the two situations. Indeed, most people view this *"forced marriage"* as prostitution in a different form.

It is also reported that there are nearly 40,000 women in Sri Lanka who are professional prostitutes<sup>17</sup>. Some of them are said to be young war widows from the North and the South.

**"Forced Contraception and Sterilization** are nothing short of acts of Genocide. Sadly, these are regular occurrences in the island nation of Sri Lanka" says Steve Mosher, President of Population Research



Institute (PRI)<sup>18</sup>. 26-year-old, Manjula Satheeskumar, was among the 50 women coercively sterilized last August 2013 and later died. Local health officials are belatedly trying to cover up their crimes.

**Increasing Number of Crimes** in the Tamil areas, becomes another threat to the lives of the widows. Incidents such as murder and robberies are continuing with the support of the security forces. The local newspaper Veerakesary recently documented an incident where a wife and two children stabbed to death. The woman, who was killed, is a widow with three children.

<sup>&</sup>lt;sup>15</sup>WikiLeaks: EPDP Sold Jaffna Children: Girls To Prostitution Rings And Boys To Slavery, Colombo Telegraph, Sept 2013

<sup>&</sup>lt;sup>16</sup> http://www.ptsrilanka.org/images/documents/massacres\_pogroms\_en.pdf

<sup>&</sup>lt;sup>17</sup>Senanayake: "There are 40,000 child prostitutes in Sri Lanka"- 10 December 2013.

<sup>&</sup>lt;sup>18</sup> http://www.pop.org/content/genocide-sri-lanka-continues.

**Freedom of Expression** is severely curtailed throughout the country. The UN High Commissioner has commented on a "sustained assault" against press freedom. The widows are no exception. Unfortunately the political environment in the North is not conducive for the widows there to form themselves into any group whatsoever to make their voices heard.



#### Situation of the Asylum seeking Tamil Widows & Women in the UK:

The estimate of Tamil women including Widows seeking asylum in the UK reveals a fairly small group to the overall asylum seeking population. The majority are young girls and single women. The rest is formed of married women and widows. Almost all of them are victims of gender-specific abuse such as sexual assault and rape. This is based on my own research of 300 asylum cases, which I personally represented since 2006.

In general, women's asylum claims are usually complex and often based on more than one ground under the 1951 Refugee Convention. This is same with the female asylum seekers from Sri Lanka. However the "Gender-blind" approach followed by the UK Home Office simply leads to the refusal of claims that does not fall into the 5 grounds of 1951 Refugee convention. In overall, three quarters of women are refused asylum at initial decision stage in the UK.

A Home Office survey in 2001 indicated that women asylum seekers were more successful than men (13% and 9% respectively)<sup>19</sup>. However the obstacles women face when seeking asylum are greater than men.

**Lack of Knowledge about the Right to Claim Asylum** is very common among the Tamil asylum seekers. Only a 10% of them are educated and able to carry out their own research. Most of them do not even have an idea that claiming asylum is a legal right. 70% of them believe they had to be dependent on a man's claim or cannot

<sup>&</sup>lt;sup>19</sup>Home Office, "Asylum Statistics United Kingdom 2001", 31 July 2002, p. 4, available at www.homeoffice.gov.uk/rds/pdfs2/hosb902.pdf, p.4

claim as they have a valid visa.

**Lack of Knowledge on the Procedures to Claim Asylum** is a major problem in terms of women accessing the asylum process, which affects 66% of the claims in the UK. This result in delay in claiming asylum, which is often be used by the Home Office to damage the credibility of the claim under Section 8 of the Asylum and Immigration (Treatment of Claimants) Act 2004.

**Misleading Information given by the Home Office** has affected women mainly in two areas. Women who have arrived with their husband or other family members in the UK are mislead by the Home Office to remain as a dependent on other's claim, rather



than making a separate claim on her own right. This lack of knowledge of the asylum system leads to the perception that women's rights to seek asylum are restricted or that only the head of a family unit (usually a male) is entitled to claim asylum. Cultural barriers among Tamils are also a factor in preventing them from making a claim in their own right. In some cases, the applicants were made to believe that they should not claim asylum as they entered UK on another category of visa<sup>20</sup>.

**Difficulty in Accessing to Legal Aid or Poor Legal Advice** has resulted in 60% of asylum cases getting dismissed. It has become very tough to secure legal Aid and many cases were let down by legal Aid at the last minute of removal. Private legal representation has become expensive given the expert reports cost a fortune. A



Medico Legal Report from the Freedom From Torture costs £900<sup>21</sup> and a psychiatric Report costs up to £1500.This leads the poor asylum seekers to go for cheap legal representatives who fail to insist on the importance of the Medico Legal Reports without realizing the detrimental risk. Although this problem is not peculiar to women asylum seekers, many cases demonstrated this caused significant damages to the female asylum seekers.

**Difficulty in Accessing to Medical Treatments** is a very serious problem faced by the asylum seekers who newly arrived in the UK. The GP's refuse to register new asylum seekers, as they do not have a passport or proof of address. This not only prevents them from getting treatments upon arrival, but also put them at risk of detention by the Home Office and their special needs being denied. Those who attend Home Office with no medial evidence of their torture are most likely to be detained and their claims will be dealt under Fast Track scheme, which is described

<sup>&</sup>lt;sup>20</sup>Crawley.H, "Refugees and Gender", op. cit.

<sup>&</sup>lt;sup>21</sup>http://www.ilpa.org.uk/data/resources/18078/Freedom-from-Torture-13.6.04-Transforming-Legal-Aid-response-04-06-2013-FINAL.pdf.

as a refusal factory. The records show that only 1% of cases succeed in Fast Track. The Home Office has recently begun to consider almost all Tamil Asylum claims under Fast Tract unless there is medical evidence of their torture or sexual abuse.

Lack of Training and Compassion among Home Office Staff often place female asylum seekers in the risk of being re-traumatized during the interview. There is a lot of evidence of the interviewing officers being very rude and threatening the asylum seekers without any regard to their vulnerable situations. It is indicative of an abuse of power by low-grade administrative staff. The attitude and conduct of interviewing officer was also found to be a major area of concern for legal representatives<sup>22</sup>. The server of Asylum Aid reveals that around 44% of the interviews are hasty and 48% are hostile or aggressive<sup>23</sup>. Mistreatments of Tamil asylum seekers are recorded in many occasions.

Lack of Gender Sensitivity in the Procedural Matters in the UK considerably preventing women asylum seekers presenting their case adequately. 95% of Tamil women face language barriers. Choice of female interpreters/interviewers is often not available. Due to the strong social stigma and taboo, particularly Tamil woman finds it extremely difficult to talk about their sexual abuse or rape experience to a male interviewer or through a male interpreter. This has prevented number of Tamil women in disclosing their actual accounts, which resulted in refusals of their claims.

Women's specific needs are not often taken into account. The lack of childcare arrangements can have major implications in terms of women making a claim for asylum, simply attending interviews, legal appointments or court hearings, or disclosing sensitive information.

The Unreasonable and Unlawful Delay in considering asylum claims is another concerning factor. They are also prohibited from taking employment or volunteering. This leaves asylum seekers in uncertainty, which causes significant adverse effect on their already fragile mental heath and even triggered their suicidal ideation. We have records of many Tamil Women attempted to end their lives during the process of asylum. However the Home Office never takes this serious. For example I can quote the most horrific case of RM, which I am currently representing. RM is a Tamil woman who suffered repeated rape in 2012. Following her escape from custody the Sri Lankan authorities raided her home and burned her sister and mother alive after raping them. This had been well documented by every single media in Sri Lanka. RM claimed asylum in the UK and attempted to end her life on a number of occasions. But the Home Office believes this is not a case of priority.

<sup>&</sup>lt;sup>22</sup> Crawley, op. cit., 1999, in particular pp. 59-82

<sup>&</sup>lt;sup>23</sup>Women asylum seekers in the UK: A gender perspective, Asylum Aid, Feb 2003.

In another occasion, when we commenced Judicial Review, in the case of YK, which was delayed for 6 years, we were given the most shocking answer. The Home Office said, "*despite the warnings of the psychiatrists, YK has not successfully committed suicide and died yet, therefore we do not accept your argument*".

Culture of Disbelief & Poor Quality of Decision-Making is other serious issue. Home Office seems to have a policy of testing the credibility of a case rather than focusing on gathering information. Most of the interviewing officers go on fishing expedition during the interviews with a view to trap the victim. This is also is proven in cases where the Home Office refuses to make provision for the submission of medical evidence. The hostile attitude of the interviewing officer is a major factor that undermines a fair determination process for all asylum applications in the UK. This doesn't stop with the Home Office. Some of the Honorable Judges follow the same hostile and racist approach. I wish to quote the most shocking experience I had in one of my appeals. NN is a young Tamil girl who had been terribly raped and tortured. She was almost disfigured due to torture and appeared very fragile in the Court. Without any mercy, the Judge looked at her and made a remark "I admit that you were raped, but you are a now a squeezed lemon. I don't think the Sri Lankan authorizes would be interested to rape you again". These are the post painful and insulting words one could hear in a Country where they thought to get justice and protection.

The Narrow Approach in the New County Guidance Case GJ has raised serious concerns by missing out many categories of people who are at serious risk in Sri Lanka. This not only failed to give adequate wait to the evidence submitted by the NGOs including Human Rights Watch, but also clearly failed to recognize the risk faced by the witnesses of the war crimes. This is being reviewed.



## **Conclusion:**

### **Recommendations:**

- Urge the Committee on the Elimination of Discrimination against Women (CEDAW) to initiate inquiry into Sri Lanka and what the government is doing to address the problems of widowhood.
- Urge the government to Develop National Action Plan with timeline to promote the rights and welfare of women headed households in Sri Lanka
- Declare War Widows as a "Particular Social Group" (PGS) that require special protection within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.
- All decision makers within the UK Home Office should give careful consideration to the reports produced by well-established NGO's on the position of returnees and current UNHCR guidance on country conditions in Sri Lanka.
- Given the emerging evidence of ongoing systematic torture and rape in Sri Lanka asylum applications from Sri Lanka should not be subjected to accelerated asylum procedures.
- UK Foreign and Common Wealth office to immediate take action to priorities Sri Lanka in its initiative of preventing sexual violence.
- Finally, Urge the UK Prime Minister and the Foreign Secretary to keep their promise on Sri Lanka.



"Individuals have international duties which transcend the national obligations of obedience. Therefore, (individual citizens) have the duty to prevent crimes against peace and humanity from occurring."

~ Nuremberg War Crime Tribunal, 1950 ~