INFO NOTE

UNITED NATIONS HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Info Note 2
Report of the OHCHR Investigation on Sri Lanka, September 2015

Allegations of torture and other forms of cruel, inhuman or degrading treatment, sexual and gender-based violence

Chapter IX and X of the OISL report outline the "widespread, systematic and particularly brutal" use of torture by Government security forces in the final days and immediate aftermath of the armed conflict (542). While torture has been documented over many years, it found such actions were particularly prevalent after the mass detentions that occurred when tens of thousands of people crossed into Government controlled territory (1129).

The report outlines how torture was used by Government security forces to extract information or confessions from detainees they suspected to be members or supporters of the LTTE. A number of victims, it says, were tortured by agents from different branches of the security forces in turn (544).

One of its most disturbing findings is the way in which detainees - both men and women - were subjected to sexual violence, including rape and, in some cases, gang rape (571, 586). The alleged perpetrators included personnel ranging from low-level guards to individuals believed to be senior officers (588).

The findings were based primarily on detailed interviews with Sri Lankan torture victims living in six different countries as well as medical reports and other documentation (536-539)**.**

Allegations of torture and other cruel, inhuman or degrading treatment:

Victims described being repeatedly tortured throughout periods of detention ranging from a few weeks to several years (543). Some detention facilities had special rooms with equipment, such as pulleys, which could be used for torture, indicating "the premeditated and systematic nature" of such acts (553).

Methods of torture used during interrogation sessions included waterboarding - suspending victims upside down and lowering their heads into barrels of water - or partially suffocating them with plastic bags soaked in petrol or dusted with chilli power. Former detainees described being branded with heated metal rods, beaten with pipes filled with concrete or having their fingernails and toenails pulled out. Victims were suspended from the ceiling and beaten unconscious. The report says such techniques were frequently used to make them sign pre-prepared "confessions" in Sinhalese - a language which many of the victims could not understand (555-565). Many of the methods described to OISL are methods documented by other organisations in years prior to the end of the conflict.

Detainees were also subjected to threats and degrading treatment, including being forced to drink urine, or lick blood off the floor, and being forced to watch others being tortured while being threatened with similar treatment (560). Most were made to strip completely or partially.

Allegations of sexual and gender-based violence:

OISL says that one of its most disturbing findings is "the extent to which sexual violence was committed, often extremely brutally, by the Sri Lankan security forces, with men as likely to be victims as women." It added that "the prevalence of rape, often on repeated occasions, was particularly shocking" (571).

All the information gathered indicated that these were not isolated acts, but part of a "deliberate policy" to inflict torture. The fact that they followed similar patterns over a wide range of detention facilities, time periods and different branches of the security forces reinforced the conclusion that such practices were "part of an institutional policy within the security forces" (591).

Many sexual assaults occurred in the course of interrogation. However, some of the most serious - including rape and gang rape - occurred outside of the interrogation sessions. Former detainees subjected to sexual and gender-based violence during interrogation described methods that caused excruciating pain. Some had chilli powder placed on their genitals, others had metal wire inserted into their penis. People were beaten around the genitals, inner thighs or breasts. One man described having his penis put in drawer, which was then slammed shut. Some were forced to perform oral sex on their captors (594,606).

One of the most "barbaric" methods of torture, described by a number of former detainees, was having a pipe containing barbed wire inserted into the anus. First the pipe, then the barbed wire were pulled out, causing extensive bleeding and pain. One man said he was subjected to this treatment after refusing to have sex with his captors. During his time in detention, he said, he was forced to have oral sex and gang-raped several times (597).

Thirty of the 48 torture victims interviewed by OISL had also been subjected to sexual or gender-based violence. Eighteen of them said that they were raped, either by the penetration of a part of their body with a sexual organ, or by having objects inserted into their anus or genitals. The report says that in at least three cases, the interviewees - one male and two female - were raped while they were unconscious. The male witness reported being forced to drink alcohol until he passed out. When he awoke, he said, he could barely walk. One of the women woke up partially undressed, bleeding from the vagina, with tooth marks on her breast (600-606).

One former detainee said "I cannot recollect the number of times I was raped, four or five times a week for several months … other inmates would ask me why I was bleeding from the back passage - I would say that I was hit with a pole" (601). Another, sexually assaulted over a period of three months, told OISL that he begged his captors to kill him, in order to end his torment (556).

The Government consistently sought to play down allegations of rape and sexual violence by security forces (581).

Dismissing allegations by a United Nations agency in 2009, a senior government official said there was "a lot of sex" going on in the camps, but claimed that most reports involved abuse by fellow detainees. In response to allegations raised by a UN agency he said, "We received a report that a soldier went into a tent at 11pm and came out at 3am. It could have

been sex for pleasure, it could have been sex for favours, or it could have been a discussion on Ancient Greek Philosophy - we don't know" (581).

In an interview with Al Jazeera in 2013, the Commander of the Security Forces in Jaffna laughed off reports of torture abduction and rape. "I suppose my smile tells the story", he said, suggesting that such "lies" were concocted by those hoping to gain asylum abroad (583).

Conclusions

OISL concludes that there are reasonable grounds to believe that torture was committed on a widespread scale, and was particularly brutal in the immediate aftermath of the war. If established before a court of law, it says, such acts may amount to war crimes and / or crimes against humanity (1129-30).

Meanwhile, it concludes that sexual violence appears to have been used as a deliberate means of torture to extract information and to humiliate and punish people presumed to have links to the LTTE (1131).

Although OISL was not able to assess the scale of such incidents, it concludes that some of these acts of sexual violence by Government security forces may amount to war crimes and / or crimes against humanity (1134 -1135).

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The full report can be found at:
http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx