

INTERNATIONAL
TRUTH
AND JUSTICE
PROJECT



18 February 2025

Press Release: Swiss Legal Claim for Tamil Sent Back to Torture in Sri Lanka

Geneva: Swiss Lawyers have filed a compensation case for a Tamil man rejected for asylum in Switzerland, who went back to Sri Lanka only to be tortured and sexually violated again in 2022. The case filed by Emma Lidén and Bénédicte de Moerloose, from the law firm Peter & Moreau SA, in collaboration with the International Truth and Justice Project (ITJP), calls on Switzerland immediately to suspend the refoulement of Tamil asylum seekers to Sri Lanka and to re-examine all pending applications, taking full account of the proven risk of persecution.

“At the time when Switzerland’s State Secretariat for Migration (SEM) had multiple concrete pieces of evidence demonstrating the risks incurred by our client in the event of his return to Sri Lanka, they refused to analyse the risk of persecution. By disregarding both the new and alarming information in his file and his clear expressions of distress, they exposed him to severe revictimisation and retraumatisation upon his return to Sri Lanka”, said Emma Lidén.

The case asks for CHF 150,000 in moral damages for Mr ES, arguing that Switzerland’s failure to consider his case properly, in line with obligations under the Convention Against Torture and the European Court of Human Rights, makes the State Secretariat for Migration (SEM) liable.

“Mr. ES is not the only case we have seen of a Tamil being deported to Sri Lanka from a European country and then detained and tortured again. Asylum authorities are handling life and death cases and though these cases are complex to assess officials do need to do a more careful job,” said Yasmin Sooka, executive director of the International Truth and Justice Project (ITJP).

The man, Mr. ES, who wishes to remain anonymous for his family’s security, is now in the UK where he was granted refugee status in late 2024. As part of that process in the UK, Mr ES obtained an independent medico legal report that corroborated his account – something that wasn’t available to him in Switzerland. He was also enrolled in a psychosocial support project run by the ITJP in UK which now faces closure because of lack of funding.

W ITJPSL.COM
E ITJPSL@GMAIL.COM

EXECUTIVE DIRECTOR ITJP:
YASMIN SOOKA

W. petermoreau.ch
E info@petermoreau.ch

PETER & MOREAU:
Emma Lidén & Bénédicte de
Moerloose

Background

Mr. ES joined the armed separatist group in Sri Lanka, the Liberation Tigers of Tamil Eelam or LTTE, at 17 years old. At the end of the civil war in Sri Lanka in 2009, he surrendered to the Sri Lankan Army with his family but was identified as a former combatant. He was detained in Sri Lanka's most notorious army camp, Joseph Camp¹ and tortured and sexually abused on a number of occasions. Two interrogators, whose unit and names he can identify², suspended him from the ceiling and beat him.

"I felt like I was in hell. I was thinking that it would be better if I had died from shelling in the war rather than being tortured every day... at least then the death would be quick," he told the ITJP.

Mr. ES was then transferred to Boosa Detention Centre – another site notorious for torture³. He has a detention attestation from the International Committee of the Red Cross corroborating the dates and details of his testimony that also match accounts from other detainees interviewed by the ITJP. In Boosa he was hit on the ears causing permanent damage to his hearing.

After release, security forces came to Mr. ES's home on a number of occasions and threatened to kill him and his family, physically attacking him. Finally he fled to Switzerland where he applied for asylum and appealed the negative decisions multiple times, alleging that he risked arbitrary detention and torture if he were to be expelled. Although he was a former LTTE member, the Swiss authorities never took seriously the fact that the authorities were looking for him, that his wife was being harassed and that former comrades had recently been disappeared.

In February 2022, when facing deportation, Mr. ES bribed his way back into Sri Lanka in the hope he would not be detained on arrival and could quietly slip back into the country. However weeks later he was abducted by plain clothes officers in a van from his home at night. He was put in a windowless interrogation room, equipped with a water barrel, a bench, long wooden sticks, electric wires.

"When I saw the instruments I thought that I was going to die," he said.

Interrogators accused Mr. ES of going to Switzerland to work with the LTTE, kicked and beat him, and subjected him to beating on the soles of the feet which has left permanent damage. In further interrogations Mr. ES said he was unable to stand but was continuously tortured, burned with cigarette butts and had his head submerged in water. At night two men came to his cell and stripped him naked and raped him. He was then asphyxiated by having a plastic bag soaked in petrol placed over his head until he signed a false confession.

When Mr. ES escaped, he managed to get to the UK where he was granted asylum. An independent UK doctor diagnosed him with post traumatic stress disorder and depression. Mr ES remains haunted by insomnia and flashbacks of his torture, with the terrifying impression that he is reliving his ordeal, so that his heart rate quickens, sending shivers down his spine and making him feel suffocated.

¹ ITJP report, <https://itjpsl.com/reports/joseph-camp>

² Names that other witnesses to the ITJP have also mentioned. Unit not identified here for witness protection reasons.

³ A/HRC/39/45/Add.2, UN, Sep 2018.

INTERNATIONAL
TRUTH
AND JUSTICE
PROJECT