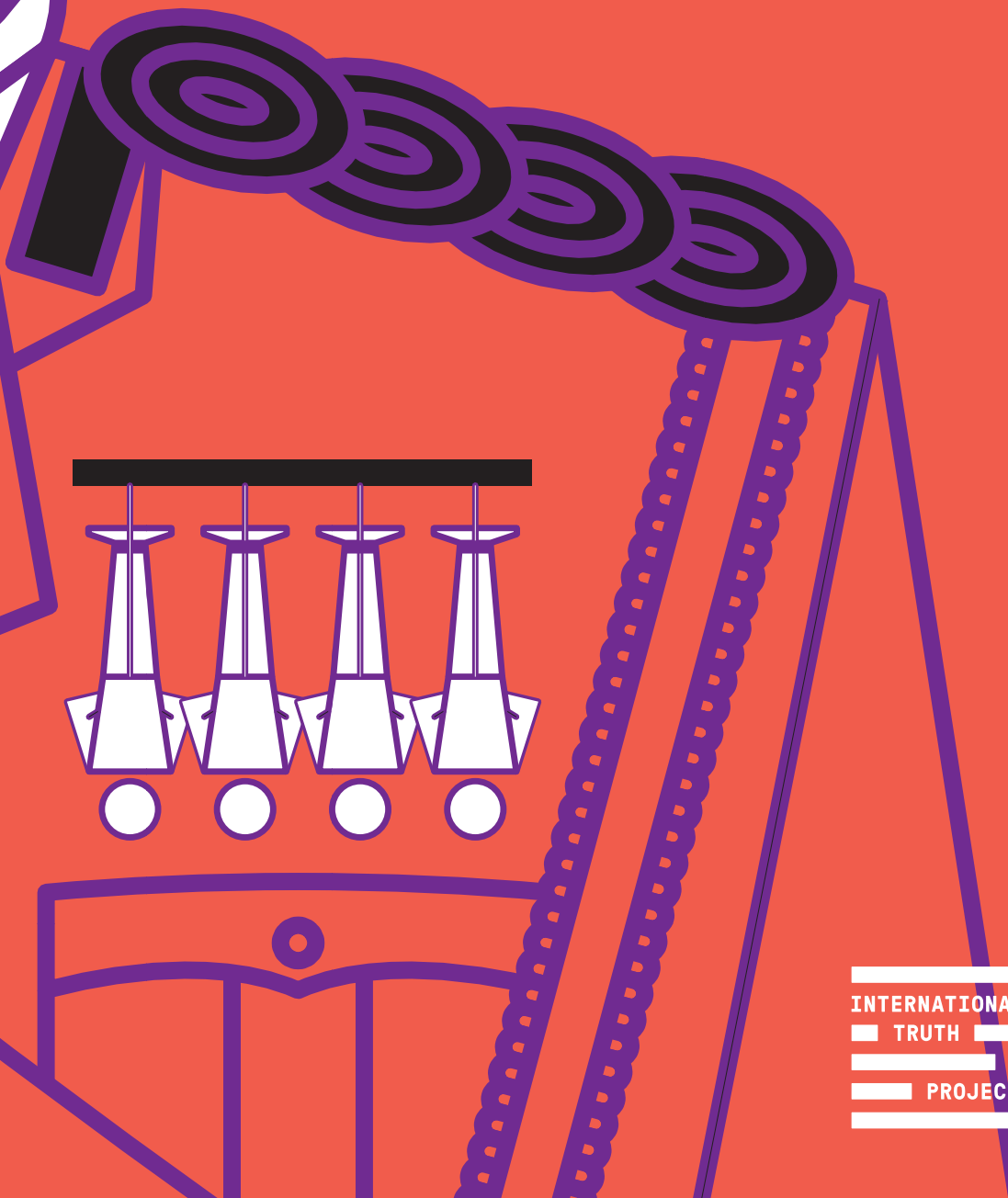




TERRORISM  
INVESTIGATION  
DIVISION:  
SRI LANKAN  
POLICE

SEPTEMBER 2019



INTERNATIONAL  
TRUTH  
AND JUSTICE  
PROJECT



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# EXECUTIVE SUMMARY

This report identifies 58 (fifty-eight) alleged torturers in the Terrorism Investigation Division (TID) of the Sri Lankan police based on investigation and research, including those who bear command responsibility. It is based on the testimony of 73 (seventy-three) survivors of torture, both Tamil and Sinhalese, interviewed in five different countries. These survivors have experienced the most brutal torture imaginable – including in many cases rape and other forms of sexual violence. As such, it was brave of them to share their experiences of detention with our investigators and interpreters, in many cases while still fearing for the safety of their families left behind in Sri Lanka from whom they live apart. All said that they did it because they wanted justice and to ensure others did not suffer like them.

In 24 (twenty-four) cases, detailed dossiers have been prepared on the individuals identified in the police (filed as Annexure B to the Anonymity Declaration regarding the civil

case brought against former Sri Lankan secretary of defence Gotabaya Rajapaksa in California on 26 August 2019<sup>1</sup>).

This report emerged out of the investigations carried out by the International Truth and Justice Project (ITJP) on Sisira Mendis – the policeman sent to Geneva as part of Sri Lanka’s delegation to the United Nations (UN) Committee Against Torture in 2016<sup>2</sup>. Mr. Mendis had headed the Criminal Investigation Department (with oversight of the TID) at the height of the final phase of the war in Sri Lanka. He was named in the seminal 2015 United Nations investigation report on Sri Lanka as presiding over the CID/TID building in Colombo, which the UN described as “particularly notorious” for torture. Our investigations of Mr. Mendis, revealed survivors who could identify the TID officers who had tortured them. This is in contrast to most victims abducted by the security forces in the north of the country who cannot easily identify their torturers by name.

Sri Lankans rightly fear the TID. This is the first report to examine the extensive use of torture by this specific police unit over the last decade. The interviews were conducted by the ITJP outside Sri Lanka; none of the victims would have felt safe enough to disclose this level of detail while still inside the country.

What is most shocking is that the then UN Special Rapporteur on Torture, Manfred Nowak, named several of the same alleged perpetrators of torture in TID when he visited Sri Lanka in 2007 – and not one was investigated or prosecuted. Instead many were subsequently promoted.

Had action been taken when the UN Special Rapporteur on Torture’s report was published in 2008, hundreds if not thousands of Sri Lankans might have been saved from enduring horrendous torture and having their lives destroyed as a result. Moreover, cases of TID torture have been recorded by groups inside and outside Sri Lanka as recently as 2017 (and by CID in 2018 and the Army in 2019). This is therefore very much an ongoing problem. In addition, torture has been happening not in the far away former conflict zones but right in the heart of the capital, Colombo, on the sixth floor of a well-known police building.

It is of great concern that several key TID officials alleged by victims to be responsible for their torture remain in senior positions in the police force. They have continued to be rewarded even under the Sirisena government, illustrating that the promised security sector reform has been illusory.

# THE VICTIMS (OUT OF 73)



FEMALE



MALE



CIVILIANS\*



FORCED LTTE  
RECRUIT



REHABILITATED



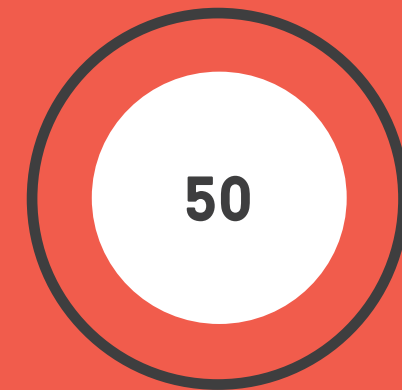
TORTURED



WITNESSED OTHERS  
BEING TORTURED



HEARD OTHERS  
BEING TORTURED



SEXUALLY VIOLATED

\*including four who worked for the LTTE administration.

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# DETENTION (OUT OF 73)



27

DETAINED IN BOOSSA



23

DETAINED ON 6TH FLOOR



31

DETAINED BY TID  
IN VAVUNIYA



17

DETAINED BY TID IN  
OMANTHAI SCHOOL



20

ATTEMPTED  
SUICIDE AS A RESULT  
OF DETENTION



49

FAMILY FACED  
REPRISALS/PERSECUTION  
AFTER RELEASE



14

BRANDED WITH HOT  
METAL ROD



32

BEATEN  
UNCONSCIOUS



19

SUBJECTED TO  
FALAKA

# METHODOLOGY AND VICTIMS

**“I AM GIVING THIS STATEMENT WITH DIFFICULTY. I AM TRYING TO FORGET THE SCREAMING I HEARD AS A RESULT OF TORTURE.”**

**TID TORTURE SURVIVOR**

## METHODOLOGY

### PERIOD COVERED

The torture by the Terrorism Investigation Division (TID) of the Sri Lankan police documented here, occurred between 2008 and 2017. The ITJP’s TID investigation was conducted over a period of more than three years starting in 2016 but also drew on documentation and material collected previously.

### INTERVIEWS

This report is based on the testimony of 73 (seventy-three) victims of TID torture and one witness who narrowly escaped arrest and potential torture. Seven ITJP investigators were involved in taking statements from the TID victims, both Tamil and Sinhalese, in five different countries. The detailed accounts of the victims were recorded over several days – in some instances during different visits over several years – by international investigators, many of whom have worked for the United Nations special

tribunals, the Office of the High Commissioner for Human Rights and international criminal lawyers specialised in documenting accounts of torture and sexual violence. In almost all cases, the interviews were conducted in Tamil and Sinhala and the investigators were assisted by trusted interpreters who have extensive experience working with victims of torture, including documenting sexual torture, and who are also familiar with the Sri Lankan context.

### CONFIDENTIALITY AND SECURITY

The process of taking testimony was conducted in safe spaces by the ITJP under a policy of “Do No Harm”. Investigators took great care to ensure that victims of torture and sexual violence felt safe with the investigators, interpreters and the locations chosen for the interviews. ITJP investigators, interpreters and staff are bound by confidentiality agreements. In addition, ITJP has put security measures in place to handle and store victims’ data, compliant with the Europe-wide General Data Protection Regulations.

Identifying details – such as dates, the victim’s profile and specific incidents that TID officers might recall – have been removed from this report. ITJP witness reference numbers were also removed from the final version of this report to prevent anyone collating references and trying to identify an individual victim.

### OTHER MATERIAL CONSIDERED

Where available, the ITJP obtained, with the permission of the witnesses, detailed medical and psychiatric records, including medico-legal records. Documentation such as International Committee of the Red Cross (ICRC) attestations, detention orders, and photographs were collected where available and relevant. When Sri Lankan court documents were available we also analysed them and researched suspects connected to one another. The dossiers on alleged perpetrators were based on the testimony of victims and open-source material from Fundamental Rights applications brought in Sri Lanka, media reports, non-governmental organisations (NGO) reports and alleged perpetrators’ social media profiles.

## ADDITIONAL CONSIDERATIONS

Though it may not be reflected in this report for witness protection reasons, ITJP investigators did spend considerable time documenting and gathering information, where relevant, about the role of the victims in the Liberation Tigers of Tamil Eelam (LTTE), their experience and that of their families in the civil war, any incidents leading up to their abduction, reprisals against family members and their journey with human smugglers to their destination in Europe, as well as their current medical and psychological state.

Victims interviewed in multiple countries corroborated each other's testimony – having seen one another in detention and/or being tortured in Boossa detention site or Colombo TID offices and being able to confirm this.

It is impossible to express the ongoing suffering of the victims interviewed, many of whom attempted suicide after being tortured. This report presents extracts and summaries, and does not do justice to the extraordinary ordeal of each survivor's story. In some cases witness statements detail the torture in just one interrogation session in Boossa detention site, and include a succession of physical, psychological and sexual torture that is excruciating to hear, let alone imagine experiencing. Indeed, some professionals involved in the process of taking statements were deeply affected and suffered from vicarious trauma because the process of bearing witness was so intense. This is not to detract from the trauma of the victims themselves, but to highlight the cruelty and toxicity of the violations being described and severity of the associated suffering.

## VICTIM PROFILE

Though a large number of victims have been interviewed for this report in multiple countries, they are likely to represent only a small number of all victims who have suffered at the hands of the TID. There are still many more TID victims abroad, let alone inside the country, whose accounts have not been captured but should be in due course if safe to do so. The victims interviewed for this report are predominately Tamil but included four Sinhalese. Sixty-one are men and twelve are women, ranging in ages from 17 (he had his 18th birthday in detention) to 50 years at the time they were last detained. One was a former child soldier for the Liberation Tigers of Tamil Eelam (LTTE); thirteen were forced recruits to the LTTE.

The victims fall into several broad categories:

**(a)** Those who were arrested and charged during or immediately after the civil war, which ended in May 2009;

**(b)** Those who were abducted and never charged and whose families paid money for their release (from 2009-2016);

**(c)** Former combatants who were captured or surrendered at the end of the civil war in May 2009. Typically they spent years in multiple detention sites at the hands of different units of the Sri Lankan security forces in the post-war period. One Tamil man interviewed was in detention for up to seven years after the war and held in 12 different sites;

**(d)** Victims abducted and detained post-war because of suspected links to an existing terror suspect in detention but then released for money. Typically their contact details would be in the mobile phone of a person already detained under the Prevention of Terrorism

Act (PTA). In one instance, two Tamil men were detained at the same time by the TID and transported to a detention site in the same van – one remains in custody and is charged with a crime, while the second fled the country after his family paid a bribe for his release. One theory is that the authorities keep some suspects to build their case and release the others for money.

**(e)** Former undercover LTTE operatives who worked at a low level for a former LTTE intelligence leader, Giritharan Kanagaratnam, and who were identified by the authorities after the war and abducted, tortured and released for money.

Fifteen of the victims described being detained on multiple occasions – 14 (fourteen) were abducted, illegally detained and tortured years after having been released from official detention which indicates the extent to which ex-LTTE cadres struggle to reintegrate into society because of the constant surveillance and threat of further persecution. Of these, six had already been in the Government's discredited "rehabilitation" programme for suspected ex-combatants and were nevertheless abducted and tortured again. Overall 27 (twenty-seven) of the victims went through the "rehabilitation" programme after being detained for many years and tortured.

The torture by the TID described here is not only related to the period under the Rajapaksa administration (2005-2015). Nine of the victims in this report were detained as recently as 2016-2017 and worryingly they reported hearing other male detainees screaming – and one of them heard women's voices too. This suggests there were more individuals than those identified by the ITJP being tortured by the TID in 2016 and 2017<sup>3</sup>.



# SUMMARY OF VICTIM TYPES IN THIS REPORT

NUMBER OF VICTIMS PER CATEGORY	TIME PERIOD	DETAILS
Arrested (6)	Before the war end/May 2009	Five arrested in Sri Lanka, one on a fishing trawler heading for Australia.
Abducted (10)	2009-2016	Families paid bribes for their release.
Surrendered or captured (36)	At the war end/May 2009	Ex-LTTE cadres [four abducted & tortured after their release from initial detention & “rehabilitation”].
Abducted, tortured & sexually violated by the TID in Vavuniya & Colombo (9)	2016-2017	Connected to former LTTE cadre Edward Julien or Murugaiah Thavendran* – alleged terror suspects detained in Sri Lanka in 2016 and 2017 respectively <sup>4</sup> (see below). TID told the victims to leave the country <sup>5</sup> .
Abducted, illegally detained and tortured (13)	2010-2015	Connected to an alleged terror suspect detained under the PTA, Giritharan Kanagaratnam, also known as Adithyan.

\*Thavendran was arrested in 2017 and alleged by the TID to have been planning to assassinate Tamil National Alliance (TNA) politician M. A. Sumanthiran.

## EDWARD JULIEN CASES

Edward Julien (LTTE name Ramesh) is a former LTTE cadre who was arrested in Kilinochchi on 29 March 2016 in the north of Sri Lanka following the recovery of a suicide jacket along with explosives and other ammunition at Maravanpulavu in Chavakachcheri. Some opposition politicians alleged Julien was planning to use the explosives to assassinate politicians in Colombo. There was a spate of arrests of at least 28 (twenty-eight) people alleged to be connected to Julien in Sri Lanka under the Prevention of Terrorism Act between 29 March and 28 June 2016. (For more see ITJP report, *Unstopped*, 2017, pages 16-17 for background on Edward Julien).

There is considerable overlap between the accounts of victims abroad interviewed by the ITJP and those in Sri Lanka who were detained recently in connection with the Edward Julien court case. According to court documents obtained from Sri Lanka<sup>6</sup>, suspects were held by the TID in Vavuniya and Colombo and then transferred to the Boossa detention site. All victims complained of being forced to sign confessions in Sinhala – a language they did not understand<sup>7</sup>. Their fundamental rights applications to the Supreme Court all allege torture at the hands of the TID in 2016, including Edward Julien himself, who had a Judicial Medical

Officer report with photographic evidence of torture, according to his application<sup>8</sup>. One man charged in Sri Lanka stated in his court documents that he had been “...assaulted by the officials with the pipes and poles to the extent that he was unable to breathe and he had severe pain in his legs and neck”. Another specified that the torture occurred in the police building in Colombo on the 6th Floor. One suspect was detained for as long as five months in this building. This corroborates aspects of the accounts of the survivors now outside Sri Lanka who agreed to share their experiences with ITJP.

## GIRITHARAN CASES

During the war, multiple witnesses say Giritharan Kanagaratnam, also known as Adithyan or ‘Giri’, was an undercover LTTE intelligence operative running cells in Colombo. After the war he was arrested and detained in the Boossa detention site. Giritharan’s associates have been systematically rounded up post-war and tortured – mostly in 2010 and then 2012 but with the most recent case we know of occurring in 2015. It is likely that the TID were involved in these cases because Giritharan is a PTA detainee, so they are included in this report.

Giritharan is the son of the former MP for the Vanni District, Sathasivam Kanagaratnam, who was himself detained for eight months after the war, and according to media reports, released in January 2010 on condition that he campaign in support of then President, Mahinda Rajapaksa<sup>9</sup>. After his release from detention, Mr. Kanagaratnam Senior was quoted on the Defence Ministry website saying that nobody had died in the war except at the hands of the LTTE and he also heavily criticised the UN Panel of Experts’ report<sup>10</sup>.

# 1. BACKGROUND

**“THE SCREAMS  
SOUNDED LIKE MY OWN  
SCREAMS WHEN I WAS  
BEING TORTURED.”**

## **TID TORTURE SURVIVOR**

### **POLICE STRUCTURE**

The Terrorism Investigation Division (TID) is depicted in an organogram in the 2015 Office of the United Nations High Commissioner for Human Rights (OHCHR) investigation report on Sri Lanka (OISL) as a sub-section of the Criminal Investigation Department (CID) of the Sri Lanka Police<sup>11</sup>. The Terrorism Investigation Division was created in 1997<sup>12</sup> to prevent and investigate acts of terrorism as defined in Sri Lanka’s controversial Prevention of Terrorism Act (PTA) – a law which has yet to be repealed despite promises by the current Sri Lankan government to do so. According to the UN report (OISL), TID officials reported to the Deputy Inspector General of the Criminal Investigation Department, who reports to the Inspector General of Police.

### **TID DETENTION SITES**

Until late 2008 the TID office in Colombo was located on Chaitiya Road<sup>13</sup> but it then moved to York Street. TID detention facilities in the police building in York Street are often referred to as the “6th Floor” but the TID also used offices on the second floor for interrogation. The Criminal

Investigation Department is located on the 4th floor, but Sri Lankans often refer to the whole building generically as “the 4th floor”. The notoriety of this site – namely the fact that torture routinely takes place in the police building – is so well established that Sri Lankans use the term “the 4th floor” as a shorthand for torture – for example: “watch out or you will end up on the 4th floor!”.

In its 2015 report on Sri Lanka, the United Nations described the 4th floor facility of the police building in Colombo as a well-known torture site and identified the TID, along with the Criminal Investigation Department (CID), as carrying out “white van” arrests<sup>14</sup> and enforced disappearances from 2002-2011<sup>15</sup>. However, as early as 2007, the UN Special Rapporteur on Torture reported on a “considerable number of clearly established cases of torture by TID” using “a broad variety of methods of torture, some extremely brutal<sup>16</sup>”. By 2016, Sri Lanka’s national Human Rights Commission said the TID had only three legal places of detention: Boossa, TID Vavuniya and TID Colombo<sup>17</sup>. However, the Commission found that these sites were used for detention exceeding 12 hours, which it believed created the opportunity for torture. As mentioned above, fundamental rights applications also allege torture by the TID in 2016.

The two sites focused on in this report are the Colombo

TID building and the Boossa detention camp in Galle. However, over the years ITJP witnesses have testified to being interrogated and tortured by TID officials in a variety of other locations including: TID offices inside/adjacent to Joseph Camp<sup>18</sup> in Vavuniya, Jaffna, a Kandy camp<sup>19</sup> (also cited by a Human Rights Watch report<sup>20</sup>), Pulmoddai police station<sup>21</sup>, and Mt. Lavinia police station; victims also described being abducted by the TID in Mullaitivu<sup>22</sup>. The TID also had a role in the Omanthai School detention site<sup>23</sup> after the war. TID officials visited the government’s “rehabilitation” camps for suspected ex-LTTE cadres at Maruthamadu, Pampaimadu<sup>24</sup>, Rambaikulam<sup>25</sup>, Vellikulam<sup>26</sup>, Tharmapuram and Welikanda to conduct interrogations that involved torture, inhuman and degrading treatment. It is worth noting that the UN Working Group on Arbitrary Detention (WGAD) later recommended that the Sri Lankan government issue a public apology for its “rehabilitation” programme and compensate victims – something that has yet to happen<sup>27</sup>.

**“THERE WAS A SIGN  
THAT SAID TERRORISM  
INVESTIGATION  
DIVISION.”**

**TID TORTURE SURVIVOR**

**TID IDENTIFICATION**

This report is based on accounts from both victims who were initially detained by the TID and others who later found themselves transferred to TID custody from another security unit. Those who were first apprehended by the TID knew they were in TID custody because the officers generally identified themselves verbally as TID officers and showed TID identity cards<sup>28</sup>. This is corroborated by the UN OISL report which said, “perpetrators verbally identified themselves as CID or TID before taking the victim away<sup>29</sup>”.

Generally speaking, victims knew when they were being held in TID-run sites because the officers “wore badges clearly showing their names and units” or in one case issued a summons<sup>30</sup>. Some described being photographed with a sign indicating the authority that was “detaining” them, so that CID or TID would be written above the number identifying them. A few witnesses have court documents naming the TID officers who took their confessions or testified against them; others have ICRC letters confirming their detention location.

Many victims recall seeing signs on the various floors of the Colombo police building

indicating whether the area belonged to CID, TID or the Anti-Narcotics department<sup>31</sup>.

“I was detained in the TID headquarters in Colombo... They took us by elevator or by steps and there is a sign indicating the function on each floor so that is why I know this.”

In mid-2009, Tamils who had just survived the last terrible months of the war in the LTTE controlled area of the Vanni in the north of the island were shocked to find themselves in Colombo in a building whose reputation was well known:

“Even in the Vanni we knew this was a place where they interrogated and tortured people.”

**COLLABORATION WITH OTHER SECURITY UNITS**

In the immediate post-war period there appears to be little consistency about which police unit interrogated a suspect. One Sinhalese insider explained that it depended on which unit apprehended the suspect in the first place. He described competition between different units to find buried weapons or LTTE assets or uncover conspiracies.

“CID and TID officers can easily get promoted if they find LTTE leaders or if they find weapons. Or if they find out there was a plan

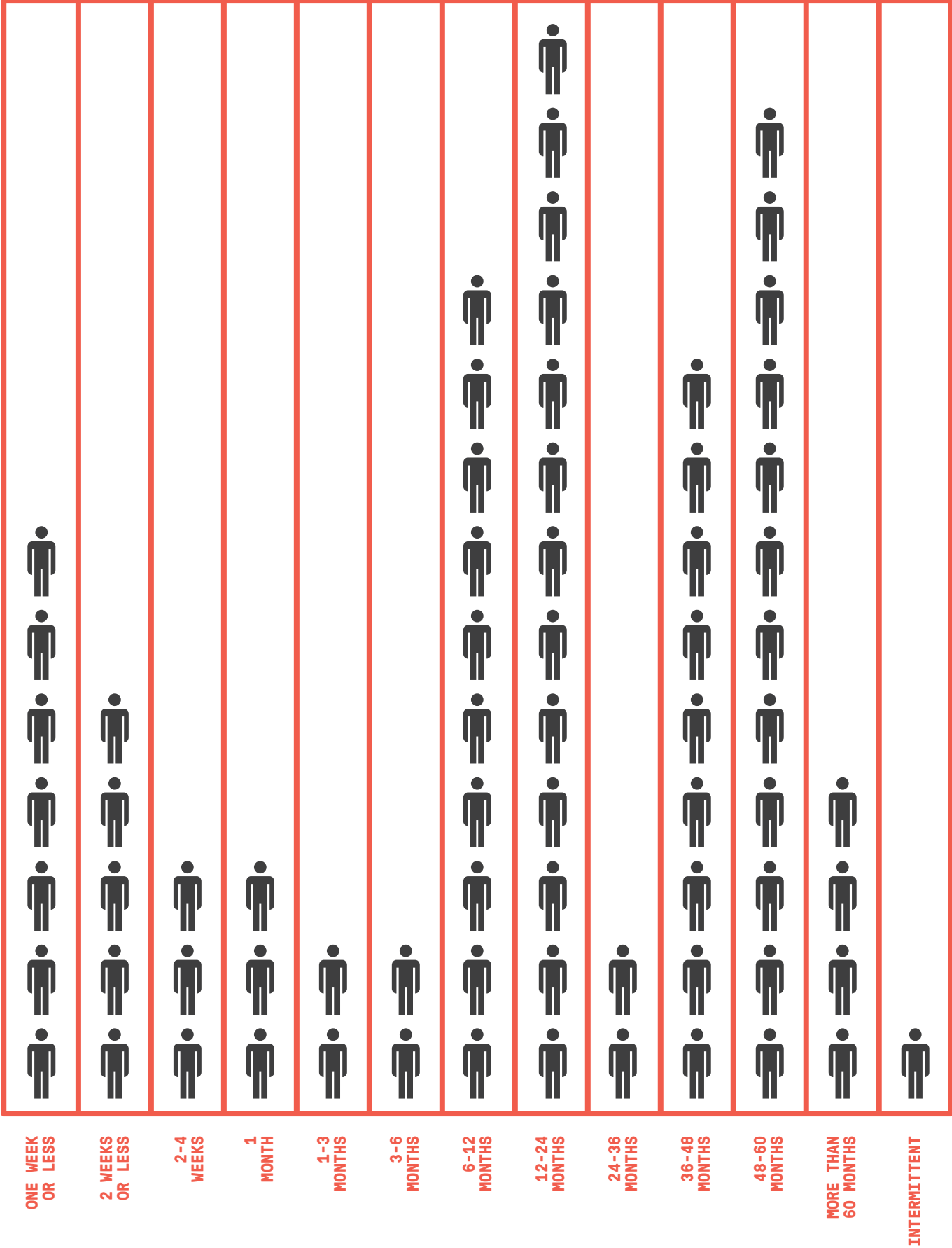
to assassinate a politician. They just invented these stories, tortured the person to confess the plan and the officers got promoted... Most of the recovered weapons were not handed over to the government, they were sold to the mafia and the officers kept the money for themselves. The underworld mafia in Sri Lanka got a lot of their weapons this way.”

In the atmosphere of competition between various branches of the security sector and within units themselves, it is not clear to what extent the police and army always shared intelligence gleaned from the interrogations of thousands of LTTE suspects in the immediate aftermath of the war. One witness said he told the CID in his first detention site which LTTE leaders he had worked with but was transferred to an army camp, Joseph Camp, where nobody ever asked him again about the leaders he had named. Then, when he was later transferred to TID-run Boossa, it was as if the interview just picked up from where the police had left off in the first site<sup>32</sup>.

The UN however described “a high degree of coordination” between members of the army, military intelligence, TID and CID<sup>33</sup> in the post-war period. That different security units had access to TID detainees is clear from testimony:

**Military Intelligence:** Witnesses who were held by the TID describe other security force units interrogating them, including Military Intelligence

# DURATION OF DETENTION



officers whom they say were distinctive in “clean looking, full sleeved shirts, carrying special bags and a lot of files. The TID officers treated them with a lot of respect”<sup>34</sup>.

**Sri Lankan Navy:** At the TID-run detention site in Boossa, witnesses described groups of Sri Lankan Navy officers beating them<sup>35</sup> and saw navy officers taking away a female detainee later heard screaming.

**Prime Minister’s Security Division (PSD), Ministerial Security Division (MSD) and National Intelligence Bureau (NIB):** In Chaitya Road TID premises a witness described other units interrogating detainees in TID custody including the Presidential Security Department, the Ministerial Security Department, military intelligence and naval intelligence, whose offices were located on the floor above. The National Intelligence Bureau (NIB) / State Intelligence Service (SIS) also came to take detainees from the TID detention facility to their own premises. Likewise in Boossa, detainees described being interrogated by the TID, CID and intelligence officials from the NIB<sup>36</sup>.

**Sri Lankan Army:** Though intelligence gleaned from interrogations was not always shared between the police and army, detainees were moved from army to TID custody in the early days after the war. For example on 18 May 2009, a witness described being taken to Joseph Camp in Vavuniya and handed over by soldiers to the custody of the TID:

“The army took us by bus to Joseph Camp and handed us over to TID at the entrance to the TID area where there was a barrier. The bus went inside the TID area and I saw a building inside the TID area and on a sign on the wall - it said “TID Vavuniya branch” or something like that in English. ...There was a group of men in civilian clothing in the corridor and one of them said that they were TID and we were now under their responsibility. Inside, the TID is on the left side. Joseph Camp seemed to be divided into the army camp on one side and the police/TID camp on the other side.”

**Special Task Force (STF) - paramilitary police:** Witnesses describe being escorted by the STF to Boossa detention site and seeing STF guards at the perimeter at Boossa<sup>37</sup>.

## **VISITS TO TID SITES BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS**

Several ex-LTTE prisoners of war were told by TID officers that they were kept alive only because they had registered with the ICRC at Omanthai checkpoint or at sites where there was an initial ICRC presence<sup>38</sup>.

“[He] told me that I was lucky that I was registered by the ICRC and that if I hadn’t I would have been disappeared. I think if it wasn’t for the ICRC a lot more of us would have been killed.”

“Until the ICRC came to take my details in Rambaikulam I didn’t know if I would be killed... I was taken to a big house and inside a room. While walking, one of the TID officers asked if I had registered with ICRC. I told him yes, and the man became angry and said ‘Why did you do that?’ and he kicked me, slapped me, and beat me with a stick. I think they actually killed people in this TID camp if they had not registered with the ICRC - I saw blood splatters on the wall in one room.”

However, being registered by the ICRC did not prevent torture and sexual violence. Before meetings with the ICRC, detainees were given long-sleeved shirts and sarongs to cover any marks from torture<sup>39</sup>. They rarely had the opportunity to describe their torture to ICRC officials in private, and in most cases TID officials threatened them in advance not to divulge mistreatment<sup>40</sup>.

“All prisoners were ordered by the prison guards to carefully hide all their bruises and expressly told not to mention the fact they had been tortured. All detainees knew that torture was taking place. We regularly heard screams of pain. I did not mention my mistreatment to the ICRC delegate as I was too scared about the consequences.”

In one instance a witness described seeing four TID officers beat up a man in Boossa after he had been overheard by an informer confiding in the ICRC about torture. Detainees were also routinely hidden from the ICRC. The UN Special Rapporteur on Torture’s report on his 2007 visit describes this - and the same practice continued in 2009, according to those the ITJP interviewed<sup>41</sup>.

Despite the problems with feeling safe to report torture to the ICRC, detainees say they greatly appreciated the visits as delegates brought toiletries, books and other small things that made an enormous difference to their detention conditions<sup>42</sup>.

## INTERNATIONAL TRAINING

**“WE SENT OUR STAFF ON TRAINING PROGRAMMES OVERSEAS AND IN SRI LANKA. ...THE APPRECIATION SHOWN TO THE OFFICERS HAS BEEN A GREAT MOTIVATION. TID OFFICERS HAVE RECEIVED AWARDS AND PROMOTIONS.”<sup>43</sup>”**

### **TID DIRECTOR, C. N. WAKISHTA**

The Sri Lankan police have received a large amount of international training and assistance over the last decade and a half, since the Norwegian-mediated peace process began in Sri Lanka in 2002. There was a very brief interlude in 2008-2009 - at the height of the final phase of the war - when engagement ceased. The United Kingdom (UK) has been at the forefront of interactions with the Sri Lankan police, along with the United States of America, Australia, Switzerland, Norway, Sweden, India and the UN. The chart in Annexure 2, Table 1 outlines international training engagements and is by no means exhaustive. The Australian Federal Police have also given equipment to the Sri Lankan police, details of which were revealed in a freedom of information (FOI) request the ITJP has seen.

In addition, several senior Sri Lankan police officials who presided over units steeped in a culture of torture have been trained abroad, many in the UK. The Sri Lankan police view this as a sign of recognition and validation of their work. Sisira Mendis (CID & intelligence), M. R. Latiff (Special Task Force) and Jayantha Wickremaratna (Inspector General of Police)

were reportedly trained by the UK, most likely before the civil war ended. Mr. Asange Karawita, who was TID Director from at least 2013, was photographed being trained in Scotland in March 2013. Some, like former TID Director Prasanna de Alwis (now in Colombo Crimes Division), have also reportedly been UN peacekeepers in the past.

Countries providing training and capacity building should explore whether their training has helped decrease the prevalence of torture and sexual violence by the police. One way to answer this is to examine reports from the Human Rights Commission of Sri Lanka regarding the complaints of torture it receives. Leaving aside the ethnic or geographical dimension to the reporting of torture incidents and the underreporting of this issue generally, it appears there are still a significant number of complaints of torture all over the country (See Annexure 2, Table 2). Furthermore, annual human rights reporting by the UK Foreign & Commonwealth Office (UK FCO) has not indicated a major reduction in torture in the decade after the war despite continued international engagement with the Sri Lankan police (see Annexure 2, Table 3).

# 2. LEGAL FRAMEWORK

**“THE JUDGE WROTE AT THE END OF EACH JUDGMENT: ‘NATIONAL SECURITY IS MORE IMPORTANT THAN THE RIGHTS OF THE INDIVIDUAL’.”**

## **TID TORTURE SURVIVOR**

### **LEGAL FRAMEWORK APPLICABLE TO SRI LANKA**

Sri Lanka is a party to the main United Nations human rights treaties, including the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; and, most recently, the International Convention for the Protection

of all Persons from Enforced Disappearance. On 5th December 2017, Sri Lanka acceded to the Optional Protocol to the Convention against Torture (OPCAT), which is its most recent commitment. The OPCAT came into force on 4th January 2018. The United Nations Subcommittee on Prevention of Torture completed its first visit to Sri Lanka in April 2019 where it examined the treatment of people deprived of their liberty and the safeguards in place for their protection against torture and ill-treatment and will submit a confidential report to the Government of Sri Lanka, containing its observations and recommendations arising from the visit.

### **EMERGENCY LAWS**

The Prevention of Terrorism Act (PTA) was first introduced in 1979 as emergency legislation but remains in force to this day, despite the war ending more than a decade ago. In October 2015, following parliamentary elections in August of the same year, President Maithripala Sirisena committed his government under a consensus resolution (30/1) to implement a comprehensive transitional justice agenda that would include the establishment of an accountability mechanism, truth-seeking and reparation programmes and institutional reforms. The government also undertook to repeal the PTA, but to date has not yet done so. Under resolution 34/1, the Human Rights Council granted the

government two additional years to demonstrate progress.

Ben Emmerson, the UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, said after his July 2017 visit to Sri Lanka: “The use of torture has been, and remains today, endemic and routine, for those arrested and detained on national security grounds.” He noted that the PTA was used “disproportionately against members of the Tamil community” and that the community had “borne the brunt of the state’s well-oiled torture apparatus”. He described the PTA as a “deeply flawed piece of legislation” that included acts that “would hardly qualify as terrorist even by the most generous definition<sup>44</sup>”.

Emmerson further pointed out that the PTA grants very broad powers of arrest and detention to the police, allowing arrest without a warrant. “While the detainee must be brought before a judicial authority within 72 hours, the judicial authority must – upon a written request from the police – remand the detainee in custody even if no charges have been brought. Further, the judicial authority cannot order the release of the detainee, unless the Attorney General – who is also the chief prosecutor – has consented”. The PTA potentially allows for the indefinite detention of a suspect.



The Act also allows for a further period of detention if a Detention Order is issued by the Minister of Defence against any individual suspected of being “connected with or concerned in any unlawful activity”. This can be renewed for up to a total of 18 months, and is expressly excluded from any judicial review of its legality.

Furthermore the law provides immunity for government officials responsible for abuses if deemed to have been acting in good faith or fulfilling an order under the Act, giving broad cover to security forces to engage in torture and other abuses. It has been used post-war mainly to target those suspected of involvement with the LTTE and against Tamils<sup>45</sup>. Some Tamils have been detained under the PTA for more than 10 years.

Despite lifting the state of emergency on 20 August 2011, the PTA was reformulated “to grant extensive powers to the Secretary of Defence to order arrest and detention and to the Sri Lankan security forces to carry out the arrests. In turn, this permitted the continued detention of individuals who had been detained under this emergency regulation for thirty days, pending the issuance of detention orders under the PTA or remand by a magistrate<sup>46</sup>”.

After the October 2018 constitutional coup, human rights lawyers in Sri Lanka says scores of people have been detained under the PTA, despite an earlier moratorium on using the legislation pending its promised replacement with a counter terrorism law in line with international standards.

Following the Easter Sunday bombings in April 2019, President Maithripala Sirisena declared a new State of Emergency on 23 April in order to address the security situation unfolding in the country. Extensive Emergency

Regulations setting out the extraordinary powers claimed by the government were also issued on 24 April and renewed on a monthly basis until August 2019. Under the Emergency Regulations any police officer or member of the Sri Lankan Army, Sri Lankan Navy or Sri Lankan Air Force could arrest a person and detain them for up to ninety days<sup>47</sup>. The Secretary to the Ministry of Defence could order that a person be taken into custody when he was of the opinion that national security required that any person be prevented from acting in a manner prejudicial to national security or for the maintenance of public order and maintenance of essential services<sup>48</sup>. Further, an order made under this provision could not be called into question by any court, effectively excluding any scrutiny by the judiciary<sup>49</sup>. President Sirisena allowed this state of emergency to lapse on 23 August 2019.

While the Emergency Regulations provided extraordinary powers, the government has nevertheless enjoyed unfettered powers under the provisions of the draconian PTA, which provides for extensive anti-terrorism powers and whose use is not subject to the formal requirement of continuous parliamentary approval as in the case of emergency powers.

#### **DETENTION ORDERS**

Most victims interviewed for this report had little idea at the time they were first detained what law they were held under<sup>50</sup>. In Boossa detainees described being produced before a magistrate either monthly or every three months<sup>51</sup>:

“The judge came once a month and we all had to stand in a line. Someone called our names like a roll call and the judge told

each person the status of their case. Most often he told each one that his stay had to be extended because the TID needed to question us more. In a few cases he told the person he had to go to court.”

The same renewal happened in the 6th Floor site:

“A judge visited the 6th Floor regularly and extended a detainee’s detention. Because the cases were under the PTA or Emergency Regulations they required a signature from the Defence Minister. The Defence Secretary or someone from the Ministry signed it.”

Victims appearing before a magistrate to review the legality of their detention rarely felt safe to complain about torture. In one PTA detention case reported by Human Rights Watch, the magistrate reportedly told the detainee, who had complained of torture, ‘You must have hit yourself’<sup>52</sup>.

## RECORDING OF CONFESSIONS

Forced confessions obtained as a result of torture have been routinely used as evidence in proceedings against victims, in violation of basic principles set out in the UN Torture Convention ratified by Sri Lanka. The power to convict a suspect on the basis of a confession, irrespective of the conditions in which the information was obtained, is a contributing factor to the pervasive use of torture and its entrenchment. For this reason, article 15 of the Convention Against Torture (CAT) provides for the inadmissibility of evidence obtained under torture, as a crucial safeguard against this form of abuse in the criminal justice system. It removes a primary incentive for torture, as evidence obtained under torture is dismissed and helps ensure that no innocent person is convicted.

Although torture occurred in TID headquarters in Colombo and in Boossa, the Assistant Superintendent of Police (ASP) who took the statements that were ultimately produced in court, while not involved directly in the torture, was effectively in command and control. Detainees were told to repeat the statement they had previously given under torture to the ASP who then told the court the statement had been given freely without coercion<sup>53</sup>.

“The ASP in Boossa took the statement from us to be produced in the courts so he would make sure that torture didn’t happen as part of the interrogation. Most of the torture in Boossa happened at night or on weekends when the officers were not there. G. (name redacted) and his team were never around when the ASP took statements from us. The ASP referred to G.’s statement and G. had told us to say exactly the same thing to the ASP as we had told him. That was the system. G. took me and his file on me to the ASP and told me now I would be interviewed by the ASP and I had to say exactly what he had written in his file. So the ASP would read the file and just confirm with me what it said. I know this was also the practice in the cases of my fellow detainees”.

In one instance a victim described being beaten in the same room as the ASP who pretended not to see what was going on<sup>54</sup>.

## DUE PROCESS

The national Human Rights Commission issued directives in May 2016 about how suspects should be arrested and detained under the Prevention of Terrorism Act<sup>55</sup>. The directives stipulate inter alia that family members should be given an arrest receipt, victims should be transported in official vehicles, held in official detention sites, allowed visits from lawyers and family members, brought before a Judicial Medical Officer no more than 48 hours after arrest and allowed to make statements in a language of their choice. In the cases documented by the ITJP after this date, evidence indicates that the directives were not followed – one victim was beaten in his home and as he was dragged into the van, while he and others were subjected to torture in detention.

## COURT APPEARANCES

When the Tamil witnesses interviewed for this report were taken to court in Colombo the proceedings were conducted in Sinhala and they had little idea what was going on<sup>56</sup>. None described having sufficient access to their lawyer to discuss their mistreatment in any detail:

“I only saw my lawyer’s assistant once for about 90 minutes during which I felt I didn’t have enough privacy and I didn’t tell her the full story about the abuse in TID.”

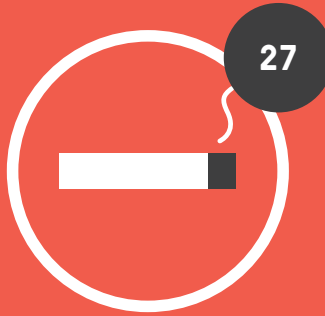
One Sinhalese detainee, who could at least understand the proceedings, said he did not even know what he was charged with – nor did the judge.

# TID TORTURE METHODS



34

ASPHYXIATED WITH A BAG SOAKED IN PETROL OR CHILLI OR BY CHILLI SMOKE



27

CIGARETTE BURNS (INCLUDING TWO BURNED ON THE PENIS WITH A LIGHTER)



7

EARS: OBJECT SLAMMED INTO OR BOXED TO POINT OF BLEEDING



30

SUSPENDED IN STRESS POSITIONS AND BEATEN



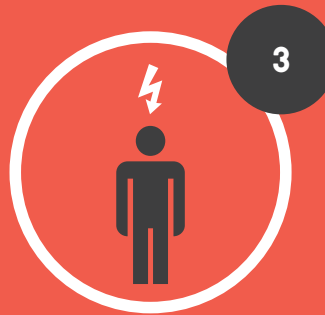
16

WATER TORTURE



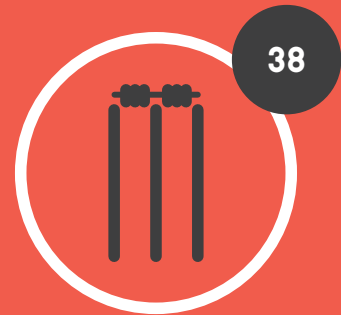
23

WHIPPED WITH CABLES AND WIRES



3

ELECTROCUTED



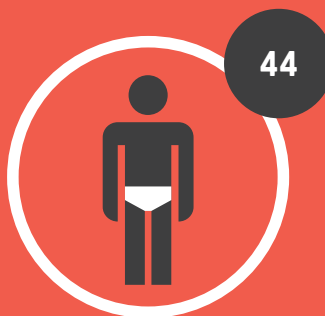
38

BLUNT INSTRUMENT BEATINGS (CRICKET WICKETS, IRON RODS, FURNITURE LEGS AND DRAWERS, PIPE FILLED WITH SAND)



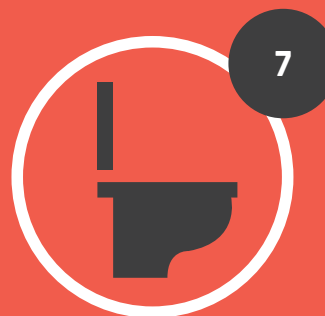
68

SEVERE BEATINGS (KICKED AND PUNCHED, INCLUDING WITH OBJECTS)



44

FORCED NUDITY OR SEMI NAKEDNESS (UNDERWEAR ONLY)



7

URINATED ON OR FORCED TO DRINK URINE



19

FALAKA (SOLES OF FEET BEATEN)



14

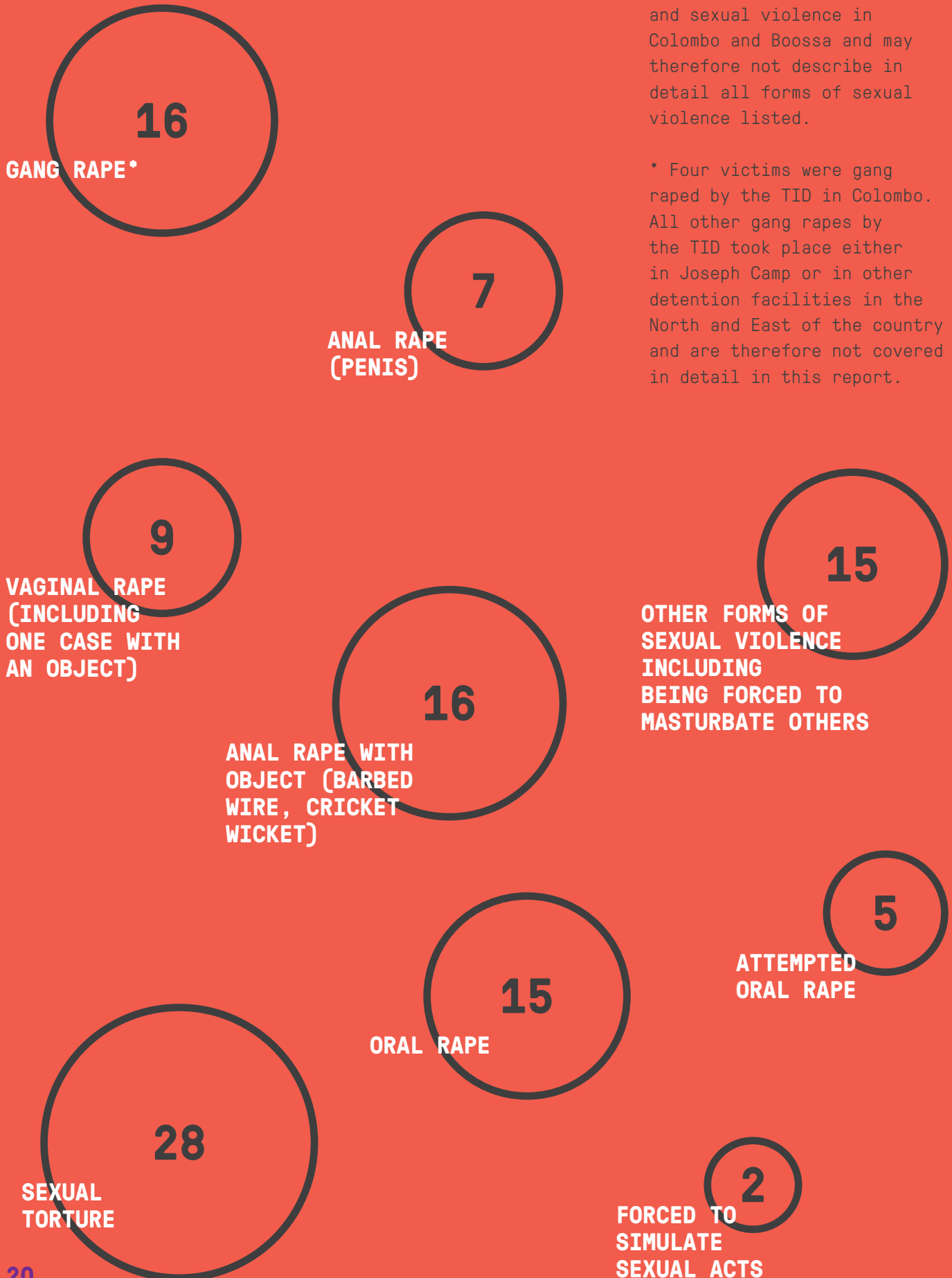
BRANDED WITH HOT METAL ROD



32

RENDERED UNCONSCIOUS DURING TORTURE

# TID SEXUAL VIOLENCE



The numbers here cover TID sexual violence documented in various detention facilities across Sri Lanka. This report focuses on TID torture and sexual violence in Colombo and Boossa and may therefore not describe in detail all forms of sexual violence listed.

\* Four victims were gang raped by the TID in Colombo. All other gang rapes by the TID took place either in Joseph Camp or in other detention facilities in the North and East of the country and are therefore not covered in detail in this report.

# 3. COLOMBO TID OFFICES

**“THE WORST TORTURE I EXPERIENCED WAS IN COLOMBO AND I HAVEN’T RECOVERED FROM IT YET.”**

## **TID TORTURE SURVIVOR**

Until late 2008, the TID operated out of a building in Chaitiya Road in Colombo within naval headquarters. The TID initially occupied part of the second floor with offices and interrogation rooms but then moved to the ground floor where the holding cells for detainees were located. Detention conditions were terrible with lack of ventilation and severe overcrowding. In the UN Special Rapporteur on Torture’s Report, Appendix on Individual Cases, Manfred Nowak describes his October 2007 visit to the TID in Chaitiya Road in Colombo:

“The male wing holds a cell block with eight tiled cells each approximately 1.5 x 2.5 metres. During the day, the detainees can leave their cells to stand or walk in the narrow corridor. During night time, they are locked in the

cells, with up to four persons per cell. Some sleep in the corridor. The entire facility lacks natural light and ventilation is very poor; made worse in hot weather. Two washing facilities serve the 57 male detainees. The female wing is comprised of two small cells and a short corridor.”

In late 2008 the TID offices moved to a multi-storey building in York Street also in the heart of the capital. In front of the detention building is the sea. A woman taken there in 2009 described, “a building with six floors and a big car park”. A male detainee said, “Parked at the TID detention facility were three white vans (Hiace Delicas) and one grey Benz van. Some detainees would wash these vehicles”.

Testimony relating to different years of detention varies slightly as to the function of each floor in the York Street building, but witnesses say the second floor was where TID had their offices and often conducted interrogations, while the sixth floor was where the TID detention cells were located, though Criminal Investigation

Department (CID) detainees could also be held there. The fourth floor was occupied by the CID.

## **ARRIVAL**

In 2009 at the end of the war detainees typically arrived in Colombo from different detention sites and, after being held by the TID in Colombo or Boossa, they were sent to jail or to “rehabilitation” camps. TID detention was just one phase of their ordeal. One former LTTE cadre interviewed for this report was held post-war in 13 different sites over five years – military camps, police facilities, prisons and rehabilitation camps – but then after his release, interrogated 15 times and threatened with re-arrest, eventually prompting him to flee the country. As the UN said, the frequent transfer of detainees from site to site meant relatives did not know the whereabouts of detainees<sup>57</sup>.

While in TID custody several witnesses described being transferred to and from Boossa to be interrogated or go to court in Colombo. They were often transferred in the back of white vans typically manned by five Sinhalese officers in plain

clothes. However in 2009, large groups of LTTE suspects were brought to TID headquarters in Colombo by bus and were often chained together as they entered or exited the building. One man was attached to 46 other men all handcuffed to a long chain:

“I was afraid and tired. The bus stopped and we all got out of the bus and walked around the building to the front. I saw a couple of police vehicles. I saw a big gate and a square piece of tarmac that looked like a tennis court. We were taken through a narrow part, passed a gate and at that point some of the other guys said that this was the TID and we would be taken to the 6th Floor. Inside the building there was a lift but they told

us the lift wasn't working so we were taken up the stairs still all handcuffed to the long chain. People started pulling the chain because some people were exhausted and couldn't walk. I don't know how many flights of stairs we walked but it felt like a lot.”

A year later, in 2010, hooded detainees described arriving on the 6th Floor to hear people screaming:

“We walked up many stairs but I do not know how many floors we climbed. At the top of the stairs, the guard removed the handcuffs and took me to a room. .. We could hear terrifying screams coming from other rooms and they said “Do you hear those screams? Tell us the truth!”. As soon as I heard that, I broke down and started to cry in panic.”

Many of the victims brought to this building described ascending in a lift, as well as walking up flights of stairs<sup>58</sup>:

“I was taken into a lift. It is a metal-sided lift; the doors you have to pull the

doors open – like an old fashioned lift with diamond shaped concertina doors. You could put about 7 or 8 people in the lift.”

“I heard someone say in Sinhala, ‘take him to the 6th Floor’. I was taken inside a lift and I felt the lift moving up.”

#### **TID OFFICES AND CELLS**

The second floor of the York Street building had offices used for interrogation and the office of the TID Director, as well as holding areas and rooms divided by plywood<sup>59</sup>. TID detainees say they could sometimes see into the adjacent offices as the partition walls only came up to eye level<sup>60</sup>.

Witnesses say that in the immediate aftermath of the war the International Committee of the Red Cross was not allowed up to the 6th Floor. However in 2016 a Human Rights Commission report described seeing during a visit small dark cells at TID Colombo with no ventilation or light even in the daytime.

The witnesses' descriptions of the layout of the cells on the 6th Floor vary, probably because the layout changed over the years, but most outline similar arrangements of cells with iron bars and metal sheeting<sup>61</sup>. Eleven survivors drew sketches for the ITJP of the layout of the area around the lift on the 6th Floor and the cells. Most drew a registration desk near the lift exit where an officer sat, as well as a small office to one side:

“As you came out of the lift and turned

left, you came into a hall area that had an office with a table and a chair which is where I was first taken to register my name and details. If we needed anything this is the guard we had to shout to. There were two separate areas with cells, one had three cells and a larger area with small single cage like cells.”

As regards the detention area, they all drew a mixture of single cells and communal cells in similar configurations<sup>62</sup>. Several detainees compared some of the cells to animal cages because they were so small:

“The cells were not like rooms, they were cages, like animal cages with iron bars, and you wouldn’t be able to stand up in it. The height was maybe about one meter from the ground and about 4 meters long...”

“The cell was like a cage with iron bars, it was 8 x 4 feet. It was difficult to sleep all three of us at the same time. Some cells were different in size, some could contain around 6 people. I saw the other cells

were full of people, I would estimate about 50 detainees.”

There were also cells for communal detention on the 6th Floor but victims say they were kept under surveillance with cameras. As a result, they did not talk to each other much<sup>63</sup>.

All the site sketches show that the toilets on the 6th Floor were in the corner of the building, overlooking the harbour or the sea and testimony corroborates this<sup>64</sup>. One man in 2012 described going up in a lift and being put in a cell where he was able to see and hear the harbour:

“There was a small window near the ceiling that I could see upwards out of it. I could see a crane. I assumed we were next to a harbour. I later during my detention heard the sounds of ships in the distance. I could hear ship horns.”

#### **WOMEN**

In 2009 (and possibly beyond) there was reported to be a separate area on the 6th Floor of the York Street TID building for female detainees. The guards were all female and there was a female security officer sitting outside the cell area. A woman held there described a corridor with four or five cells, two on one side and three on the other side. She said all the cells were like cages with iron bars on three sides, and the wall on the fourth. Some male victims on the 6th Floor also reported hearing the voices of women and children and seeing female guards. However by 2016, the

Human Rights Commission said there was no separate facility for women detainees at TID Colombo”, with a women detainee being held in different office rooms.

Only 12 of the 73 victims interviewed for this report were women. Of these eight described vaginal rape by TID officials in police stations including in Vavuniya TID offices in or adjacent to Joseph Camp. These eight women were raped on multiple occasions while in detention. A ninth woman described being brutally raped with a stick by TID officers.

In 2014, a Tamil woman described being beaten and gang raped by Sinhala-speaking men in a dark cell after interrogations in the CID/TID building. In 2015 another Tamil woman described being interrogated in this building by a man with a TID office security tag around his neck and then being later sexually assaulted there by other men.

Male detainees taken to the second floor for interrogation occasionally witnessed women there. One man in 2009 described leaving the torture room hardly able to walk but catching sight of female torture victims:

“I saw a female cadre laying on her back on the floor. She was totally naked. I clearly saw a soda bottle shoved inside her vagina. Her arms were spread wide as were her legs. The door was not open

enough to see the other two girls. I could not tell if the girl or the others were alive. None of them were making any sounds and the girl I saw was not moving - her eyes were closed.”

**“YOU DON’T KNOW WHAT WE WILL DO TO YOU!”**

## **TID OFFICER**

### **TORTURE**

Several witnesses described seeing other detainees naked and blindfolded in TID custody in Colombo during or after torture. This was typically while they themselves were being taken for interrogation<sup>65</sup>. On some occasions a former comrade known to the victim was present in the interrogation room to put pressure on them.

Many detainees described hearing screaming - which means the officers working in the building must also have heard the screams and been aware of the mistreatment<sup>66</sup>.

“I heard people screaming in pain due to torture and beatings every single day and often at night. I saw many TID officers abuse and beat detainees but two men stand out in my mind, Sergeant X and Police Constable Y (Names redacted). These people just beat and tortured without a reason, it’s like it was their hobby. We always feared for our lives.”

All of the witnesses detained in Colombo were physically tortured by the TID. This included being slapped, having fingers slammed in drawers, being kicked with boots on the stomach, and beaten with plastic pipes filled with sand or cement, batons and what appeared to be broomsticks or long wooden sticks<sup>67</sup>, including beating or whipping the soles of the feet (falaka<sup>68</sup>). The beatings often involved multiple perpetrators:

“Four or five officers beat me at the same time with their hands, slapping and punching, kicking with their feet. When I fell to the floor they stomped on me.”

One man described his fingers being taped around the arms of a chair and then beaten with a ruler and the soles of his feet beaten with a baton with barbed wire rolled around it which caused bleeding. Another described all his toenails being

beaten with a piece of wood until they swelled up and the next day having them put in the same position and hit, which he described as unbearably painful. Another technique was to put a heavy book on a person’s head and then beat it with a baton, which caused dizziness.

Those who were disabled were not spared - a man with only one leg experienced three TID officers beating it and on another occasion hanging him upside down from his one leg while only in his underpants and then burning him on his arms, back, buttocks and under his armpits<sup>69</sup>. In all he says he was suspended and tortured on at least seven occasions during different bouts of detention on the 6th Floor. Victims described being suspended from the ceiling for many hours and beaten, while handcuffed and blindfolded<sup>70</sup>. Sometimes they were suspended upside down - at other times hung by handcuffs fastened in front or behind their bodies and elevated just enough that they could still touch the floor on tiptoes. After this treatment, several described being dragged back to their cells because they were no longer able to stand or walk. Another witness recounted having a table leg put on his toe for the entire duration of his interrogation and being beaten if he moved.

One detainee described being cut with a small blade on his arm at the same time as having his ears boxed, which left him unable to hear properly for some time. A common Sri Lankan torture method was also used here - the placing of a plastic bag soaked in petrol or chilli on the head<sup>71</sup>. In many cases this caused unconsciousness. In Colombo detainees also had barbed wire inserted and moved about in their anus through the application of a pipe. One individual was tortured by being strapped into a chair with his head restrained while completely naked and having ice cold water poured slowly onto his head until he passed out.



In some cases it appeared to victims that individual torturers had their own favourite methods of torture:

“X (name redacted) had a specific kind of thing he did which caused a lot of pain. He would put a piece of paper against my ear with a pen on top of it and then he hit against that with full force. It sounded like an explosion in my ear and was very painful.”

One man described ten days of intense interrogation while on the 6th Floor, during which he was severely beaten and then sexually humiliated and abused:

“I was taken in my underwear into the small interrogation room and told to squat. X (name redacted) put his feet on my thighs and dropped a paperweight on my penis. He did this several times especially when I didn’t answer immediately... They had all sorts of tools, such different types of wooden sticks and iron rods. When X (name redacted) interrogated me, he often had another officer in the room who beat me with wooden

sticks and iron rods. He beat me on all my joints and my back. I still have problems sleeping because of the beatings on my back. One day he took a wooden chair and beat me over my right leg and I couldn’t stand on it for days and I had severe pain for a month. I had no painkillers or ointment, I just had to wait for the pain to subside. During the night they handcuffed me to a table leg and I couldn’t lie down and sleep properly so for 17-18 days I barely slept. ICRC did not have access to this part of the TID.”

Much of the interrogation occurred when victims were naked or semi-naked. They were left with a sense of complete powerlessness:

“One day he told me to strip naked and he slapped me. He did it just to humiliate me. They wanted to show us that we were nothing to them and they could do whatever they wanted.”

The torture by TID that occurred as recently as 2016-2017 in Vavuniya and Colombo included victims being beaten with heavy pipes, kicked and slapped,

having a polythene bag soaked in petrol or chilli put over their head and being burned with either hot metal rods or cigarettes. All but one of these detainees were interrogated while handcuffed and chained to a horizontal bar or railings above their head, such that their toes only touched the ground. All the 2016-2017 victims were sexually tortured; seven were anally raped with a plastic pipe or metal rod and seven were forced to perform oral sex on their captors. They also experienced having their genitals crushed and their penises squeezed as well as being urinated on. The perpetrators operated in pairs when perpetrating torture and sexual violence.

**“IT WAS LIKE LIVING IN HELL. THEY WANTED ME TO SUFFER.”**

**TID TORTURE SURVIVOR**

# 4. BOOSSA TID DETENTION SITE

**“AS SOON AS A PERSON SEES BOOSSA HE CAN HAVE A MENTAL BREAKDOWN. IT’S SURROUNDED WITH WALLS AND BARBED WIRE AND THE GATE IS MADE FROM VERY THICK IRON RODS.”**

## TID DETAINEE

Located in the vicinity of Galle in the south of the country, the TID detention facility at Boossa has primarily held prisoners suspected of involvement with the LTTE both during and after the war. The use of torture at this site has been well documented over the years (Annexure I). In his 2008 report<sup>72</sup> UN Special Rapporteur on Torture, Manfred Nowak, highlighted torture by the Terrorism Investigation Division at Boossa in Galle. US State department human rights reports cited torture by the TID at Boossa every year in their annual publication from 2008 until 2014. As late as 2016 the UN Special Rapporteur on

Torture, Juan Mendez, referred to “acts of torture and ill-treatment during detention and interrogation in Terrorism Investigation Division (TID) facilities”<sup>73</sup>.

The perimeter of the Boossa detention site was described by witnesses as guarded by the Special Task Force. One detainee described it as “a prison camp surrounded by a high wall with barbed wire on top”.

The site already had a well-known reputation for torture when this witness was taken there in 2010:

“I had heard about Boossa and some of the other guys were crying and refusing to go because we had heard people disappeared from there. The officers said that Boossa is no different than Omanthai and that we would be treated in the same manner as in Omanthai. He said those were old rumours and that Boossa was not that kind of place anymore. It wasn’t true, Boossa was much worse than Omanthai

(Omanthai School was a detention site in 2009)”.

## ARRIVAL

Some prisoners arrived at Boossa in large groups after the war, while others were transported there in smaller groups or individually. One witness saw a prisoner dying on the bus while being transferred to Boossa in late June 2009<sup>74</sup>. Another described being taken to Galle hospital to treat his torture wounds and seeing the corpse of a fellow prisoner there<sup>75</sup>.

On arrival, detainees described being strip searched, including being subjected to painful and humiliating anal examinations, which in themselves may amount to rape and torture and engage state responsibility<sup>76</sup>:

“When we arrived we were stripped naked and checked fully including inserting a plastic pipe into my anus. We heard someone crying very loudly so we knew it was a bad place.”

“When I was taken to Boossa I was told to strip naked and they

checked my body and stuck something up my anus to see I was hiding anything there. I understood later in prison that ordinary criminals and those in prison for drug offenses sometimes were hiding drugs or small mobile phones in their anus but I have never heard any LTTE member doing that.”

If not subjected to an anal examination, some new arrivals were subjected to forced nudity and physically and verbally humiliated:

“When I arrived at the camp (in 2009) I was severely tortured, on an almost daily basis for a month. The preparation for the first instance of torture commenced almost immediately on our arrival, because we were instructed to remove all of clothes rendering us naked, before TID officers and other detainees. The TID were making derogatory comments to us and touching our genitals with sticks in an act of humiliation.”

The same sexual humiliation was meted out when prisoners, chained like slaves in a long

line, were transferred for court appearances<sup>77</sup>.

“When we were taken to court from Boossa, about 20 of us were taken together and handcuffed together in a line, so my left hand was handcuffed to one detainee’s and my right hand was handcuffed to another detainee’s. So when we were taken out before getting on to the bus, they told us to remove our sarongs and the TID officers touched our private parts, the penis, with sticks and beat us. They told us to squat, and they touched our penis and hit us with sticks if we could not squat properly.”

#### **SITE LAYOUT**

Survivors describe five blocks in Boossa detention centre, designated by letters of the alphabet. They give description of all the blocks except Block C. Block A is described as having smaller cells for between four to six people each<sup>78</sup>. In addition there were some solitary cells so small the inmates could not stretch their legs out to sleep; these appear to have been used during interrogation but one man spent several months in such a cell<sup>79</sup>. In Blocks B and D, victims explain there were huge halls for the detention of more than a hundred people post-war. Detainees described severe overcrowding which made it hard

to lie down or sleep<sup>80</sup>. There was also little ventilation in a hot climate and prisoners developed diseases like chickenpox<sup>81</sup>. Food was served to Tamil detainees by the Sinhalese prisoners detained on criminal charges<sup>82</sup>.

In 2016 the national Human Rights Commission described the prisoners at Boossa having no access to toilets<sup>83</sup>. In the immediate years after the war ended in 2009, this was also the situation, with prisoners given a plastic bag in which to defecate and a bottle in which to urinate<sup>84</sup>. The toilets, when accessed, offered no privacy:

“There were two toilets on each side of the corridor but there were no doors and everybody could see you.”

#### **WOMEN AND CHILDREN**

Male witnesses described seeing female LTTE detainees in Boossa after the war:

“I could hear them talking in Tamil while I was detained in block A and I saw the female LTTE detainees when we were gathered together in the main courtyard to receive a copy of our DO forms (detention orders). I think that we were about 800-850 male LTTE detainees and about 30 female LTTE detainees.”  
(in 2011)

Several former LTTE female cadres were kept with their babies or young children in the cells. One woman who was in Boossa described four cells for female prisoners:

“One cell had a woman with her child of maybe one year, the other three cells each had around three to four female detainees. ...The guards were all women, some of them wore green khaki uniforms and sometimes they just wore normal civilian clothing. They were not violent to us. They brought us to the interrogation area. They left me there and a male interrogator took over.”

Male detainees heard female prisoners’ screaming during interrogations:

“A couple of men in navy uniform took a female detainee past our cell and into the inquiry room after 17:30. We all heard she was crying

and screaming but we didn’t know what happened to her. She was yelling at some point ‘don’t beat me, don’t beat me’. I could hear screaming and crying coming from the direction of the inquiry room. This happened at least every 4-5 days”.

“There was a female detainee in B block and one night G. took her to the investigation area opposite C block and all night we heard her scream.”

**“I WAS TOLD THAT I WAS GOING TO REMAIN IN BOOSSA AND DIE THERE AS A DETAINEE.”**

#### INTERROGATION ROOMS

Witnesses described a series of small interrogation rooms adjacent to each other. This meant they heard each other being beaten through the walls. The interrogation rooms would have a desk, chair and bench – the latter for performing falaka, the beating of the soles of the feet. Often witnesses saw blood stains on the walls<sup>85</sup>. Some men in Boossa were also questioned in a large open plan office room with windows looking onto a courtyard<sup>86</sup>. The interrogation rooms at Boossa were specifically equipped for torture:

“There were no fans on the ceiling but there

was at least one metal hook coming from the ceiling with a rope hanging from it. There were two high wooden benches on one side. There were several wooden sticks used for ‘falaka’. There were long iron bars and iron pipes. I also saw a few broken table legs.”

**“THEY WERE BEHAVING LIKE ANIMALS.”**

#### TID TORTURE SURVIVOR

##### TORTURE

The fact that torture occurred in Boossa over the years has been well established. In 2008, the UN Special Rapporteur on Torture described the methods used at Boossa:

“Methods of torture reported included beating with various weapons, beating on the soles of the feet (falaqa), blows to the ears (telephono), positional abuse when handcuffed or bound, suspension in various positions, including strappado, “butchery”, “reversed butchery” and “parrot’s perch” (or dharma chakara), burning with metal objects and cigarettes,

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asphyxiation with plastic bags with chilli pepper or gasoline, and various forms of genital torture. This array of torture finds its fullest manifestation at the TID detention facility in Boossa.” (Paragraph 71)

After the war the same brutal methods continued. Victims interviewed by the ITJP described the psychological pressure of being interrogated with others they knew and witnessing their torture<sup>87</sup>:

“In Boossa I saw one guy kneeling next to me during interrogation. He was actually dismissed from the LTTE and the interrogator didn’t believe him. The interrogator kicked him hard in the chest so he fell over and a lot of TID officials including women kicked him. Afterwards for a few minutes there was no sign of breathing.”

Another former LTTE cadre experienced being tortured in front of detainees who were considered to be his accomplices. He believed the police did this to see if their stories matched.

“So at some point F (TID interrogator name redacted) said

possibly the other guy was lying because he was in X regiment and I was in Y Unit (of the LTTE), so how would we know each other. I realised that he (name redacted) had lied to protect me... I was told to clean my vomit and then I was taken back to my cell. When I was taken back to the cell I wished I had not survived”.

The barbaric torture methods of the TID destroyed people physically and psychologically:

“In Boossa there was a strong Sea Tiger cadre called X (name redacted), who joined the LTTE in (date redacted). He was investigated by N (TID interrogator name redacted) and every time he saw N he urinated involuntarily due to fear. N tortured him severely, always naked, in the presence of female prisoners or staff. He told me this. He was mentally broken”.

The torture methods reported by detainees held at Boossa included slapping, kicking, boxing of ears<sup>88</sup>, severe beatings by multiple perpetrators, and prolonged periods of suspension<sup>89</sup> as well as electric shocks<sup>90</sup>. The Officer in Charge (OIC) of Boossa

was described as being involved in some of the torture, as well as being aware that it had occurred because prisoners were brought to his office swollen and bruised<sup>91</sup>. One man remembers being slapped in the face and violently kicked in the chest by the OIC of Boossa:

“At some point during the interrogation, the OIC pushed me against the window and made a sign to the officer who was still standing by the door to grab me from the other side of the window, which was overlooking the courtyard. I could not see, but I felt two people holding my arms from behind on each side of a wooden bar in the middle of the window. My arms were ‘screwed’ backwards and the OIC kicked me again in the chest with his foot. It was so painful that I felt like my arms were going to break and I could not breathe. The pain was unbearable...”

Another Tamil man detained at Boossa was hospitalised after a severe beating. That prompted the TID torturers to improvise a rubber clad device with a spring on a long stick with which to beat him. “It was very painful but it didn’t leave a mark. X [the Officer in Charge] told me how show your marks to the doctor if you can!’.”

Several other detainees described being tortured by the Officer in Charge (OIC) like this man who was first beaten by him in his office while handcuffed and only in his underwear, and then taken outdoors:

“I was taken to a small courtyard where I was whipped by the OIC with an electrical wire. It was excruciating. There were other TID officers around watching and sometimes joining in. I ended up almost unconscious on the courtyard floor and they started pulling my hair and beard which hurt a lot.”

## SEXUAL VIOLENCE

**“WHEN IT WAS HAPPENING I JUST PUT MY HANDS ON MY HEAD AND LOOKED DOWN.”**

## TID TORTURE SURVIVOR

Sexual violence against men took place both at night and throughout the interrogation and torture sessions at Boossa, including allegedly being also perpetrated by the Officer in Charge:

“[He] pushed me on the desk and put my penis in the drawer and then he slammed it shut. It was extremely painful and I fainted. I had a cyst on my penis as a result but it is now gone.”

Male prisoners described their penises being touched during interrogations and being forced to masturbate male prison officers. Sinhalese prisoners were forced to touch the sexual organs of Tamil prisoners<sup>92</sup>. Another man described being naked and forced to squat in a ball-like position with a wooden stick behind his knees and arms, and with his hands handcuffed. Six TID officers lifted him so the stick was suspended between two benches, during which time he was sexually tortured:

“The two TID torturers then tied a very thin nylon rope around my testicles and pulled the rope. One man was pulling the rope while the other man

was hitting me with an electrical wire. They were questioning me about LTTE hiding places for weapons, money and jewellery. I do not know how long the torture session lasted. The pain was so extreme that I lost consciousness.”

Female staff at Boossa also participated in and observed<sup>93</sup> the torture and sexual humiliation of male prisoners:

“One day I was taken by the OIC (name redacted) to the big hall that had partitions to divide into smaller spaces. Two other people were there, a translator called A. and a female typist. They told me to remove all my clothes, and I said no because there was a lady in the room. The OIC slapped me in my face and told me again to remove all my clothes. He slapped me again and I finally removed all my clothes covering my private parts with my hands. The OIC was sitting on a table and tapping a stick on my penis. He asked me with how many LTTE girls I had

had intercourse. The translator translated and the female typist was laughing very loudly. I told them that in the LTTE we did not have sex with each other and that was not the way we were trained. I said maybe the army had this habit of having sex with the female soldiers. The OIC got angry and rammed the stick into my belly. I collapsed forward and vomited immediately as a result. I felt pain and dizziness and staggered while crouching forward. The female typist got up and kicked me with her heels in my private parts. I fainted... Boossa was the worst time in my life - female officers sexually humiliated and tortured me. The army and TID used a lot of sexual abuse and torture.

We never allowed this in the LTTE.”

Female police officers in Boossa also took a direct role in perpetrating sexual violence against men:

“Once in Boossa I was tortured with X (name

redacted)... We were brought naked into a room with four female police officers, two in skirt uniforms, two wearing sari and one was pregnant. W (name redacted) was there and also M (name redacted). M opened a drawer in a low table. He told me to bend forward and to put my penis inside the drawer. I couldn't do it properly, so one of the female police officers started masturbating me so my penis could become bigger and then she put my penis inside the drawer. I heard them all laughing. At this point I lost consciousness and I woke up in the cell. X was also back in the cell and he told me that they had done the same thing to him and had slammed the drawer hard on his penis.”

Male sexual violence is such a taboo issue that many prisoners said they could not have imagined it would happen to them:

“I knew I had to accept that during a war you will experience death and starvation and other

horrible things, but what I had not understood until after the war was the depth of sexual depravity of the Sinhalese mindset as I experienced it myself in Joseph Camp and other places, and what I understand from a few friends has also happened to them.”

The prevalence of male sexual violence remains shrouded in silence with the victims rarely openly discussing what happened to them. Some knew about it from their friends:

“I am aware that others were sexually assaulted. I was given some limited information by other prisoners that their penises were touched by hand, and they were asked to masturbate the soldiers”.

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Of the 61 men interviewed for this report, 12 described the sexual violence they experienced as simply too upsetting to recount in detail. They observed tell-tale signs in each other, but were still too traumatized to be able to talk about it:

“Men from my cell were taken and when they come back they were crying and some of them had a look in their eyes as if they had lost something. We didn’t ask them any questions. Sometimes I saw that detainees had marks on their body when they returned to the cell. I heard in Boossa that detainees were anally raped and I felt this is what happened to some of the guys in my cell. In those situations the TID person would come along and bring the detainee to the

interrogation area. I did ask in a few cases what had happened to them and the detainee just told me the TID officer had asked him to massage him while naked. I was also taken at night to an interrogation room. There were women there too. I was naked and sexually abused but I don’t want to tell you the details. I was not anally raped, but I don’t want to say what happened. When it was happening I felt I just wanted to die. U. and A. (names redacted) were in the room, and others whom I didn’t know. When it was happening I just put my hands on my head and looked down.”



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# 5. IMPACT OF THE TORTURE ON VICTIMS

**“I DON’T FORGET ANYTHING, NOTHING WILL BE ERASED. IT WILL BE THERE FOREVER. I CAN LAUGH, CRY AND TALK, BUT THE HURT WILL ALWAYS BE THERE.”**

## **TID TORTURE SURVIVOR**

It is impossible to describe in words the mental and physical destruction wreaked on survivors of TID torture. All live in permanent physical pain and psychological trauma<sup>94</sup>. Ten years after the war ended, many men are still separated from their wives and children in Sri Lanka. In the majority of cases the victim is still acutely concerned about the safety of close family members left behind in Sri Lanka. Forty nine (49) victims said their relatives had experienced at least one of the following: being questioned, threatened, harassed, having their house searched, being detained, being made to report to the police, being beaten, disappeared or tortured. This leads survivors abroad to feel a deep sense of guilt. This is on top of the physical pain they experience which in itself is debilitating:

“I have pain in my left shoulder from torture in the first place of detention in

Trincomalee. I have pain in my right leg from injuries during the war and from torture. I have pain in my chest when I lift something. On two occasions here in the UK I had to call the ambulance because I had bent over to lift something and I got intense pain in the chest and couldn’t raise myself up; once was because I dropped my phone and bent forward to pick it up. I suffer from depression. I take anti-depressant medication and I regularly see a counsellor.”

Difficulty sleeping is the norm, even a decade later, because of the pain and trauma:

“I have chest pain and problems with my eyes. I feel frustrated, depressed and I sleep poorly.

I see a counsellor and I get medication for insomnia and depression. I have problems with my neck and my arms that sometimes go numb. I think it is because I was beaten a lot on the neck. The doctors here gave me painkillers. If I sleep on the left side my arm goes numb; it’s worse in the left side.”

Shockingly, ten years after the war many hardcore LTTE cadres who spent years in detention are themselves still struggling to achieve a basic level of safety, unable to secure asylum in Europe, or the rehabilitation assistance they badly need. For the most part the diaspora communities have failed to assist them, not least because the survivors fear meeting other Tamils after being betrayed.

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“I also swallowed 35 paracetamol to kill myself but I just vomited and was sent to hospital. I take sleeping tablets and I’m on antidepressant medication. I still have nightmares about dead children from the war and sometimes the torture I suffered. I have dreams where I’m running and the army is chasing me.”

“Mostly the memories come in nightmares or images at night when I’m lying in bed. I try to sleep in different places and positions to avoid the nightmares. I wear a cross around my neck because it makes me feel better when the dreams and the memories come at night. When the memories come it feels like it’s actually happening to me again. ...I remember somewhere in detention they were trying to put my shirt back on me after torture and the shirt became completely soaked in blood. I also remember I leant against the wall with my hands and another inmate came to my cell and told me he saw the blood marks as he was taken to the room right after me. I can’t remember when or where.”

It is worth noting the victims of TID torture include non-Tamils. Some struggle with extreme guilt at the fact that they were slightly better treated by the TID because they were Sinhalese and they had to watch Tamils being tortured. They too live in physical pain and fear like this man:

“This year my asylum application ... was rejected, and I felt my world collapsed. I attempted suicide by throwing myself in front of a train but a person pulled me back in the last second and saved my life. I was then admitted to the psychiatric hospital for treatment. I’m still suffering from nightmares about the police arresting me and I wake up screaming and urinating. I dream I am being tortured and wake up. I have pain in my body, especially my tailbone, where I received a lot of beating, and in my testicles, and also I have headaches, pain in my fingers and sometimes still nose bleeding which I have had regularly since my nose was broken.”

Of the 73 people interviewed for this report at least 20 (twenty) have attempted suicide and a further 13 (thirteen) are described by doctors as having suicidal ideation.

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# 6. OTHER TID INVESTIGATIVE FAILINGS AND CRIMINAL INVOLVEMENT

## COMPETITION

Torture victims described different TID officers competing with one another for obtaining information and confessions extracted under torture from detainees. For example, one survivor described a TID officer in Boossa in 2010 ordering him not to tell another officer that he was being beaten and interrogated by him. The victim said: “I think he was competing with the other officer for some reward or promotion from getting information from us”.

Several victims believe their interrogators’ future career prospects depended on extracting information from them under duress:

“Most abuse happened in the context of interrogation to extract information or a confession from me. They had to make sure the case they were building was in their favour in terms

of the charges on the sheet and in a way that made it possible to get promoted and to get money if they produced the right information.”

“He brought me to his room and asked me what I had been doing with the LTTE. He said that in my papers he had read that I was caught with arms and bombs. I told him that was not accurate and that I had surrendered myself. He told me that if any high-ranking officers came that I was to tell them that I was caught with arms and bombs. He pointed to the broken furniture

and said this is all because of the beatings we give detainees.”

## FABRICATION OF EVIDENCE

Under torture, LTTE cadres in TID detention repeatedly described confessing to things they had not done. This included being involved in specific battles against government forces:

“They didn’t believe me. I admitted to things I hadn’t done or to being in places or battles I had never been because I couldn’t bear the torture. I had to sign after each interrogation session.”

Another ex-cadre in TID custody remembers being interrogated and read the report afterwards. It claimed he had been involved in an attack that had killed 12 members of the Sri Lankan security forces and cost the government a large amount of money in damage. He was beaten into falsely admitting that he had been caught with weapons and bombs:

“I was so scared of being tortured again that I said it was OK. There were other incidents...He told me to sign and I did so against my will.”

As a result, LTTE cadres described seeing several former comrades in detention but not acknowledging them for fear of being implicated in fabricated evidence:

“We didn’t speak to each other because if we did the TID would make up some stories about connections and make us sign.”

Many witnesses were asked about buried weapons, money and property – LTTE assets the TID was keen to recover.

“They wanted to know if I had knowledge of buried money,

jewellery and weapons. ...During the interrogation, I was stripped of my clothing, leaving me in just my underpants, and I was then beaten with a thick cable, akin to the type used in electrical equipment. I was beaten all over.”

Detainees were also asked to give up the location of comrades. Some deliberately gave information they knew was out of date – such as old addresses:

“They asked me if I knew he had moved away; I said I wasn’t aware of that, although I actually was.”

#### INFORMERS

In every detention site post-war there were multiple Tamil informers who assisted their captors in return for better treatment; TID sites were no exception. Interrogations of LTTE cadres routinely involved playing them off against one another; the TID were masterful at psychological torture:

“They were now keen to question us together to explore contradictions in our story, but when they did this we were able to maintain the same story. They had also arrested a number of other people linked

to [name redacted], and when they were interrogated, I was not directly present, but close enough to see my former colleagues being taken in and out. I was not asked any questions. My sense is that this was done deliberately so that they could see me, and that this would encourage them to tell the truth about me.”

In some instances the informants believed promises of release or transfer to a ‘rehabilitation’ camp if they pointed other cadres out<sup>95</sup>. Some detainees were told to identify five or ten other comrades in order to secure their freedom:

“X [name redacted] said to me if I could identify five LTTE people he would send me to the rehabilitation center, but I refused. I told him that everyone I knew was killed.”

The pervasive mistrust made it hard to survive detention, isolating each individual and leaving everyone afraid to talk<sup>96</sup>:

“Prisoners [at Boossa] were not talking much between themselves as there was general distrust. I did not know who

had been turned and who had not. After being tortured for three days, most of my prisoner friends stopped talking and interacting with me. I think that they were concerned that I had become an informant.”

Some cadres had no choice but to work with the security forces because their past role in forced recruitment meant their own community rejected them<sup>97</sup>. People responded to the informers in different ways - one former cadre knew that another detainee had given evidence against him so he confused the TID by still being nice to that person, buying him food (through a system of bribery), and then quietly telling the informer:

“I’m not asking you change your whole story but just [say] that I was a low-level communications officer”.

Long term the betrayal has been very personal and has left many LTTE cadres permanently untrusting and isolated from their community, even when abroad:

“I found it so hard this guy who had come to my home for a meal had changed so much and was now against me working for the authorities. These kinds of experiences have made it so difficult for us to trust our own people.”

## IDENTIFICATION OF NETWORKS

Not only the police but also military intelligence spent a lot of time post-war showing ex-LTTE cadres photographs of their former comrades to map the secretive cell structures of the LTTE<sup>98</sup>. Many cadres were careful only to identify LTTE people whom they knew were dead or abroad:

“They showed me a lot of photos of Sea Tigers, asking who they were, what was their rank, did they die, did they escape, etc. I identified the ones I knew had been killed. They beat me and told me I had only identified the dead people, so I told them that the people I knew were either killed or with them in Boossa.”

However one victim detained by the TID in Vavuniya after the war said they beat him whatever he said about the people in photographs he was shown<sup>99</sup>.

This identification of LTTE figures has continued right up until recently when the TID remains interested in surveilling diaspora protests in London:

“Then they showed me a photo where I’m standing at a Tamil protest in London. It was at a protest outside 10 Downing Street and I was among a group of other protesters.

They asked me if I know the others in the photo and where they live.”

## WEAPONS CACHES AND CORRUPTION

One of the obsessions of Sri Lankan interrogators post-war has been identifying the location of buried caches of LTTE weapons. Insiders allege the investigating officers receive a cut on what they recovered:

“Forty percent of the black market value of recovered items went to the people involved in recovering or finding these items. This was the reason some units competed with each other to get information from detainees on LTTE weapons caches. It could mean a lot of money and for some officers they could make more than their annual salary if they got a detainee to reveal the location of weapons and they were lucky enough that another team had not already been digging in that location and recovered the weapons.”

Another way for the police to make profit is from taking bribes. Detainees described their families paying to bring them food on court visits, paying to use mobile phones, paying to see relatives at the court house, as well as for their release:

“After we started paying bribes we could go to a nicer cell but everything had a price. Most of the detainees never spoke out and didn’t have the money to pay bribes.”

One man said his torture in 2011 was videotaped in order to extract money from his wife. Another Tamil man described his sister being asked for money by the TID while he was in prison to have him released. His sister actually received an official summons from the OIC of TID Unit 4 to initiate the negotiations over the bribe. When later released, he described trying to lodge a complaint in 2013 to the ICRC (“They said they couldn’t do anything but if I was arrested again they could trace me. They said they could just record the fact that I had come to complain”), the Human Rights Commission (“There they said they needed both parties to come to complain but the CID had told my sister not to complain to any organisations”), a local NGO (“there the Tamil guy said why had we come there and now the army would come and arrest him too”) and the UN (“We went to the UN compound in Vavuniya but

I didn’t even make it inside. The guard went inside and came back and told us they could not accept any complaint and that could only be done to a UN office outside Sri Lanka”). This illustrates, among other things, the lack of recourse for Tamil survivors of torture inside Sri Lanka.

#### INVOLVEMENT IN HUMAN SMUGGLING

The TID has had a presence at the country’s international airport in Colombo along with the CID<sup>400</sup>. Historically the immigration fraud has involved TID officers stationed at the airport in Colombo. Three ITJP witnesses described being abducted and tortured by the TID and the CID hours after having been stopped and questioned by these agencies on arrival at the airport. In 2016, a young Tamil man returned to Sri Lanka to get married there:

“When I cleared immigration at Colombo Airport but before I left the immigration area to meet my family, someone tapped on my shoulder. I believe they were two officers from the TID. They said that they wanted to question me, and put me in a small room in the airport. In broken Tamil, one of them took my passport and the other asked me the reason for my visit. I told them I had come back to get married. Then he talked to a third officer in Sinhala, which I did

not understand. After that, the other officer brought the passport back and they asked who came to pick me up at the airport. I said my parents and they allowed me to go.”

The next night the man was abducted by officers from the Terrorism Investigation Division from his parents’ home, illegally detained and tortured, and then released on payment of money to the security forces.

In some cases police officers, including from the TID, have offered to assist victims in escaping the country. They expected to be paid for this service.

“They (names redacted for witness protection) had told me when I was released I could call them if I needed to leave the country and they would help me.”

Those who escape illegal detention are routinely warned by officers from the TID to leave the country:

“TID told my uncle and the agent that I must not remain in the country; if I do so I will be arrested and killed.”

A detainee in 2013 described being tortured and sexually violated by drunken TID officers only to be brought to Colombo by TID officers who personally handed him over to a smuggler who helped him leave the country.

# 7. CONCLUSIONS & RECOMMENDATIONS

## CONCLUSIONS

### SYSTEMATIC TORTURE

This report reveals that physical and psychological torture has been the primary tool of investigation used systematically by the Terrorism Investigation Division for more than a decade to extract confessions from victims. This entire police unit is mired in systematic violence from top to bottom and it is impossible for anyone to have served in TID premises in Colombo and Boossa without becoming complicit in torture.

The ability to convict a suspect on the basis of a confession, irrespective of the conditions in which the information was obtained, is a contributing element to the pervasive use of torture and its entrenchment. In this regard, the inadmissibility of evidence obtained under torture, enshrined in article 15 of the Convention Against Torture, is one of the most crucial safeguards against this form of abuse in the criminal justice system as it removes the incentive for torture but, as evidence obtained under torture is dismissed, helps ensure that no innocent person is convicted.

Sri Lanka's criminal procedure codes should be amended only to accept confessions that are made in the presence of a competent and truly independent lawyer and should further be confirmed before a judge. In terms of evidentiary procedures,

confessions alone should never be sufficient for a conviction, but should always require further supportive evidence.

Access to lawyers is a minimum requirement in order to open up places of detention and a contribution to a basic level of transparency. Lawyers are for many detainees the only contact with the outside world. Their absence during extended detention would leave persons deprived of their liberty completely at the mercy of the detaining authority and prone to abuse. With good reason the Inter-American Commission on Human Rights held that in order to uphold the right of an accused not to be compelled to confess guilt and to be free from torture, a person should be only interrogated in the presence of a lawyer or judge.

### TORTURE AND CORRUPTION

This report identifies the links between the TID torture and corruption – namely extortion, bribes, ransoms, appropriation of Tamil property and assets, stolen gold and cash from the war zone, recovered LTTE weapons and ammunition, sale of identification documents and human smuggling, especially through the airport. However a more thorough independent comprehensive investigation is necessary to understand the scale of these operations. This kind of criminal investigation must be done by a structure with access to police surveillance powers, subpoenas and wiretaps.

At present no credible independent body exists to do this in Sri Lanka.

The report of the Special Rapporteur on Torture to the Human Rights Council on 16 January March 2019, noted the nexus between torture and corruption stating that, “In many contexts, it is a widespread practice, for example, for corrupt prison staff, soldiers, police officers, border officials or armed non-State actors to deliberately employ acts or threats of torture or ill-treatment as a tool to extort money and other valuables from victims, their families or friends” (A/HRC/40/49, para. 64). Similarly, detainees or their families may be forced to pay bribes to state officials in order to get them to abstain from torture or ill-treatment or to alleviate cruel, inhuman or degrading prison conditions (e.g. A/HRC/40/49, paras. 64–66; and CAT/C/52/2, paras. 80 and 84)<sup>101</sup>. The Rapporteur noted that this pattern of abuse is widespread in all regions of the world and thrives in all contexts, systems or situational niches” where officials or those acting on their behalf or with their consent or acquiescence are effectively free to exercise coercion arbitrarily and with

near-total impunity, whether as a consequence of a complete breakdown of law and order (e.g. armed conflicts and natural disasters), of discriminatory policies and practices (e.g. marginalized communities and irregular migrants) or corruption schemes exploiting situational vulnerabilities (e.g. prisoners and other institutionalized persons). He noted further that both corruption and torture or ill-treatment are rarely isolated in a few “bad apples” but, figuratively speaking, almost always extend to “rotten branches”, or even “rotten orchards”.

### **THE CONSEQUENCES OF FAILING TO ADDRESS THE PROBLEM**

Almost from its inception in 1997 the TID has been implicated in alleged human rights violations – many documented by human rights activists inside the country (see Annexure 1). Successive Sri Lankan governments have failed to hold TID officers criminally accountable. They have ignored the warnings of UN experts, including the UN Special Rapporteur on Torture, Manfred Nowak, who visited the country in 2007. Had his report been acted on, arguably hundreds of people would have been saved from torture. It is a total travesty of justice

that a TID officer Nowak named as implicated in torture more than a decade ago has risen to become one of Sri Lanka’s most senior police officers, surviving regime changes. This should spark outcry but instead there has been silence. Nothing illustrates better the normalization – and denial – of torture in Sri Lanka.

This denial finds its way into the actions of the international community and donors. In 2016 the Attorney General of Sri Lanka boasted to the UN in Geneva that TID officers had been trained by the UK government from 2011 onwards, implying this gave a seal of respectability to them. The year 2011 was a time when hundreds of people were known to be in TID custody being denied basic rights and subjected to torture and other cruel, inhuman or degrading treatment. Sri Lanka illustrates perfectly the problem in attempting security sector reform and torture prevention with mere training programmes alone. Does a Sri Lankan police officer need to be trained by Britain to know it’s wrong to torture and rape?

Worryingly in the wake of the tragic Easter Sunday bombings in Sri Lanka, several officers alleged to have been involved in torture while in the TID are at the forefront of the investigation into the bombings. Apart from the human rights implications for hundreds of detainees swept up under draconian laws, this raises serious security concerns. Victims interviewed for this report describe confessing to anything they were told because of the fear of repeated torture and other ill-treatment – and often not revealing valuable information they did possess. How do we know the same is not occurring today with the bombing suspects? A police force that relies of confessions extracted under torture cannot be expected to catch the real culprits – and that puts everyone at risk.

### **IMPUNITY**

Impunity remains one of the main reasons why torture is so strongly entrenched in Sri Lanka. Combating impunity is the most important objective of the UN Convention against Torture of 1984 with articles 4 to 9 obliging state parties to criminalise torture, to establish a variety of jurisdictions in relation to the crime of torture, including universal jurisdiction, and to take a number of effective measures aimed at bringing suspected perpetrators of torture to justice. As outlined in several ITJP reports, impunity for acts of torture clearly constitutes a violation of the obligation of states parties under article 2(1) to take effective judicial measures to prevent acts of torture.

Given that victims in detention are in most cases not in a position to file a complaint without putting themselves into further danger and risk suffering reprisals, article 12 of the Convention against Torture shifts the responsibility to initiate an investigation from the victim to the state authority most directly involved.

National Human Rights Institutions can and must also play a role in preventing torture. Section 14 of the Human Rights Commission Act provides that the Commission has the power to conduct investigations into complaints of violations of fundamental rights. Torture victims can also obtain reparation through the Human Rights Commission. While the Commission has no power to make orders, it may recommend compensation. Seeking redress through the Human Rights Commission does not exclude recourse to the courts. It is supplementary and complementary. Those who cannot come before the Supreme Court within one month can make a complaint to the Human Rights Commission or



to any of its provincial offices. The Human Rights Commission of Sri Lanka should seek access to a list of detainees and demand access to them.

The scope of the right to a remedy and adequate reparation should be aligned to the 2005 UN 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, and be interpreted in a broad sense to encompass not only monetary compensation, but also include measures of reparation aimed at the restitution, rehabilitation and satisfaction of the victim, including guarantees of non-repetition (see principles 19-23).

## RECOMMENDATIONS:

### TO THE GOVERNMENT OF SRI LANKA:

#### ACCOUNTABILITY MEASURES

- Appoint a Special Investigator supported by an accessible, well resourced and independent monitoring, oversight and accountability unit for the prevention of torture or ill-treatment. There is already a precedent for international police force assistance in criminal cases in Sri Lanka. The unit should be made up of both domestic and international investigators, who are able to conduct prompt, effective, independent, impartial, thorough and gender-sensitive investigations into police officers alleged to have perpetrated torture and other cruel, inhuman or degrading treatment or punishment.

Monitoring and oversight of torture should include prevention mechanisms in respect of torture and

cruel and inhuman treatment as set out in articles 2 and 16 of the Convention against Torture, as well as establishing the national monitoring mechanisms contemplated in article 3 of the Optional Protocol. These measures should not be confined to monitoring only torture and cruel and inhuman treatment but should include monitoring and oversight of those implicated not only in torture but also those officials implicated in corruption linked to torture.

The investigations should identify those officers implicated in torture and other ill-treatment for the purpose of prosecuting them and ensuring those responsible are appropriately sanctioned so as to reflect the gravity of the crimes committed.

The Special Investigator and unit should be formally empowered to carry out comprehensive monitoring and proactive investigations and publicly to report their findings; to initiate, oversee and contribute to national and international judicial proceedings and other accountability processes; and to exchange information and cooperate with each other with a view to exposing context-specific acts or patterns of corruption and torture or ill-treatment, and where appropriate in coordination with the Office of the High Commissioner for Human Rights (OHCHR) and the national human rights institution.

- Immediately suspend police officers alleged to have been involved in torture and other ill-treatment; a list of names of TID officers allegedly involved

in torture and other ill-treatment is already available online in court submissions<sup>102</sup>.

#### ALIGNMENT OF CRIMINAL PROCEDURES WITH CONVENTION AGAINST TORTURE

##### Confessions

- Sri Lanka's Criminal procedure codes should be amended only to accept confessions which are made in the presence of a competent and truly independent lawyer and should further be confirmed before a judge. In terms of evidentiary procedures, confessions alone should never be sufficient for a conviction, but should always require further supportive evidence.

##### Access to Justice for Detainees

- Access to lawyers is a minimum requirement in order to open up places of detention and a contribution to a basic level of transparency. Lawyers are for many detainees the only contact with the outside world. Most cases of abuse take place at the very early stages of detention, which makes immediate access to a

lawyer crucial, a necessity which is also emphasised by the Human Rights Committee. General Comment No. 20 of the Convention Against Torture states that the protection of the detainee requires prompt and regular access. The UN Subcommittee on Torture further holds that the right to a lawyer is applicable from the very moment a person is obliged to remain with the police.

### Complaints

- Section 14 of the Human Rights Commission Act provides that the Commission has the power to conduct investigations into complaints of violations of fundamental rights. Torture victims can also obtain reparation through the Human Rights Commission. It has no power to make orders, but may recommend compensation. The Human Rights Commission should as a matter of urgency demand that they be given a list of names of detainees held under the Prevention of Terrorism Act or any other act and have access to them. They should as a matter of urgency advise such detainees of their rights including the right to make a complaint to an independent body.

### Compensation and Reparations

- As a matter of urgency, set up a fund for reparations and the rehabilitation of victims of torture and other

ill-treatment at the hands of TID - those abroad and in Sri Lanka - in line with the 2005 UN 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.

- Ensure that all victims are provided with an effective and adequate remedy, including gender-sensitive reparations. Victims should be included in the design, implementation, monitoring and evaluation of reparations.
- Issue a public apology to the victims.

### Other

- Repeal the Prevention of Terrorism Act.
- Answer questions to the Government still pending from the 2016 review conducted by the UN Committee Against Torture.
- Address the structural causes of these violations and put in place institutional reforms so as to provide guarantees of non-repetition.

### TO STATES/DONORS:

- Conduct an independent audit of the effectiveness of your police training programmes with respect to torture prevention in Sri Lanka. Consider including UN experts with experience in examining torture and other ill-treatment in Sri Lanka in this process.
- Do not include TID officers in further training programmes until the unit is fully reformed.
- Urge the Government of

Sri Lanka to answer questions still pending from the 2016 review conducted by the UN Committee Against Torture.

- Closely monitor the ongoing use of the Prevention of Terrorism Act for arrests.
- State parties to the UN Convention against Torture, should exercise their obligations to criminalise torture and to prosecute perpetrators of torture under different types of jurisdiction, including universal jurisdiction, as very few torturers have been brought to justice worldwide.
- State parties to the UN Convention against Torture, should exercise travel bans and exercise visa vetting to disallow those implicated in torture from travelling to their countries and should not allow them to purchase property in their countries.

### TO THE UNITED NATIONS:

- Exclude TID officers from United Nations peacekeeping roles until the unit is reformed.
- Urge Sri Lanka to answer questions still pending from the 2016 review conducted by the UN Committee Against Torture.
- OHCHR to conduct further investigations into allegations of ongoing torture and other ill-treatment by security services in Sri Lanka as part of its mandate from the Human Rights Council to monitor ongoing human rights. This exercise should include independent experts once again interviewing victims outside Sri Lanka.

# ANNEXURE I

## EXISTING HUMAN RIGHTS REPORTING ON TID

### 1.1. UNITED NATIONS

#### 1.11 THE UN REPORT (OISL 2015)

The 2015 UN OISL report references the TID on many occasions. It also had access to reports given to domestic Commissions of Inquiry in the past in Sri Lanka. As a result the UN commented on the investigations done by the Sri Lankan CID (of which TID is a part) that were examined by these commissions:

“OISL has reviewed multiple CID investigation reports and police testimony given to the Commissions of Inquiry and notes that they contain inconsistent and unreliable accounts of events given in police reports and in statements by security forces present during several key incidents. Criminal investigations

have been further undermined by the failure of the police to properly document crime scenes and record evidence. OISL has documented instances whereby crucial evidence had been lost or tampered with. In some cases, key evidence has not been sought, for example bullets and casings were not collected and phone records not requested. As noted in the unpublished 2009 report of the Udalagama Commission which OISL has reviewed: “investigations conducted by the local police as well as the Criminal Investigation Department were incomplete and superficial... the way the Police have conducted the initial

investigations lacks professionalism.” (Paragraph 1236)

#### 1.12 THE UN SPECIAL RAPPORTEUR ON TORTURE, MANFRED NOWAK IN 2008:

In his February 2008 report<sup>103</sup> Mr. Nowak said, “...torture is widely practiced in Sri Lanka”. The Special Rapporteur visited the country from 1 to 8 October 2007<sup>104</sup>. He went to the Criminal Investigation Department (CID), the Terrorism Investigation Division (TID), and TID facility in Boossa in Galle. He reported that the authorities had hidden prisoners who had been tortured from him<sup>105</sup>. His report states:

“The considerable number of clearly established cases of torture by TID and other security forces, together with various efforts by TID to hide evidence and to obstruct the investigations of the Special Rapporteur,

leads him to the conclusion that torture has become a routine practice in the context of counter-terrorism operations, both by the police and the armed forces.”

He added that:

“Methods of torture reported included beating with various weapons, beating on the soles of the feet (falaqa), blows to the ears (telephono), positional abuse when handcuffed or bound, suspension in various positions, including strappado, “butchery”, “reversed butchery” and “parrot’s perch” (or dharma chakara), burning with metal objects and cigarettes, asphyxiation with plastic bags with chilli pepper or gasoline, and various forms of genital torture. This array of torture finds its fullest manifestation

at the TID detention facility in Boossa.” (Paragraph 71)

In the Report’s Appendix on Individual Cases, the Rapporteur describes his October 2007 visit to the TID in Colombo where he was met by the then Director of the TID, SSP, Nandana Munasinghe:

“The Terrorist Investigation Department (TID) is located in the High Security Zone in Colombo, and is one of the two facilities in the capital (the other being the Criminal Investigation Department) where alleged terrorist suspects are transferred to for questioning following arrest. ...The male wing holds a cell block with eight tiled cells each approximately 1.5 x 2.5 metres. During the day, the detainees can leave their cells to stand or walk in the narrow corridor. During night time, they are locked in the cells, with up to four persons per cell. Some sleep in the corridor. The entire facility lacks natural light and ventilation is very poor; made worse

in hot weather. Two washing facilities serve the 57 male detainees. The female wing is comprised of two small cells and a short corridor.”

#### **1.13 MARCH 2011, UN REPORT OF THE SECRETARY-GENERAL’S PANEL OF EXPERTS ON ACCOUNTABILITY IN SRI LANKA<sup>106</sup>:**

This report refers to the CID’s role in investigating human rights organisations<sup>107</sup> and says rape of surrendered LTTE cadres occurred in the custody of the CID and TID<sup>108</sup>. It also says the CID operated in the IDP camp in Manik Farm in Vavuniya in the immediate aftermath of the war, as well as interrogating patients in the nearby Vavuniya hospital<sup>109</sup>.

#### **1.14 THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS:**

At the UN Human Rights Council in 2015 the High Commissioner pointed to the lack of security sector reform post-war in Sri Lanka, saying:

“...the State’s security sector and justice system have been distorted and corrupted by decades of impunity... The security forces, police and intelligence services have enjoyed near total impunity and have not undergone any significant reform since the armed conflict.<sup>110</sup>”

### **1.15 THE UN SPECIAL RAPPORTEUR ON TORTURE, JUAN MENDEZ IN 2016**

In his remarks after visiting Sri Lanka in 2016<sup>111</sup>, Mr. Juan Mendez said:

“I am persuaded that torture is a common practice carried out in relation to regular criminal investigations in a large majority of cases by the Criminal Investigation Department (CID) of the police. In cases where there is a real or perceived threat to national security there is a corresponding increase in acts of torture and ill-treatment during detention and interrogation in Terrorism Investigation Division (TID) facilities.”

He added that, “both old and new cases continue to be surrounded by total impunity.”<sup>112</sup>

### **1.16 THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND COUNTER-TERRORISM IN 2017**

Ben Emerson, the UN Special Rapporteur on Human Rights and Counter-terrorism, said in 2017:

“all of the evidence points to the conclusion that the use of torture has been, and remains

today, endemic and routine, for those arrested and detained on national security grounds.<sup>113</sup>” Also:

“During his interviews with current and former PTA detainees, the Special Rapporteur himself heard distressing stories of extremely brutal methods of torture, including beatings with sticks, the use of stress positions, asphyxiation using plastic bags drenched in kerosene, the pulling out of fingernails, the insertion of needles beneath the fingernails, the use of various forms of water torture, the suspension of individuals for several hours by their thumbs, and the mutilation of genitals<sup>114</sup>”.

### **1.17 UN PANEL OF EXPERTS, 2011**

References to the TID committing torture appear in Paras 153, 163, and 220.

### **1.2 HUMAN RIGHTS COMMISSION SRI LANKA**

#### **1.21 NOVEMBER 2016 SUBMISSION TO THE UN COMMISSION AGAINST TORTURE BY THE SRI LANKAN HUMAN RIGHTS COMMISSION:**

“The Commission has received complaints of persons being held at detention centres that are not gazetted, which creates opportunity for torture, which the Commission brought to the attention of all relevant authorities. Upon inquiry it was revealed the places at which persons were held for at least twelve hours were offices of the TID but not gazetted detention centres. The TID has only three gazetted places of detention - Boossa, TID Vavuniya and TID Colombo... The complaints received by the Commission illustrate that torture is routinely used in all parts of the country regardless of the nature of the suspected offence for which the person is arrested.<sup>115</sup>”

The national Human Rights Commission submission cites 628 complaints of torture reported to its offices since the new government came to power in January 2015.

Office	2010	2011	2012	2013	2014	2015	2016**
Head Office	369	358	389	380	329	315	160
Ampara	15	17	07	15	06	02	02
Anuradhapura	59	58	40	69	53	40	14
Badulla	04	12	01	19	11	-	01
Batticaloa	-	03	03	04	-	07	05
Kalmunai	02	04	07	07	09	03	03
Jaffna	02	03	04	-	02	-	02
Kandy	29	35	28	28	28	18	04
Matara	75	81	59	63	28	23	10
Trincomalee	05	07	02	10	02	02	03
Vavuniya	06	01	02	05	21	10	04
<b>Total</b>	<b>566</b>	<b>579</b>	<b>542</b>	<b>600</b>	<b>489</b>	<b>420</b>	<b>208</b>

\*\*From 01.01.2016 to 31.08.2016

### 1.3 GOVERNMENTS

#### 1.31 US STATE DEPARTMENT ANNUAL HUMAN RIGHTS REPORTS

##### 2017

“The International Truth and Justice Project and the Associated Press reported allegations of abductions and torture carried out by the security sector during the year. They reported most victims were Tamil men accused by security forces of having links to the LTTE and that security forces tortured and

sexually abused them after the initial abduction.”

##### 2016

“The constitution prohibits torture and cruel treatment. In an October report submitted to the UNCAT, however, the International Truth and Justice Project reported seven cases of torture and/or other cruel, inhuman and degrading treatment by security forces. All of the reported victims were men of Tamil origin.”

##### 2015

“In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitary groups, were responsible for

the documented and undocumented detention of civilians accused of LTTE connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threats of re-arrest or death. In August the United Kingdom-based charity Freedom from Torture (FFT) released a report, ‘Tainted Peace: Torture in Sri Lanka since May 2009’, alleging government personnel continued to commit acts of torture, although

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the report focused primarily on incidents that took place during the Rajapaksa government. Almost all the cases FFT reviewed involved Tamils detained on suspicion of having personal or family ties to the LTTE...The International Truth and Justice Project reported 11 cases (three women and eight men) of abduction, torture, and sexual violence perpetrated by police and security forces in 2015. The study identified 48 sites at which torture occurred, with 30 of these either known military camps or police stations. All victims indicated state actors continued to interrogate and harass their families following their escape.”

**2014**

“In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitaries, were responsible for the documented and

undocumented detention of civilians accused of LTTE connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death. Human rights groups claimed that some security forces believed specific circumstances allowed torture. Several former LTTE combatants released from rehabilitation centers reported torture or mistreatment as well as sexual abuse by government officials while in rehabilitation centers. In March an NGO report, ‘An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014’, presented evidence from 40 Sri Lankans who fled the country to the United Kingdom since the end of the

war alleging they were victims of torture and sexual violence committed by agents of the government (also see section 6). Among the methods of torture alleged by the 40 victims were branding with hot metal rods, burning with lit cigarettes, lacerations, blunt trauma, suspension, falaka (beating on the soles of the feet), electric shock, and asphyxiation in water or with plastic bags over the head containing petroleum or chili powder. Of the 40 victims, 28 reported sexual assault, and more than half of the witnesses stated that their torture and/or sexual abuse occurred in 2013 and during the year. Nearly half of the witnesses attempted to commit suicide after they had reached safety outside of the country. The report

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concluded “abduction, arbitrary detention, torture, rape, and sexual violence have increased in the post-war period,” adding that the “widespread and systematic violations” by the security forces occurred in a manner that indicated “a coordinated, systematic plan approved by the highest levels of government.” The report concluded the 40 cases presented in the report represented “a small sample of those crimes likely committed against the Tamil population.

“Former TID detainees at Boossa Prison in Galle confirmed reports of torture methods used there. These

included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of mistreatment... Those under administrative detention did not enjoy the same rights as those awaiting trials. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boossa Detention Centre and were not able to meet detainees without police presence. Pre-trial detainees did not have the right to legal counsel during questioning by the police.”

**2013**

“Persons under administrative detention did not enjoy the same rights as those awaiting trial. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boossa Detention Center and were not able to meet detainees without a police presence. Pretrial detainees did not have the right to legal counsel during questioning by police.”

**2012**

“Those under administrative detention did not enjoy the same rights as those awaiting trials. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boossa Detention Centre and were not able to meet detainees without police presence. Pretrial detainees did not have the right to legal counsel during questioning by the police.”



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**2011**

“Former TID detainees at Boossa Prison in Galle confirmed reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of mistreatment... Those under administrative detention did not enjoy the same rights as those awaiting trials. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boossa Detention Centre and were not able to meet detainees without

police presence. Pretrial detainees did not have the right to legal counsel during questioning by the police.”

**2010**

“Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boossa Prison in Galle confirmed reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other

serious injuries as a result of their mistreatment.”

**2009**

“Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boossa Prison in Galle confirmed earlier reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions, abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with

gasoline; and near drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment... Human rights groups estimated that approximately 2,400 LTTE suspects were in regular detention centers. An unknown additional number of unidentified detainees were thought to be held in police stations, the CID, the TID, army or paramilitary camps, or other informal detention facilities, with some organizations estimating this group to number as high as 1,200.”

2008

“During the year, no military, police or paramilitary members were convicted of any domestic human rights abuse. ... Methods of torture and abuse reportedly included beatings, often with sticks, iron bars, or rubber hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment. UNSR Nowak singled out the Terrorist Investigative Department facility in Boossa for including the ‘fullest manifestation’ of torture methods.”

**1.32 THE LESSONS LEARNED AND RECONCILIATION COMMISSION, SRI LANKA (LLRC) 2011<sup>116</sup>**

This quotes a retired senior Government official who was

functioning as the Chairman of the Prisons Visitors’ Board who said there were 700 prisoners in the TID (Terrorism Investigation Division), and another 600, or a little more, at Boossa. He said, “Some of them in the Remand Prisons have been taken on suspicion. Just picked up and taken... They are produced before Magistrates, and then the Police say ‘we have not finished the inquiry’ and they are locked up again.” The LLRC report also quotes a religious leader in Mannar speaking on behalf of the detainees who said, “Some of those who are detained in Omanthai under the Terrorism Investigation Department have been denied access to lawyers, ICRC and National Human Rights Commission...”

**1.33 SRI LANKA: STATEMENT BY H. E. MR. RAVINATHA P. ARYASINHA AMBASSADOR / PERMANENT REPRESENTATIVE OF SRI LANKA 2017**

“The issue of arrest of suspects by the TID - those arrested are produced before the JMO within 24 hours and a report is obtained. Similarly, the Human Rights Commission of Sri Lanka, the ICRC Sri Lanka, and the Next of Kin are informed of the custody.”

**1.4 HUMAN RIGHTS REPORTS (SELECTION)**

**1.41 JANUARY 29, 2018 - HUMAN RIGHTS WATCH’S LOCKED UP WITHOUT EVIDENCE - ABUSES UNDER SRI LANKA’S PREVENTION OF TERRORISM ACT.**

This report commented on:

“Countless cases of torture, sexual

violence, and other ill-treatment have occurred in various official and unofficial places of detention, including but not limited to the Criminal Investigation Department (CID) and Terrorist Investigation Division (TID) offices in Colombo.”

Many TID victims interviewed for this report were arrested in Kandy. Some were taken from Rambaikulam and detained in Kandy. The Kandy cases include: Vivodhani Givoshan and his brother Soriyamoorthy Givoshan (2009); Suranjiv Krishantha Fernando (2008), Murali Rajalechchami (2008), Angela Croos (2008), Kanna and Durga (Matale 2008), Ramesh Kumar and brother Nanda (2008), Solomon Caspus Paul (2007).

The victims describe similar forms of torture (petrol bags, falaka) as in this report, as well as being forced to sign blank confessions.

**1.42 HUMAN RIGHTS WATCH’S (HRW) 2015 REPORT, “WE LIVE IN CONSTANT FEAR - LACK OF ACCOUNTABILITY FOR POLICE ABUSE IN SRI LANKA<sup>417</sup>”**

This report says: “The police responsible for most of the abuses examined in this report fall under the authority of the CID.” It adds:

“Human Rights Watch documented an appalling variety of torture methods used by the police, including severe beatings; electric

shocks; use of stress positions, including suspending detainees from ropes and iron bars in painful positions; the rubbing of chili paste over the body, including the genitals; and disorienting detainees by rotating them while they are suspended from a pole, a torture technique known as a dharmachakra...The cases documented in this report reflect a longstanding pattern of procedural violations that has persisted despite promises of reform by successive Sri Lankan governments... In 2005, prominent human rights advocate Radhika Coomaraswamy, then chairperson of the National Human Rights Commission, reported that police torture was not an issue stemming from a handful of rogue police officers but instead was rooted in ‘the routine use of torture as a method of investigation’ and required ‘fundamental structural changes’ to be eradicated.

This led to little if any change. Since 2009, for example, the Asian Human Rights Commission, a Hong Kong-based nongovernmental organization, has filed 32 urgent appeal petitions regarding custodial deaths and 181 urgent appeals regarding torture.”

**1.43 HUMAN RIGHTS WATCH (HRW) REPORT 2013, WE WILL TEACH YOU A LESSON<sup>418</sup>**

This report contains many references to TID torture that occurred in 2010, 2011, and 2012. It says:

“Soldiers, police, and members of specialized units like the Criminal Investigation Department (CID) and the Terrorist Investigation Department (TID) were all involved... And former detainees told Human Rights Watch that they were abused at various official as well as secret detention sites

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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.”

#### 1.44 HRW DOCUMENT ON DEPORTATION

In another document, HRW<sup>119</sup> also cites testimony from four victims who say they were tortured in CID headquarters in different years:

“I was taken to the CID fourth floor in a van. On the way, the officials started accusing me of working for the LTTE in London. They punched and kicked me in the van. The officials kept me in a single cell. They began questioning me about LTTE supporters

in London and started beating and torturing me. I was whipped with electric wires and suspended upside down and beaten with sand-filled plastic pipes. They tried to suffocate me with a petrol-infused plastic bag. They said, ‘You took part in anti-government demonstrations in the UK.’ They accused me of raising money to fund the LTTE. I was stripped naked during the interrogation. I was severely tortured during the time in detention. I could not bear the torture and told them I had participated in demonstrations against the Sri Lankan government in May 2009 in London. I signed a confession statement in Sinhala but I could not read this. The officials brought me photographs of LTTE suspects and I agreed to identify them.”

“I was picked up by CID officials as soon as I cleared immigration at the Colombo international airport. I was taken

to the fourth floor CID headquarters where I was detained for two or three days before being transferred to the Joseph [army] camp in Vavuniya. I was kept handcuffed in a single cell in Colombo. For questioning, I was taken to another room. 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 on two or three occasions in Vavuniya. The perpetrators were uniformed army personnel.”

“The officials introduced themselves as CID and told me they had to take me for questioning. I was taken to the fourth floor 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 organised 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 burnt all over my arms in this position. I was burnt with hot metal rods on my back and thighs. I was sometimes poked with the end of a hot poker and kicked on my head with metal-toed boots.

I was raped at least four or five times. Two men would come to my room together and one would hold me down. They would take turns.”

“I was taken to the CID fourth floor and put in a cell. After some time, a group of officials in civilian clothes came and dragged me up the stairs to another floor. There I was beaten and questioned repeatedly. I was beaten with sand-filled pipes and batons. They asked me about my activities with the LTTE in France. They asked me for names of people who supported the LTTE in France. I was raped repeatedly in custody by four to five men. I fainted so I can't remember how many times I was raped. They did it in turns. When I became conscious, I was bleeding heavily from my vagina, I was covered with wounds and injuries.”

**1.45 AMNESTY INTERNATIONAL, “LOCKED AWAY”, 2012<sup>120</sup>**

This report has many references

to torture cases involving the CID. It says, “CID headquarters in Colombo, a place mentioned by several witnesses, has long been notorious for torture.” The report includes this witness testimony:

“This move to Colombo this was the worst... this was the worst... this was total torture... there they had an electric chair... I can't think about it... you know they have some sayings... the 2nd floor that is inquiry... 4th Floor hard inquiry with torture... if you go to 6th Floor, torture... you don't come back.”

The report also quotes a man from Mullaitivu who told Amnesty International in January 2012 that his younger brother, a medic, had been detained by the CID in Vavuniya after he fled the Vanni in May 2009:

“I'm not sure exactly where he was held. It was a school. My relatives say he was tortured – beaten severely – and that he was brought unconscious to the hospital.

They only came to know that he had been arrested because he was hospitalized. He was in the hospital for three days and a friend, a Vavuniya resident who worked in the hospital, saw him there. CID never informed my family about his detention or his hospitalization.” (Page 28)

The report also says:

“Torture was also described in TID detention both in Colombo and at the TID detention centre at Boossa. A handful of TID officers have been identified as perpetrators of torture, not only, apparently, to extract intelligence or punish non-cooperation, as posited by former detainees, but also to

increase pressure on families to extract bribes. One of the officers named by a former detainee interviewed by Amnesty International in January 2012 also appears in UN Special Rapporteur on Torture Manfred Nowak’s report on his October 2007 visit to Sri Lanka...”

#### **1.46 ASIAN HUMAN RIGHTS COMMISSION, NARRATIVES OF JUSTICE, 2012**

This report cites 16 torture cases where the TID was involved:

**Para 206.** Muthukumar Ravikumar and his wife Stella Rani: Alleged torture and prolonged detention of a couple in 2007.

On 22 November 2007, the couple was handed over to the Terrorism Investigation Division (TID) for interrogation. Officers from the TID again allegedly tortured Ravikumar by hanging him from a beam. They also placed a book on his head and hammered his head with a cricket stump while rolls of paper were inserted in his ears. They also beat his feet and injected petrol into his feet until they were numb. They reportedly drove a ball point pen into his ears. His ears bled for several days. Ravikumar was handed over to the Navy for further investigation on 2 January 2008. Naval officers continued to torture him by pulling out his beard and assaulting him.

**Para 276.** Suresh Kumar Dias: TID officers detain a man for more than two years without a trial and on clearly fabricated charges

**Para 319.** Suranjiv Chrishantha Fernando: A young man is illegally arrested, detained and held in prolonged detention for two and half years - 2008

**Para 343.** Madasamy Vishwanadan: School principal illegally arrested, tortured and indicted with fabricated charges 2008

**Para 345.** Kalappam Manoharan: Man tortured into a confession by the TID 2008 Kandy

**Para 346.** Veerasamy Sivasupramaniam: Innocent man illegally arrested and charged with a fabricated case by TID 2008

**Para 349.** Alexander Thayaparan: Disabled man illegally and arbitrarily detained for over two years - 2009

**Para 355.** Yogarasa Shashheran: An innocent man is detained for more than three years without being charged. 2008

**Para 379.** Anthony Chandra: A woman is arbitrarily detained for more than forty months without access to fair trial. 2008

**Para 381.** Muttiah Chandra Mohan: An innocent youth persecuted for over six years by the Teldeniya police. 2008

**Para 383.** Soriyamoorthy Givoshan: A young man is illegally detained for more than 3 years, tortured and laid with fabricated charges. 2009

**Para 385.** Ramesh Kumar: Innocent man was illegally arrested, tortured and laid with fabricated charges. 2008

**Para 390.** A Navajeevan: A Tamil man of Indian origin was arrested, tortured and laid with fabricated charges. 2008.

**Para 394.** Surendra Rajan: A torture victim is detained for 3 years without trial. 2009. Later, he identified several of the officers who tortured him,

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these included officers by the name of Tennakoon and Ranaweera.

**Para 398.** Jesuthasan Tennisan Leon: An innocent man has been detained for more than six months without being produced before any court or charged.

2011; On 18 November 2011 Leon was arrested by the TID officers while he was in Nallur Jaffna at a house where he was boarding. He was then taken to Vavuniya and was detained for a week at a police compound. Then from Vavuniya he was taken to the 2nd floor of a TID building in Colombo. Leon was severely tortured while at the TID branch in Colombo. After a week of detention and questioning he was taken to Boossa Detention Center where he is presently detained.

**1.47 FREEDOM FROM TORTURE;  
FREEDOM FROM TORTURE SUBMISSION  
TO THE UN HUMAN RIGHTS COMMITTEE  
- LIST OF ISSUES FOR THE 5TH  
PERIODIC REVIEW OF SRI LANKA<sup>121</sup>**

All 50 cases involved torture perpetrated by state actors including the Sri Lankan military and/or branches of the police force such as the Criminal Investigation Department (CID) or the Terrorism Investigation Division (TID).

In many cases detainees were moved around between police stations, TID camps and unknown/undisclosed locations as well as conventional prisons, camps for Internally Displaced People and so-called 'rehabilitation centres'.

# ANNEXURE II

## I. SRI LANKAN POLICE TRAINING CHART

YEAR OF TRAINING/NUMBERS TRAINED & COST	TRAINING FOREIGN GOVERNMENT OR OTHER ENTITY	AIM & TOPICS COVERED
2001 32 police trainers trained <sup>122</sup> including Chief Inspectors, Inspectors of Police and Super Intendants who will train 600 more.	UK training of Sri Lankan police <sup>123</sup> .	Investigation of serious crimes and terrorism. Lack of equipment for crime scene evidence preservation.
2003-2005 US\$ 250,000. Several 100 policemen <sup>124</sup> . Pujith Jayasundara cited who is director of the Sri Lankan Police Narcotics Bureau <sup>125</sup> .	U.S. Department of Justice's International Criminal Investigation Training Assistance Program (ICITAP) <sup>126</sup> . May 2004: Funded by the Office of International Narcotics and Law Enforcement (INL) <sup>127</sup> , State, DOJ and ICITAP.	This program aimed to improve the forensic and investigative capabilities of the police, as well as to train them in modern methods of community policing. Also anti-money laundering training <sup>128</sup> . Anti-narcotics component <sup>129</sup> .
2004 291 Police Visits were made <sup>130</sup> .	Switzerland The Torture Prevention and Monitoring Unit, Swiss Project on Torture.	
2004: Workshops were conducted in 2004 in the Central, Southern, Eastern and North-Central Provinces for state officers <sup>131</sup> .	Norway, NORAD	Education of about 10 target groups in each province of Sri Lanka.
May 2004: 24 Human Rights Awareness Programmes for Police <sup>132</sup> .	Human Rights Commission of Sri Lanka.	Posters in Police Stations on Zero Tolerance for Torture.
Jan-Dec 2004	Australia: "Prevention and Monitoring of Torture Project <sup>133</sup> ".	
2007 30 million SEK for the period June 2005-May 2008. 21 trained SOCOs (Scenes of Crime Officers) and the 37 SOCO labs	Sweden <sup>134</sup> "Enhancing the Capacity of Civilian Policing in Sri Lanka".	(i) Improve crime investigations including crime scene examinations; (ii) Strengthen the respect and promotion of ethnic integration and human rights in SLP and; (iii) Increase management capacity of SLP.
2007 3500+ police trained including some senior commanders.	UK: Scottish Police College (SPC) <sup>135</sup>	
2008 22 mid- to senior-level officers at the Sri Lanka Police College.	Mercyhurst College, USA under contract with the US Department of State, Bureau of Diplomatic Security, Office of Antiterrorism Assistance (ATA).	Two-week Law Enforcement Intelligence for Counterterrorism. Equipment given to CID 2010 on.



June 2009	Australia: Australian Federal Police Liaison Office opens Colombo.	Equipment given to CID 2010 on.
August 2009	UK Two UK officers seconded from the PSNI and deployed to Sri Lanka by the Foreign & Commonwealth Office.	The pair, who retired from the PSNI with the ranks of Assistant Chief Constable and Chief Superintendent respectively, were ordered "to act as a 'critical friend' to the Sri Lankan police" and provide "hands-on assistance". <sup>136</sup>
Since 2010 3,580 officers trained.	Asia Foundation	Tamil Language training. 2011 FCO report: UK supported Tamil language training for 350 police officers.  2012 FCO report: The UK funded Tamil language training for police, and a project supporting implementation of Sri Lanka's tri-lingualism policy.
2012 onwards 45 police instructors from the Police College (opened by Gotabaya Rajapaksa in 2010 <sup>137</sup> ) and 30 instructors.  Since 2012, 772 police officers ranging from constables to officers-in-charge from across the country have been trained in community policing and prevention of torture.	Asia Foundation <sup>138</sup> /UK	A Community Policing and a Prevention of Torture Manual was developed.  The UK funded several projects addressing issues such as language rights, women's rights and police reform (FCO annual report).
2013 ON	Alliance Française of Matara and Galle <sup>139</sup>	French Language for Police to assist in dealing with tourists.
Nov 2014 32 participants	Australian Federal Police	Training Course in Colombo on Command, Control and Coordination (C3) <sup>140</sup> .
2014 July and August 2014	UN With the facilitation of UNPOL.	Manual on Sexual and Gender-Based Violence <sup>141</sup> .  To support the Sri Lanka Police to develop the manual and reference guide on Sexual and Gender Based Crimes, to train new recruits and officers working with the Women and Child Desks across the country.
2015 Four Sri Lankan officers to attend their own investigation training course in London.  Around three quarters of a million pounds sterling over 3 years on anti-corruption.	UK The UK Serious Fraud Office (SFO) has sent a senior investigator to Colombo <sup>142</sup> .	A tailored package of training, to develop investigation capability in the Bribery Commission and police, including the new Financial Crime Investigation Division.
2017 35 officers	Cybercrime training <sup>143</sup>	
2017 The British High Commission in Sri Lanka paid £700,000 for 16 Scottish officers and staff to fly out to develop an academy. <sup>144</sup> The UK is providing £6.6 million from the Conflict, Stability and Security Fund (2016-19) – part of which is for police reform.	UK and Asia Foundation <sup>145</sup>	Courses at the Police Academy cover topics such as Ethical Leadership and Organisational Management <sup>146</sup> .

2017  
This activity is under agreement from Foreign and Commonwealth Office.

Police Scotland<sup>147</sup>  
Private company - Sri Lanka: Crime Investigation training, 'Train the Trainer' training, Public Order training, and scoping services for strategic reform of the Sri Lanka Police service.

Police Scotland delivered witness protection training to the Sri Lanka Police Service, arranged by Coffey International Development Ltd, under contract with the Foreign and Commonwealth Office<sup>148</sup>.

2018  
30 officers

India<sup>149</sup>

Crime Scene Management and Closed Circuit Television Analysis, Expert Testimony on Criminal Trial, Forensic Science, Cyber Forensics, Very Important Persons Security, Traffic Management and a seminar on Financial Crime.

2018

UK

Scotland Yard<sup>150</sup>.  
Community Police and Police Reforms training in UK.

## 2. HRCSL COLLATED DATA

	2004	2004	2005	2005	2006	2006	2007	2007	2008	2008	2009	2009	2010	2011	2011	2012	2012	2013	2013	2014	2014	2015	2015	2016	2016
	All	Torture	All	Torture	all	T	all	torture	all	torture	all	T	All	T	all	T	ALL	T	T	all	T	T	T	T	T
Ampara	191	22	236	17			254	no data	198	23		11		15	158	17	139	7	143	15	128	6	242	2	2
anuradhapu	412	126	308	79			810	68	706	52	772	69		59	663	58	748	40	748	69	749	53	652	40	14
Badulla	281	7	226	2			340	29	275	29	256	1		4	220	1	326	1	302	19		11	273		1
Batti	129	2	239	1			960	no data	734		532				327	3	389	3	452	4			433	7	5
Jaffna	610	174	947				1171	no data	444	31				2	205	3	206	4	254			2	315	3	2
kalmunai	187	2	223				410	no data	410	8		2		2	210	4	377	7	233	7		9	250	3	3
kandy	457		208				843	43	1087	72	816			29	555	35	584	28	675	28		28	878	18	4
Matara	562	142	488	106			1049	104	819	114		93		75	577	81	645	59	648	63		28	650	23	10
trinco (no fi	180	90	163				629	no data	453		341	13		5	63	7	167	2	128	10		2	151	2	3
Vavuniya	218	10	263				1449	no data	1152	8	2869	23		6	383	1	367	2	396	5		21	284	10	4
Kilinochchi																	35	3					93	1	
Head office												374		369		348		389					312		
	3227	575	3301	205		845	7915		244	3588	439	5586	586	566	3361	558	3983	545	3979	220		160	4533	109	48

## 3. ANNUAL FOREIGN OFFICE HUMAN RIGHTS REPORTS – SRI LANKA

2018<sup>151</sup>

"The Human Rights Commission of Sri Lanka and a number of international NGOs continued to report allegations of torture and other ill-treatment by the security forces."

"The UK has provided Sri Lanka with a total of £8.3 million CSSF funding from 2016 to 2019, including for police reform..."

2017<sup>152</sup>

"2017 saw limited progress in the human rights situation in Sri Lanka. There were a number of allegations that the security forces continued to resort to torture..."

"The UK is providing £6.6 million from the Conflict, Stability and Security Fund (2016-19) for projects in Sri Lanka, including support for police reform..."

2016<sup>153</sup>

"The Sri Lankan Government is committed to repealing the much criticised Prevention of Terrorism Act (PTA) and is drafting new counter-terrorism legislation which it intends will be compliant with international human rights standards".

"The UK continued to support Sri Lankan Government efforts to develop a more capable, professional and accountable police force, with the aim of reducing the risk of human rights violations, including torture, and improving public confidence in the rule of law".

2015 <sup>154</sup>	<p>“The OISL report also highlighted a number of human rights concerns that still remain, including continued reports of torture, and sexual and gender-based violence. The UK has urged the government to investigate these and other allegations of human rights violations.”</p>	<p>“Our work with the government of Sri Lanka will aim to continue strengthening democracy and the rule of law, and reform the security sector, sharing UK experience and expertise”.</p>
2014 <sup>155</sup>	<p>“There were continued allegations of police involvement in torture and custodial deaths, as well as in extrajudicial killings throughout 2014..</p>	<p>“The UK also funded projects and programmes specifically designed to improve the human rights situation, including on police reform and women’s rights.”</p>
2013 <sup>156</sup>	<p>“The human rights situation in Sri Lanka was of serious concern in 2013... Allegations of torture in police custody persist and, despite inclusion in the 2011 National Action Plan, no legislation has been introduced to address this.”</p>	<p>“The UK supported a project to promote community policing and provide Tamil language training for the Sri Lankan police.”</p>
2012 <sup>157</sup>	<p>“Despite the prioritisation of torture prevention in the 2011 National Human Rights Action Plan, there was no change in laws in 2012 to give effect to recommendations, and reports of torture continued.”</p>	<p>The UK also funded several projects addressing issues such as language rights, women’s rights and police reform. The Sri Lankan government reported that recruitment of Tamil-speaking police increased by 427 to 1,216 in 2012. In November, a dedicated hotline was established for complaints on language rights violations. The UK funded Tamil language training for police, and a project supporting implementation of Sri Lanka’s tri-lingualism policy. Most of the 12,000 ex-combatants detained in 2009 have now been released. In 2011-12 the UK contributed £650,000 to support their reintegration into society.</p>
2011 <sup>158</sup>	<p>“The [UNCAT] committee’s subsequent report highlighted ongoing allegations of widespread torture, failure to uphold judicial and procedural safeguards of detainees, the alleged existence of secret detention centres, enforced disappearances and deaths in detention.”</p>	<p>The pool supported Tamil language training for 350 police officers this year, as part of a larger community-policing project.</p>
2010 <sup>159</sup>	<p>“The number of reports of violent human rights violations fell in 2010 as the security situation improved following the end of the military conflict; long-standing Emergency Regulations were partially lifted; and the humanitarian situation improved significantly... The media reported a number of cases of alleged torture during 2010.”</p>	<p>In Sri Lanka, the Pool has helped build the foundations for sustainable peace by encouraging public debate over constitutional reforms; supporting moderate, pragmatic voices within the Sri Lankan diaspora; and supporting the police to engage better with local communities. The Pool also supported a UNICEF project to reintegrate suspected child soldiers from the Liberation Tigers of Tamil Eelam back into society. (£1.5m)</p>

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# ENDNOTES

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**1** <http://www.itjpsl.com/assets/press/ECF-No.-0066-3-Exhibit-B-to-Sooka-Decl.pdf>

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**2** ITJP Dossier on Sisira Mendis, Nov 2016, <http://www.itjpsl.com/assets/press/The-case-against-Sisira-Mendis-final.pdf>

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**3** Six of these men attempted to kill themselves on the way to or in the UK, and two more were deemed at risk of suicide. This reinforces the view that these are people severely traumatised after torture.

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**4** For more on Edward Julien, see pages 16-17, Unstopped, ITJP report 2016 [http://www.itjpsl.com/assets/ITJP\\_unstopped\\_report\\_final.pdf](http://www.itjpsl.com/assets/ITJP_unstopped_report_final.pdf)

For more on Thavendran, see TID arrests another suspect in plot to assassinate Sumanthiran, Financial Times Lanka, 31 Jan 2017, <http://www.ft.lk/article/594983/TID-arrests-another-suspect-in-plot-to-assassinate-Sumanthiran>

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**5** W221: "I don't want to see you again, if we see you we will kill you, run away and escape."  
W235: "He told me 'lf you are caught again, you will be killed. It's entirely up to you if you stay in this country, how you behave now.' He was speaking in broken Tamil."  
W249: "One of the men told me in broken Tamil not to stay around here as I would be shot."  
W277: "One of them said to me in broken Tamil that I had escaped from the camp and if I was arrested again it would be a problem for me and also for them and so I should go and live somewhere else. He did not say where I should go."

W285: "I asked the agent his name but he didn't tell me. He told me that he is a retired CID officer... He said to me, 'You have now escaped. If the authorities find you again they will kill you'."

W296: "The TID officers spoke to my father in Tamil. They told my father that I must leave the country within a week."

W287: "He said that, for my safety, I should not stay in Sri Lanka. He said I must somehow leave the country as soon as possible. He told me that if I stayed I would be killed and my staying would also create problems for the officer who allowed me to escape."

W286: "They the officers removed my handcuffs and told me not to remain in the country and that if I come back the authorities will kill me."

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**6** Bail applications reference Kilinochchi Magistrate court, Case No: B/85/2017 and also SCFR applications for Kebriel Edward Julian and three others.

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**7** "The Petitioner states that he was forced to sign a document that was in Sinhala and that he had no way to understand and ensure what were stated in, during the detention period." (SCFR Application - reference number redacted for witness protection reasons.)

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**8** "The Petitioner was produced before the JMO on 29th April 2016 and the JMO report contains the photographic evidences of torture."

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**9** Detained Sri Lankan Tamil MP is released, BBC Online, 15 Jan 2010. TNA says released MP forced to back MR, 17 Jan 2010, Sunday Times, <http://www.infolanka.com/news/IL/937.htm> and in Sunday Times, accessed 1 May 2015 at [http://www.sundaytimes.lk/100117/News/nws\\_03.html](http://www.sundaytimes.lk/100117/News/nws_03.html)

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**10** Tigers killed 600 Tamils - Ex-TNA MP, Innocent civilians killed like stray dogs: 21 Apr 2011, <http://archives.dailynews.lk/2011/04/21/fea04.asp>

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**11** OISL, 2015. Para 130 has an organisation chart.

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**12** "The Terrorism Investigation Division started its operations in 1997. Due to the increased activities of the LTTE, a need for a separate division was identified. We are the main division in the Police Department focusing on investigation and combating terrorism. Though we conduct investigations independently, we also work in coordination with other divisions as well... During the year 2006, we were given a large responsibility. At that moment we all became one team. The CID, TID, Military Intelligence units and the Police Intelligence units - all became one. Defence Secretary, Gotabaya Rajapaksa took the initiative."  
[http://businesstoday.lk/cover\\_page.php?article=205&issue=253](http://businesstoday.lk/cover_page.php?article=205&issue=253)

However OISL (2015) says TID was created in the mid-1980's. (Para 135)

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**13** A witness held in Chaitiya Rd. in 2007 described the TID office as within the Naval quarters: "Later on I was told by other detainees and the people who came to visit me that I was with the TID in the Naval Quarters. Sometimes we were allowed a few minutes of walking outside we could see naval officers moving about on the 3rd floor."

Chaitya Road TID Offices (until late 2008): This building was along the

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beach and is described as having three floors. Half the space on the 2nd floor was reportedly occupied by the TID. Along the corridor they had offices and interrogation units. One witness says at the start of 2008 they moved all the TID offices down on the ground floor possibly to make room for the Navy on the second floor: "On the ground floor near the entrance were holding cells. Twenty to thirty people were kept there in cells in the middle of the room. Others slept in the hallway. In the daytime they were brought for inquiry in the room... The cells here were completely crowded, you sweat out all night, it's so hot and the air quality bad. All the cells were very small like 3 x 5-6 feet, they held typically two people so it was impossible to lie down and for some even to stand up if they were tall. ...In front of those three cells was a desk with a uniformed police officer guarding and receiving new detainees."

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14 Paras 346,352, OISL.

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15 Para 412, OISL.

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16 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission to Sri Lanka. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf?OpenElement>

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17 Report of the Human Rights Commission to the Committee Against Torture Review of the 5th Periodic Report of Sri Lanka October 2016, Para 21.

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18 "The next day I was taken across the road and inside Joseph Camp through the police gate. I was taken to an area that was separated from the rest of the army camp by barbed wire. I would estimate the compound was 1/2 acre and the building maybe 50 x 80 feet. I don't know who was in charge here but I saw men in police uniforms as well as men in civilian clothing. I was detained in a normal room but there was a cell door with iron bars." (2009).

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19 "The camp in Kandy was TID. Bad things happened to me there physically and sexually. There were no Tamil speaking people there. I was in Kandy for about one month."

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20 HRW 2018 Report - the case of Soriyamoorthy Givoshan. <https://www.hrw.org/>

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report/2018/01/29/locked-without-evidence/abuses-under-sri-lankas-prevention-terrorism-act#

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21 "The third time they [TID officers] came they again sent out the lady outside and the men took a wooden stick and raped me with it, they stuck it up inside my vagina, pushing it and raped me. I was screaming. They beat also with the stick on my stomach. They forced me to admit that I was LTTE. That day I had excruciating pain and the next day there was blood in my urine. Since then I have had a lot of gynaecological problems. The TID officers forced me to sign a document in Sinhalese the day I was raped."

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22 A TID camp in Vavuniya, known as Theikkawatte for two days.

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23 "A couple of the TID officers I saw in Omanthai I also saw in Boossa. One was a translator called Mohammed, the others I don't remember."

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"Omanthai school was initially an army facility right after the war ended in 2009. By June 2010 it was under control of the TID."

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24 Corroborated by OISL, Para 373.

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25 "I was taken to Rambaikulam School and there were 2,500 people detained there. There were not enough toilets there. As we queued for the toilet or to bathe or for food or to eat or as we slept, the CID or army would just beat us indiscriminately. Sometimes they were drunk."

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Also the HRW victim cited above.

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26 2009, Vellikulam School: "The people who beat and interrogated me were police, CID, TID and military intelligence working as a team. They kept us in a large hall - with a table and four chairs around it. We were asked to sit on the floor. The interrogators came in two buses. They were beating everyone in the hall."

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27 A/HRC/39/45/Add.2, 23 July 2008.

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28 2017: "Then they showed their ID and said they were from the TID. They were wearing civilian clothes, not uniforms. They pushed me around and handcuffed my hands behind my back."

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29 Para 414, OISL.

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30 "Three TID officers from Joseph Camp in civilian clothes came. They handed me a piece of paper with my name and date and [said] that I was to go for an inquiry on the next day. It had "TID" on it."

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31 "There is a sign indicating the function on each floor so that is why I know this."

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32 "In Joseph Camp they mostly were interested in the buried weapons and who was with Prabhakaran at the end of the war. The questions in Boossa were much more detailed than in Joseph Camp."

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33 Para 352, OISL.

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34 Human Rights Watch also reported on one 2014 detention by TID in Kilinochchi where the victim said he was taken to a "house close to the army camp" and then to TID Vavuniya and Boossa: Vijayakumar Ketheeswaran case, <https://www.refworld.org/cgi-bin/texis/vtx/>

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35 "On one occasion three navy officers were there and they all four beat me, then they went off to drink and came back again to beat me more until I couldn't stand."

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36 "At Boossa I was kept in a common cell. I was beaten on several occasions during further inquiries at Boossa by members of the TID, CID and NIB. I was able to identify different units were involved from conversations with other detainees at Boossa."

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37 "In front of the bus was an STF jeep and behind a green coloured Pajero with TID officers."

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38 "I registered with ICRC at Omanthai School."

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39 "The man from ICRC... was from the UK and spoke Tamil as well as Sinhala. I was taken to another room to meet him and we were alone in that room. He asked me how I was doing and whether my family had been to visit. I told him I was fine and that the family had not been to visit. I was wearing a sarong and a full sleeved shirt so he could not see the marks from torture on my body..."

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40 “I was registered by the ICRC but they couldn’t ask us about torture.”

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41 “On one occasion I later found that the ICRC had come to the 6th Floor and that the ICRC lady had been told I had been taken downstairs before she arrived. She came and found me there, and gave me a card with her name. ...I had been told by the TID not to tell anyone about the torture; I did not do so. The guards were present in the 2nd Floor room when she found me, and they were pressurising her to leave. She just had time to give me her details and I was able to write my name on an ICRC card and give it to her.”

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42 “I didn’t quite know what to tell them so it was only when she asked me if I was being beaten that I told her. She gave us a few books, ointment, pens, notebooks, deck of cards and things like that. She also brought soap and shaving razors. I really appreciated those visits.”

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43 Senior Superintendent of Police - C N Wakishta, April 2009, Business Today, [http://www.businesstoday.lk/cover\\_page.php?article=205&issue=206](http://www.businesstoday.lk/cover_page.php?article=205&issue=206)

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44 A/HRC/40/XX/Add.3

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45 Source: <https://www.hrw.org/report/2018/01/29/locked-without-evidence/abuses-under-sri-lankas-prevention-terrorism-act#>

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46 A/HRC/40/XX/Add.3

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47 [https://www.cpalanka.org/wp-content/uploads/2019/04/QA\\_SoE.pdf](https://www.cpalanka.org/wp-content/uploads/2019/04/QA_SoE.pdf)

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48 [https://www.cpalanka.org/wp-content/uploads/2019/04/QA\\_SoE.pdf](https://www.cpalanka.org/wp-content/uploads/2019/04/QA_SoE.pdf) (Reg 19 (1))

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49 IBID Reg 19 (10))

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50 “After a few months, I got confirmation that I was under TID custody as I was given a copy of a ‘DO form in English confirming this. I do not know what ‘DO’ stands for. Another detainee who spoke English translated it to me. Every three months, I received a copy of my DO form from TID officers. My

understanding is that the DO form was a court order allowing TID to detain me.”

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This was also the case of Vivodhani Givoshan in Human Rights Watch’s report on PTA detainees, where he was arrested by the Kandy TID in October 2010; he was only produced before a magistrate in August 2011 and said he had no idea of the charges against him even when he was released on bail.

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51 The visits by the magistrate to Boossa are also referenced by a victim in Human Rights Watch’s 2018 report, who said the magistrate never asked how they were being treated but just renewed their detention orders.

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52 HRW: “The TID officers threatened me and ordered me against saying anything to the magistrate. When I was produced before the magistrate, I started telling my story. She called us into her chambers instead and scolded me for saying that the TID had tortured me. I showed her my wounds and scars and she said, ‘You must have hit yourself’.” (Sahan Kirthi)

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53 Five ASPs were used to record the statements – they did this both on the 6th Floor and in Boossa. This was just to be able to testify in court and they had not been part of the actual investigation and interrogation.

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54 “In front of the ASP, Nandasri beat me to make me accept the charges. The ASP just watched and pretended to talk on the telephone standing outside the door... Mohammed told me that if I didn’t sign I would be tortured again. He told me to trust him that he had written the truth. I told him that I didn’t give enough information to fill five pages. I told them I didn’t understand what the documents said and I started crying and said it would cause a lot of problems for me. The ASP came back into the room and I signed the five pages; one was a blank and the other four documents were typewritten by Mohammed in the Sinhala language, which I do not understand. I didn’t sign willingly.”

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55 <http://hrcls.lk/english/wp-content/uploads/2016/05/Directives-on-Arrest-Detention-by-HRCSL-E-.pdf>

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56 “I appeared in Colombo Magistrate

court. They spoke in Sinhala and I didn’t understand what they were saying.”

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57 Para 374, OISL.

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58 “When we arrived I was led up some stairs, then walked on a flat surface and then up some stairs again.”

“We were taken into a building and then up many flights of stairs with landings. We would go up a long set, walk flat in the opposite direction then up another steep step and so on.”

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59 “I was taken to the 6th Floor and the 2nd Floor – I was taken by a lift... The 2nd Floor had offices and the 6th Floor had detention cells.”.

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60 “The interrogation room was on the 2nd Floor. It was a room with plywood partitions and you could actually see into the next office as the temporary walls only came to about eye level”.

“I was taken from this (interrogation) room to a holding room on the same floor. These were not cells; the walls were partitions made of plywood, there were no windows and no lighting in the room, but light came from the hallway through space at the top of the partition where it did not touch the ceilings. I was left in that room alone and the door was locked.”  
“The interrogation room and the administration were on the 2nd Floor. ...I was taken to Abdeen’s office for interrogation and when they wanted to torture me they took me to another larger room.”

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61 “I was on the 6th Floor, I know this because I came up with the lift. There were cells with iron bars and this is where I was held.”

“The cells had bars on the walls but were covered with metal sheeting so you couldn’t see into the adjacent cells. The cells also had barred doors. These doors had metal sheeting on the bottom, but bars on the top and I could see out onto a wall.”

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62 “Here was a big open space with 8 metal bar cages on all three sides. On the other side of the two doors were three steel bar cages and a toilet.”

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63 “I was in different cells on the

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6th Floor. All the cells had iron bars on three sides and overhead as well. I was sometimes alone and sometimes with other detainees.”  
“One cell was a larger cell that also had iron bars at the front but not the sides, so I couldn’t see who was in the cell next to me. The other was a small single cell with iron bars all around like a cage and just enough space to stand up.”

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**64** “The bathroom was in the corner and I could look out the window and see the harbour side.”

“From the toilet I could see the harbour through a small window.”

“I could see the harbour from the bathroom window on the 6th Floor. I think there were iron bars or net covering the window.”

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**65** “They were naked and blindfolded as I also was each time I went for interrogation.”

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**66** “I could hear people being beaten and people crying.”

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**67** “I covered my face with my hands but they beat me with their hands, shoes, broomsticks, and batons. They beat me all over my body”.

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**68** “They made me lie face down on a bench; I was beaten on the back with an S-Lon pipe with something heavy in it (maybe cement or sand). I was beaten on my back all over, on the back of the legs, as well as the soles of my feet.”

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**69** “G. (name redacted) told me he wanted to test the feeling in my bad leg, so he hit my right leg and the two other men also hit me on that leg. I never gave them any answers.”  
“They hung me upside down from my ‘good leg’ and they beat me on my back with long sticks, I couldn’t see them, but I felt they were sort of broomsticks.”

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**70** “At some point my ankles were tied; it felt like there was rubber and a chain, I was then suspended feet up for a number of hours, I don’t know for how long. I was beaten while I was suspended on both the front and back sides of my body. They were unhappy that I was not cooperating. I was kept in this position for a very long time, although I don’t know for how long I was like this; maybe I was unconscious, maybe asleep. Later that night I was taken down; I was

still blindfolded and handcuffed, but my ankles were untied. I had to be held up as I was taken back to the cells.”

“They brought a stool into the room and told me to stand on it so I could put my hands through the manacles and standing on the chair one of them locked them around my wrists. Then they took the stool away and I was hanging from the ceiling. They kept asking the same questions again and again, asking about high ranking LTTE people, their families and where they were. They beat me with batons and sticks while asking questions and they burned the side and under my feet with a lighter and with cigarettes. All four men participated in beating. After some time, they brought the stool back and released me to the floor. This went on for a few hours. Then I was taken to another room. I was also subjected to petrol bagging. I was also made to lie face down on the bench and they beat me on the soles of my feet. The worst torture I experienced ever was in Joseph Camp and in the 4th Floor.”

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**71** “I did have a petrol soaked plastic bag put over my head which caused me to vomit, my eyes hurt and my lips cracked. My eyelashes fell off after a few days”.

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**72** Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission To Sri Lanka\*

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**73** Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Juan E. Mendez\* on the Official joint visit to Sri Lanka - 29 April to 7 May 2016

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**74** “10 guys including me were put on a bus and taken to Boossa. On the way a Tamil guy on the bus was in severe pain and died by the time we reached Colombo.”

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**75** “As we drove out from the hospital I saw the dead body of a Boossa detainee on the ground. When I came back to the cell in Boossa I told the other detainees about this. They told me that this boy had not been someone who would jump himself

and they suspected he was pushed.”

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**76** “When we arrived at Boossa prison, we had to take all our clothes off and we were stripped searched individually. I also had to squat three times and remove my religious thread bracelet”.

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**77** A female detainee saw large numbers brought to court like this:

“I saw how the male detainees were handcuffed in pairs to a long chain - I think maybe 100 men were on one chain. They entered the court like that before the judge. When the clerk called a name, the detainee stood up so the judge could see.”

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**78** “A1, A2, A3 and A4 sections contained detention cells.”

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**79** “For three months during the interrogation time I was kept alone in a very small narrow cell in which you can’t even stretch your feet out to sleep.” (in 2009)

“As far as I know, there were only Tamil LTTE members in blocks A to E, except for one cell. In cell I or 2 of block A, there was a Sinhalese man who was a senior officer of the police whom I understand had been bribed by the LTTE. The prison guards spoke to him respectfully and called him “ASP Sir” (Assistant Superintendent of Police). He was alone in his cell. I think that block A is the only block that contained small cells, whereas the other blocks contained big hall-type cells.”

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**80** “There were three cells, A1 and A2 and A3, in the area where I was taken. Each cell could contain 4 people but it was crowded, and sometimes they put 6 or 7 people in one cell and it was impossible to lie down and sleep.”  
“The cell [in Block A] was very small, about 5m x 3m. I was detained there with another 6 people... There was not enough space for us to lie down. There was a very small opening with iron bars in one of the corners but I could not see outside because

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it was too high. The walls and floor were in cement."

"Boossa could fit around 100 to 150 maximum but when I was there the number of detainees went up to 850-900 after the end of the war. 5.5 x 10 feet cells had to fit 8 people so people could barely lie down and sleep."

Block B: "I was taken to building B. In building B there were 145 detainees in one large cell. The space in the cell was not big enough for us to lie down and sleep at the same time."

Block D: "Boossa had large cells about 14 feet by 5.5 feet with 14 people in each - it was not possible to lie down and there was very little space. Boossa consisted of A, B, C, D, and E blocks, each surrounded by a wall. Each block had about 130-140 detainees."

"I was in three different cells during my detention in Boossa. One cell had 100 detainees, another one around 160 and the third cell also around 100. The cells with 100 detainees were about 30 feet long and 20 feet wide. We were unable to lie down properly to sleep, people would lie in rows with the heads in opposite direction and their legs overlapping. Roll calls were conducted 6 am, 12 am, 6 pm - in between the guards came to do more roll calls just as a way of putting pressure on us."

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**81** "I was in a cell in a hallway with other single cells; I'm not sure how many. It was extremely small and hot, and many had chickenpox." (in 2012)

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**82** "In Boossa the Sinhalese prisoners brought food for us. They were kept in a separate wing. I knew they were prisoners because they were wearing dirty white shorts and white shirts. The regular uniformed police were there so we didn't speak to any of them".

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**83** "Detainees at Boossa stayed locked in the cells most of the day and allowed to go outside only during mealtimes. If they wished to use the sanitation facilities they stated they have to call out to the officer on duty or bang on their doors. At night they are reportedly

not allowed to use the sanitation facilities."

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**84** "Everything would close at 4 pm and after that we couldn't even go to the toilet. For emergencies we were given an empty bottle or a plastic bag. Only around 10 am they would open again and we would be allowed to go to the toilet".

"We were given a bottle for urination and had to go to the toilet in a shopping bag."

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**85** "The room that I was interrogated in was like a wooden cell, maybe 6 feet by 6 feet, and it was one of five or six cells, where others were being simultaneously interrogated and beaten. I could hear some of the beating taking place. There was a desk, a chair and a bench. There were no windows. There were some blood stains on the wall, but it didn't smell and it was neat and tidy."

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**86** "TID Unit I room was quite big, about 7m x 5m, and looked like an open-plan type office. There were three windows, one overlooking the courtyard and two facing the B block wall. The floor was in cement. The walls and the ceiling were white I think. There was a light and two or three ceiling fans. Mr. G's (name redacted) desk was on the right by the wall. The room contained another 7 or 8 desks for Mr. G.'s team members, which included both male and female TID officers."

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**87** "I also witnessed torture at Boossa, including X and Y (names redacted). I saw the latter have a bag with gasoline put over his head."

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**88** "While in Boossa G. (name redacted) cupped my ears, that means he clapped his hands very hard simultaneously against my ears with such force that I permanently damaged my left ear. There was a loud humming noise in my ears and they started bleeding."

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**89** "Two TID officers lifted me up and placed the back of my knees on a wooden pole hanging like a swing attached in each end to a rope from the ceiling attached to a pulley system. Then they tied my ankles and tied my hands to my ankles. It was very painful at the back of my knees and my head felt dizzy and spinning. I was hanging in this position for maybe about half an hour."

"At some point, I was hung upside down from the hook in the ceiling and beaten with pipes that felt like iron. It was excruciating. I screamed so loudly that many other TID officers came into the room. I cannot remember how long this lasted for as I lost track of time. When they finally let me down, I was hardly able to move. In addition to my physical sufferings, I felt deeply humiliated. I grabbed my sarong and the two men who had tortured me dragged me back to the cell".

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**90** "I was also given on one occasion an electric shocks with wires attached to my fingers..." (2009)

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**91** "The OIC was sitting behind his desk. When he saw my face - which felt swollen and bruised - the OIC asked the officer if he had hit me, but the man did not reply."

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**92** "I was often stripped naked for interrogations in Boossa and certain TID officers touched my private parts. I don't know who they were, I think they brought Sinhalese detainees to come and forced them to touch my private parts. They did more than what the TID officers told them to do and I felt they enjoyed it because they were Sinhalese. I heard that if they didn't do what the TID officers told them, they would be beaten..."

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**93** "When I walked into the room, I saw a lady sitting behind a desk with a typewriter and a female TID officer that I had seen in the unit before. Both were wearing saris. The two TID male officers who had brought me to the room forced me to bend in front of a desk. They released my left hand and handcuffed my right hand to the opposite leg of the table in a very uncomfortable position. One man started kicking me in the back with his feet while the other was hitting my head. The man hitting my head was sitting on a chair behind the table. The beatings lasted for about 20 minutes. I was questioned in broken Tamil about the phone again: they were asking 'Where are you hiding the phone?', 'Give us the phone!'. They were using degrading words in Sinhala about me and Tamil people in general. I remember all the degrading words that they used but I do not want to repeat them. The pain was extreme. I was banging against the table. When the beatings started, the typist and female TID officer hid their faces with their saris and left the room."



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After that, a third TID officer came in and asked the two officers who were beating me to bring me back to the OIC's office. I was brought back handcuffed. The OIC asked if I had confessed."

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**94** "I have back pain due to all the beatings, the vertebrae in my lower spine are cracked and I have a hard time sitting down for long periods of time."

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**95** "The informants were people who believed the TID when they said they would be released or sent to rehabilitation if they pointed other people out. They also thought that by being taken out to the villages to point out people they could see their families but they never thought about the families of the people they pointed out. I think they were selfish."

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**96** "In Boossa I saw a lot of people I knew from the LTTE. We didn't speak much to each other because you never knew if someone would identify you."

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**97** Sadly some Tamils found themselves forced to work as informers because they were rejected by their own communities for their role in forced recruitment for the LTTE: "We called this man X (name redacted). He was helping the LTTE to forcibly recruit civilians at the end stages of the war and after he returned the community turned their rage against him and for his own protection he was forced to work with the TID."

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**98** "On the 6th Floor they showed me photos on the computer of (LTTE) cadres and asked me to identify them. The interrogation took place while I was kneeling and the interrogators kicked and beat me while they asked questions."

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**99** "They brought files and photos of LTTE people and asked me to identify them. If I said I knew them I was beaten, if I said I didn't know them I was beaten, it made no difference what the answer was."

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**100** "5.28 Different agencies, including the Department of Immigration and Emigration, the State Intelligence Service and the Criminal Investigation Department and, at times, the Terrorism Investigation Department, process returnees, including those on charter flights from Australia."

DFAT Country Information Report Sri Lanka, 23 May 2018 <https://dfat.gov.au/about-us/publications/Documents/country-information-report-sri-lanka.pdf>

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**101** UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/40/59, available at: <https://www.refworld.html> [accessed 8 September 2019]

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**102** <http://www.itjpsl.com/assets/press/ECF-No.-0066-3-Exhibit-B-to-Sooka-Decl.pdf>

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**103** Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission To Sri Lanka\*

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**104** <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf?OpenElement>

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**105** "For example, 59 persons out of 110 had been transferred from the Boossa detention facilities on order of the director of the Terrorism Investigation Department in the days leading up to the Special Rapporteur's visit. The situation was aggravated by the fact that the Special Rapporteur received the information from the remaining detainees that the transferred persons were those who had been most seriously tortured before and still bore marks of the ill-treatment."

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**106** [http://www.un.org/News/dh/infocus/Sri\\_Lanka/POE\\_Report\\_Full.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf)

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**107** Para 412: "Further, it is disturbing to read reports of human rights organizations being investigated by the CID."

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**108** Para 153: "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 the SLA."

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**109** Para 163: "The CID and TID maintained units inside the camps in Menik Farm and conducted regular interrogations. Other individuals were also detained and interrogated for potential links to the LTTE,

including the doctors, the AGA and two United Nations staff heard from the interrogation tents. The UNHCR recorded at least nine cases of torture in detention. Some detainees were taken away and not returned." Para 147: "Vavuniya Hospital was overflowing with patients, leading to early discharges, and all patients were closely guarded by the SLA and subject to interrogation by police investigators (Criminal Investigation Department, CID, or Terrorist Investigation Department, TID). Some patients disappeared from the hospitals."

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**110** <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16539&LangID=E#sthash.tngHVerk.dpuf>

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**111** Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Juan E. Mendez\* on the Official joint visit to Sri Lanka - 29 April to 7 May 2016

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**112** Ibid.

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**113** <http://lk.one.un.org/news/full-statement-by-ben-emmeron-un-special-rapporteur-on-human-rights-and-counter-terrorism-at-the-conclusion-of-his-official-visit/>

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**114** Sri Lanka routinely tortures security suspects amid stalled reform process, UN expert finds <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21884&LangID=E>

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**115** Accessed at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fNHS%2fLKA%2f25601&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fNHS%2fLKA%2f25601&Lang=en)

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**116** Accessed at [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf)

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**117** Accessed at <https://www.hrw.org/report/2015/10/23/we-live-constant-fear/lack-accountability-police-abuse-sri-lanka>

- 118** Accessed at <https://www.hrw.org/report/2013/02/26/we-will-teach-you-lesson/sexual-violence-against-tamils-sri-lankan-security-forces>
- 119** SEPTEMBER 15, 2012 United Kingdom: Document containing cases of Sri Lankan deportees allegedly tortured on return, accessed at <https://www.hrw.org/news/2012/09/15/united-kingdom-document-containing-cases-sri-lankan-deportees-allegedly-tortured>
- 120** <http://files.amnesty.org/archives/asa370032012eng.pdf>
- 121** [https://www.freedomfromtorture.org/sites/default/files/documents/freedom\\_from\\_torture\\_submission\\_for\\_sri\\_lanka\\_list\\_of\\_issues\\_20.12.13.pdf](https://www.freedomfromtorture.org/sites/default/files/documents/freedom_from_torture_submission_for_sri_lanka_list_of_issues_20.12.13.pdf)
- 122** [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/638364/Final\\_-\\_Report\\_\\_Pt\\_1\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/638364/Final_-_Report__Pt_1_.pdf)
- 123** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/638362/Final\\_-\\_Annex\\_A.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/638362/Final_-_Annex_A.pdf)
- 124** <https://www.tamilnet.com/art.html?catid=13&artid=13000>
- 125** [https://wikileaks.org/plusd/cables/04COLOMBO776\\_a.html](https://wikileaks.org/plusd/cables/04COLOMBO776_a.html)
- 126** <https://www.asiafoundation.org/resources/pdfs/SLSupplementarytoSCA.pdf>
- 127** [https://wikileaks.org/plusd/cables/04COLOMBO776\\_a.html](https://wikileaks.org/plusd/cables/04COLOMBO776_a.html)
- 128** [https://wikileaks.org/plusd/cables/05COLOMBO679\\_a.html](https://wikileaks.org/plusd/cables/05COLOMBO679_a.html)
- 129** [https://wikileaks.org/plusd/cables/04COLOMBO776\\_a.html](https://wikileaks.org/plusd/cables/04COLOMBO776_a.html)
- 130** HRCSL Annual Report 2004-5, para 3.7.2.
- 131** Para 3.6.3, HRCSL Annual Report 2004-5.
- 132** Para 2.3.1, Annual Report 2004-5.
- 133** HRCSL 2004, Annual Report.
- 134** [https://www.sida.se/contentassets/41bee49be24a486487d1c182ac21ec1f/0743-review-of-development-cooperation-between-sri-lanka-police-and-swedish-national-police-board\\_1966.pdf](https://www.sida.se/contentassets/41bee49be24a486487d1c182ac21ec1f/0743-review-of-development-cooperation-between-sri-lanka-police-and-swedish-national-police-board_1966.pdf)
- 135** Revealed: how Scots police trained Sri Lankan cops linked to human rights abuse, The Herald Scotland, 8 Sep 2013; and US, 28 September 2004, Tamilnet, accessed at <https://www.tamilnet.com/art.html?catid=13&artid=13000> and also referenced in a Wikileaks cable: [https://wikileaks.org/plusd/cables/06COLOMBO87\\_a.html](https://wikileaks.org/plusd/cables/06COLOMBO87_a.html)
- 136** <http://www.anphoblacht.com/contents/27129>
- 137** <https://www.police.lk/index.php/police-academy/121>
- 138** “The Asia Foundation’s community policing program targets structural changes by: empowering police stations through increased police-community interaction resulting from community policing forums; encouraging cultural changes by making the police service more people-friendly and more responsive to the needs of citizens; and implementing institutional changes by promoting evidence-based decision making.” <https://asiafoundation.org/resources/pdfs/SLCommunityPolicing.pdf>
- 139** <https://lk.ambafrance.org/Training-in-French-language-for-a-group-of-Sri-Lankan-Officers-of-the-Tourist>
- 140** AFP facebook page, <https://www.facebook.com/AustraliainSriLankaandMaldives/posts/352114368304330>
- 141** <http://lk.one.un.org/news/manual-on-sexual-and-gender-based-violence-presented-to-sri-lanka-police/>
- 142** <https://blogs.fco.gov.uk/lauradavies/2015/12/17/zero-tolerance/>
- 143** <https://rm.coe.int/4-4asean-conference-and-workshop-cebu-philippines-june-2017-j-fernando/168072bdb5>
- 144** <https://www.thesun.co.uk/archives/news/1142024/may-the-forces-be-with-you-plods-1-7m-to-train-foreigners/>
- 145** <http://www.scotland.police.uk/assets/pdf/434027/434083/451892/18-0439-response?view=Standard>
- 146** <http://www.ft.lk/article/532681/UK-supports-professional-development-of--Sri-Lankan-Police-Force>
- 147** <http://www.scotland.police.uk/assets/pdf/434027/434083/451892/18-0439-response?view=Standard>
- 148** <http://www.scotland.police.uk/assets/pdf/434027/434083/451892/18-0439-response?view=Standard>
- 149** <http://www.ceylontoday.lk/news-more/2852>
- 150** <http://www.dailymirror.lk/article/Scotland-Yard-training-for-IGP--155919.html>
- 151** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/806851/human-rights-democracy-2018-foreign-and-commonwealth-office-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806851/human-rights-democracy-2018-foreign-and-commonwealth-office-report.pdf)
- 152** <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2017>
- 153** <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2016>
- 154** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/518658/FCO755\\_Human\\_Rights\\_Report\\_2015\\_-\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf)
- 155** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415910/AHRR\\_2014\\_Final\\_to\\_TSO.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415910/AHRR_2014_Final_to_TSO.pdf)
- 156** <https://www.gov.uk/government/publications/sri-lanka-country-of-concern/sri-lanka-country-of-concern>
- 157** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408376/Cm\\_8593\\_Accessible\\_complete.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408376/Cm_8593_Accessible_complete.pdf)
- 158** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408379/Cm-8339.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408379/Cm-8339.pdf)
- 159** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408381/accessible-hrd-report-2010.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408381/accessible-hrd-report-2010.pdf)

“I remember somewhere in detention they were trying to put my shirt back on me after torture and the shirt became completely soaked in blood. I also remember I leant against the wall with my hands and another inmate came to my cell and told me he saw the blood marks as he was taken to the room right after me.”

**TID TORTURE SURVIVOR**

The ITJP is administered by the Foundation for Human Rights in South Africa under the guidance of its director, transitional justice expert, Yasmin Sooka. The ITJP team includes former prosecutors and investigators from the Ad Hoc Tribunal for the Former Yugoslavia (ICTY) and Rwanda [ICTR], lawyers who have worked for the South African Truth and Reconciliation Commission, the Timor-Leste Commission, the United Nations, the Special Court of Sierra Leone and the International Criminal Court who collectively have decades of experience in investigation of sexual violence and torture, and in many instances first hand knowledge of investigations relating to Sri Lanka.

🖱️ [itjpsl.com](http://itjpsl.com)

🖱️ [stop-torture.com](http://stop-torture.com)

DESIGN:

🖱️ [TEMPLO.CO.UK](http://TEMPLO.CO.UK)

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