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# EXECUTIVE SUMMARY

This report expands on the ITJP's previous work on detentions and torture of Tamils that took place following the end of the country's civil war, involving the militant Liberation Tigers of Tamil Eelam (LTTE) and highlights the continuing use of disappearances, torture and sexual violence by the Sri Lankan security forces.

It supports the conclusions of other research that showed, years after the end of the war, Sri Lankan security forces act as though young Tamil men and women peacefully exercising their political rights pose a national security threat. The report shows that many of the same methods of disappearance and torture conducted against the surrendering LTTE fighters and the Tamil civilian population by security forces in the years immediately after the end of the war remain common till this day.

This report analyses statements of 123 Tamils, 109 males and 14 females, with most aged between

20-39 years of age, who between 2015 and 2022 were unlawfully picked up and detained by Sri Lanka security forces a total of 139 times. Whilst most were detained once, 12 were detained twice and 2 were detained three times. The detentions lasted from between one day to as long as one and a half years, with most detentions lasting for a month or less. The Tamil victims now all live outside Sri Lanka.

In 65 of the 139 detentions, the person was picked up by law enforcement officers from their own or a relative's home, witnessed by their relatives. In most of the other cases, they were picked up whilst travelling home or to their work. In almost all cases, the detained person was picked up by men in civilian clothes, but the detainee could not be certain which law enforcement agency the men worked for. In at least 67 of the 139 detentions, the security officers specifically asked for the person by name. In practically all the cases, the detainees were blindfolded, with their

hands tied behind their back and put into a van, mostly white. Apart from a few cases, they were taken to an unknown location and families were not told where they were being taken.

All the detainees were subject to interrogation. In most cases, the questioning took place in a room separate from the room where they were kept in the detention centre. In only a few cases, did the detainees hear voices of other detainees present at the same time as them. Apart from a handful, all the detainees were questioned about issues relating to the LTTE – though half of the detainees never had any association with it. The detainees were questioned about their alleged current or historical links to the LTTE within Sri Lanka or abroad, purported attempts to regroup and fund the militant organisation, about the group's hidden weapons or their family links to it. They were also questioned about their involvement in legitimate peaceful political activity including attendance at Tamil protests and remembrance meetings or

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their support for the Tamil National Alliance, or other Tamil political parties.

In 130 of the 139 detentions, interrogation involved torture, which at the very least involved being severely beaten. In 85 cases they were also asphyxiated with a polythene bag; in 47 cases they were burnt by cigarettes or other heated materials; 46 were subject to forced drownings and in 32 cases they were suspended by ropes. In 85 cases, the detainees were subject to multiple forms of torture.

Sexual torture was also frequently used. 91 detentions, including all but one of the female detainees, involved sexual torture. 82 detentions involved at least one of at least five kinds of sexual violence: the squeezing of genitals; forced oral sex; penile rape; anal rape with a rod; and forced masturbation. 51 detentions involved rape, 11 using rods. 40 of the rapes involved men and 11 were women.

55 of the 139 detentions ended with the detainee being forced to sign a written

confession - following days, weeks or months of torture and threats. In 50 cases, the detainee said they were forced to sign a document written in Sinhala, a language they could not read.

In four of the 139 detentions, the detainee escaped, and in six cases the detainee was simply released. However, in all the other cases, the detainee was blindfolded, put into a vehicle and taken to a place where they were "informally" released into the hands of family members following a payment by the family. In 41 of the 139 detentions, The Eelam People's Democratic Party (EPDP) was said by the victim to be involved in negotiating the release with their family.

Except for a few cases where the person was released within one day, the detainees were all victims of enforced disappearance.



VICTIMS



MALE



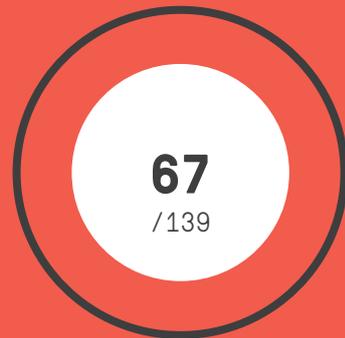
DETAINED MORE THAN ONCE



DETENTIONS



PICKED UP FROM HOME



ASKED FOR BY NAME



TORTURED



MEN RAPED



SEXUAL TORTURE REPORTED



FORCED TO SIGN CONFESSION



EPDP NEGOTIATED RELEASE

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# BACKGROUND

Enforced disappearance and torture have long been part of how Sri Lankan security forces have dealt with political and violent dissent.

Detailed Sri Lankan Government investigations into mass atrocities committed during the second uprising in the south by the Janatha Vimukthi Peramuna (JVP) in 1987-90 showed how victims, mainly young Sinhalese, were abducted in Pajero jeeps or white HiAce vans by plainclothes security officials at night, with them being blindfolded, handcuffed and taken away. Whilst many did not survive - unofficial estimates suggest that at least 40,000 people were disappeared and murdered during this period - there were many survivors who provided evidence to subsequent official inquiries that the police, supported by government ministers and officials, had set up unofficial "torture centres".

For example, the Report of the Commission of Inquiry into the Establishment and Maintenance of Places of Unlawful Detention and

Torture Chambers at the Batalanda Housing Scheme concluded that the Batalanda housing scheme was used by the Kelaniya police Counter Subversive Unit as both an illegal detention centre where torture took place and also where people were killed. It found that at this housing scheme, 13 police officers were "directly responsible for having illegally detained and tortured persons" and that torture included "being "suspended" from the ceiling", "assaulted with clubs" and "burnt". It reported the evidence of one witness:

"His hands and feet were then tied. His body was raised from the ground with the hands upwards, and he was suspended from the roof. Thereafter he was swung and persons assaulted him with clubs."<sup>1</sup>

This may not have been the beginning of torture in Sri Lanka, nor perhaps the first time that torture was systematised and normalised by the security forces, but many of the characteristics of disappearances and

torture in this period - the abduction using white vans and the torture methods - have continued for years to come and remain common today.

Sri Lanka acceded to the UN Convention against Torture in 1994. In its consideration of the initial report submitted by the Government of Sri Lanka in 1998, the Committee Against Torture (CAT) said it was "gravely concerned by information on serious violations of the Convention, particularly regarding torture linked with disappearances".<sup>2</sup>

However, it was the Sri Lankan government's response to conflict with the militant group, the Tamil Tigers, which had for many years fought to create an independent homeland for Tamils, that resulted in renewed public attention on disappearance and torture. Following a visit to Sri Lanka in October 2007, during the conflict, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, stated that:

"... in the context of detention orders under the Emergency Regulations and in particular with respect to LTTE suspects, the clear majority of all detainees interviewed by the Special Rapporteur complained about a broad variety of methods of torture, some extremely brutal. In many cases, these

allegations were corroborated by forensic reports. The considerable number of clearly established cases of torture by TID [the Terrorism Investigation Division of the police] and other security forces [...] 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.”<sup>3</sup>

The Rapporteur went onto say:

“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. .... The Special Rapporteur is also shocked by the brutality of some of the torture measures applied to persons suspected of being LTTE members, such as burnings with soldering irons and suspension by the thumbs.”<sup>4</sup>

In May 2009, the surviving members of the LTTE armed forces and its administration, surrendered to the Sri-Lankan army ending

decades of deadly war. It soon became evident that in the final months of the war, the army had killed tens of thousands of Tamil civilians through widespread shelling of “safe areas” including hospitals, and although the surrender brought respite after years of armed conflict it did not bring an end to patterns of violations and abuse. In 2014, the UN Human Rights Council requested the Office of the High Commissioner for Human Rights to “undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka” between February 2002 and November 2011. In its final report, the investigation team, known as OISL, concluded that it had, “documented long-standing patterns of arbitrary arrest and detention by Government security forces, as well as abductions by paramilitary organisations linked to them (including the Karuna Group in the East and EPDP in the North), which often reportedly led to enforced disappearances and extrajudicial killings.”<sup>5</sup> Much of this took place after the end of the war.

The UN investigation report stated that:

“The typical modus operandi involved the arbitrary arrest or abductions of individuals by security forces’ personnel, sometimes with the assistance of paramilitary group members operating in

unmarked “white vans” that were reportedly able to pass security checkpoints or enter security force bases. These violations were and still are facilitated by the extensive powers of arrest and detention provided in the Prevention of Terrorism Act (PTA) still in force, as well as emergency regulations that were in force until 2011. Detainees were held for long periods under Emergency Regulations or the PTA, usually not informed of the specific reasons for their detention, and not presented with any charges. Only in very few of the documented cases were they brought before a judge and granted the opportunity to challenge the legality of their detention. They did not have access to legal counsel, and were often held incommunicado, without access to the outside world.”

In relation to torture it stated:

“OISL documented particularly brutal use of torture by the Sri Lankan security forces, particularly in the immediate aftermath of the armed conflict when former LTTE members and civilians were detained en masse. OISL documented the use of torture following similar patterns by a range of security forces in multiple facilities, including army camps, police stations and “rehabilitation” camps, as well as secret, unidentified locations.

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“On the basis of the information obtained by OISL, there are reasonable grounds to believe that this torture was committed on a widespread scale.”<sup>6</sup>

It also documented how sexual violence were not isolated acts but an integral part of the torture. The OISL report stated:

“Some people were subjected to sexual violence and other forms of torture after being arrested individually as part of the white van pattern. Others were subjected to sexual violence following the mass detentions at the end of the armed conflict, either after being separated at screening points or taken away subsequently from camps where the displaced were interned. Some individuals who had surrendered at the end of the conflict and had subsequently been released were later re-arrested and subjected to torture and sexual violence during the second detention.

All of the information gathered by OISL indicates that incidents of sexual violence were not isolated acts but part of a deliberate policy to inflict torture (to obtain information, intimidate, humiliate, inflict fear). The practices followed similar patterns, using similar tools over a wide range of detention locations, time periods, and security forces, reinforcing the conclusion that it was part of an institutional policy within the security forces.”

The UN report went on:

“The information gathered by OISL provides reasonable grounds to believe that rape and sexual violence by security forces personnel was widespread against both male and female detainees, particularly in the aftermath of the war. The patterns of sexual violence appear to have been a deliberate means of torture to extract information and to humiliate and punish persons who were presumed to have some link to the LTTE. The denial of sexual violence by public officials, the demeaning of victims and the failure to investigate indicate that such practices were apparently tolerated if not condoned by the authorities.

The alleged victims reported being in unlawful, arbitrary and mostly incommunicado detention, in the custody or under the control of the alleged perpetrators. Victims reported being subjected to sexual crimes, including the penetration of a part of their body with a sexual organ, or of the anal or genital opening of the victim with an object or any other part of the body; or being forced to perform sexual acts on the alleged perpetrators.”<sup>7</sup>

The continuing torture after the end of the war should perhaps have come as no surprise, as the political establishment that had countenanced the international crimes at the

end of the war, remained in power for five more years. At the time of the surrender, Mahinda Rajapaksa, the leader of the United People’s Freedom Alliance (UPFA) was both the country’s President and the Defence Minister, with his brother Gotabaya Rajapaksa the Secretary of Defence. In the Presidential election in January 2010, not long after the end of the war, Mahinda Rajapaksa won, returning his party the UPFA to power for a second term.

The period of time covered by OISL’s report stopped in 2011, two years after the war ended. However, in 2014, an investigation conducted by the UK Bar Human Rights Committee of England and Wales and ITJP showed that even after this end date, the disappearances and torture continued. “*An Unfinished War: Torture and Sexual Violence in Sri Lanka*” documented 40 cases of abduction and torture by the security forces, over half of which took place in 2013 and 2014.

The report concluded that:

“Abduction, arbitrary detention, torture, rape and sexual violence have increased in the post-war period. Targeted for these violations are LTTE suspects, or those perceived as having been connected to, or are supporters of, the LTTE. The purported aim is to extract confessions or information

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about the LTTE and to punish them for any involvement with the organisation.

These widespread and systematic violations by the Sri-Lankan security forces occur in a manner that indicates a coordinated, systematic plan approved by the highest levels of government. Members of the Sri Lankan security forces are secure in the knowledge that no action will be taken against them.”\*

A year later, ITJP published a more detailed report, *“A Still Unfinished war”* identifying 41 sites where in the previous five years Tamils were taken by security forces and physically and sexually tortured.<sup>9</sup> Based on detailed statements given by 115 Tamils, often abducted from their homes and taken to these sites in “white vans”, the report concluded that “ethnic persecution, political repression, extortion and revenge” had not stopped six years after the war ended. “There continues to be a thriving torture industry amounting to state run organised crime by sections of the security forces in Sri Lanka, seemingly unaffected by the change of politicians at the helm,” it stated.

In January 2015, the UPFA and Mahinda Rajapaksa lost the presidential election bringing to power Maithripala Sirisena, a candidate

representing a coalition of opposition parties. Sirisena’s victory, and the ousting of the Rajapaksas, was welcomed by the international community who saw it as a new beginning for Sri Lanka. However, though the new government provided the Tamil community increased civic space to protest and express their grievances, it did not bring an end to unlawful abductions, detention and torture.

ITJP’s 2015 report, mentioned above, had included a number of torture cases that had taken place six months into the new government - but in July 2017, ITJP published a further report, *“Unstopped: 2016/17 torture in Sri Lanka”* on 24 cases of abduction, torture and/or sexual violence by the Sri Lankan security forces that occurred in the two years after the new government came into power. “The conflict has not ended for many Tamils in Sri Lanka and is still being perpetrated through unlawful abductions, detention and torture. Witnesses describe being tortured and raped by the security forces, some as recently as 2017,” the report stated, concluding that:

“The violations remain systematic and officially sanctioned by command structures within the security forces. Victims describe senior officers coming into their torture chambers ... A standard operating procedure continues, involving three

security force teams - one abducting, one interrogating and another releasing for money. Once the victim has fled, their family remains under surveillance by the intelligence services in order to keep them quiet.”<sup>10</sup>

The report challenged those “diplomats and transitional justice experts who believe the situation is improving in Sri Lanka.” Two years later, ITJP published another report, *“Ongoing Torture”* documenting further torture and sexual violence of 76 Tamils in unlawful detention between 2015 and 2017.<sup>11</sup>

ITJP’s findings and conclusions were supported by other organisations. Freedom from Torture published its own report on 16 cases of Tamils who were also detained and tortured between 2015 and November 2017<sup>12</sup>, AP News published a report based on interviews of 20 men detained in 2016 and 2017.<sup>13</sup> An expert involved in the interviews is quoted by AP News saying that:

“The levels of sexual abuse being perpetuated in Sri Lanka by authorities are the most egregious and perverted that I’ve ever seen.”

In 2019, the UN High Commissioner for Human Rights published a report on the progress made by the Sri Lankan government in promoting reconciliation, accountability and human rights in Sri Lanka between 2015 and 2019. Although

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the report recognised some positive changes made by the government, it had conducted an extensive investigation into the ongoing violations and concluded that the UN:

“has continued to receive credible information about cases of abduction, unlawful detention, torture and sexual violence by Sri Lanka security forces, which allegedly took place in 2016 to 2018. A preliminary assessment of the information received indicates that there are reasonable grounds to believe that accounts of unlawful abductions and detention and of torture, including incidents of sexual violence against men and women, are credible, and that such practices might be continuing in northern Sri Lanka. Such allegations should be the subject of prompt, effective, transparent, independent and impartial investigations. In the past, the Government has condemned any act of torture, and indicated that any allegation of torture would be properly investigated and prosecuted. OHCHR is not aware of any investigations undertaken to date into the above-mentioned allegations.”<sup>14</sup>

In the November 2019 election, Sirisena was replaced as President by the former Defence Secretary, Gotabaya Rajapaksa who appointed his brother, formerly President Mahinda Rajapaksa as prime minister. These were the same two men

in charge of the government and defence forces when the LTTE surrendered in 2009. In September 2021, ITJP published a new report, *“Torture: 2020-21”* on 15 Tamils detained in 2020 and 2021. It found that young Sri Lankan Tamil torture victims were enduring extraordinary journeys to reach safety in the UK, walking for weeks across mountains, hiding in the boots of vehicles and braving sea crossings in rubber dinghies. “All of this,” the report stated, “after being brutally beaten in detention, burned with hot metal rods, asphyxiated with petrol-soaked polythene bags, half drowned and then gang raped by the security forces. Sri Lankan Army officers in uniform perpetrated the torture and sexual violence, along with the notorious counter terrorism police unit.”<sup>15</sup>

In 2022, months of mass protests over the country’s economic crisis, resulted in President Gotabaya Rajapaksa fleeing the capital city leading to the complete collapse of his government which had included his brothers Mahinda Rajapaksa as prime minister and Basil Rajapaksa as finance minister. The economic crisis had been brought about by a combination of the effect of Covid and the Ukraine War along with serious economic policy mismanagement by the Rajapaksa government had resulted in a shortage of foreign currency and rampant inflation.

In July 2022, Ranil Wickremesinghe was installed as the new President.

As the result of another process of interviewing victims, the High Commissioner for Human Rights said in his oral update in March 2024:

“I remain deeply concerned about recurring, credible accounts received by my Office of abductions, unlawful detention and torture, including sexual violence, by the Sri Lankan police and security forces, some of which allegedly took place in 2023, mainly in the north and east of the country. Last week, the appointment of a new Inspector General of Police was confirmed, despite the Supreme Court’s finding that he was responsible for torture of an individual in 2010. These cases highlight the need for comprehensive security sector reform.”<sup>16</sup>

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# THIS REPORT

## PURPOSE

This new report expands on the work set out in ITJP's previous work on detentions and torture of Tamils since the war ended in 2009, summarised above. It seeks to do two things. First to highlight the continuing use of torture and sexual violence by the Sri Lankan security forces over the whole of the last seven years between 2015 and 2022, and in particular in the most recent years. Half of the 2022 detentions analysed in this report – 11 out of 24 – took place *after* the new government of Ranil Wickremesinghe came to power in July 2022.

And secondly, this new report provides a detailed statistical analysis of the nature of, and background to, the 139 detentions experienced by 123 Tamils, which have (as of now) been documented by ITJP, along with the kinds of physical and sexual torture which the detainees faced. In doing so, it shows that the consistency in the *modus operandi* of

disappearance and torture used by Sri Lanka security forces against Tamils ever since the end of the war.

It should be noted that a significant number of the statements analysed in this report, those involving detentions that took place before 2021, have been referred to in previous ITJP reports. This report does not seek to duplicate what has already been discussed in these reports, so it does not contain any case studies or extracts which have been published earlier.

## METHODOLOGY

The report is based on a comprehensive analysis of written statements given to the ITJP by Tamil men and women who had been detained by Sri Lankan security services between 2015 to 2022. The statements were taken by independent investigators mainly trained by the UN and other international bodies, who were assisted by an experienced Tamil translator. Detailed information from each written statement was extracted into excel files

which allowed for more detailed analysis of the attributes of each detention that took place.

There is some difference in the length and detail of the interviews taken and therefore the resulting written statements: 77 of the 123 statements are extensive and very detailed and involved spending as much as four days with the witness; 34 are extensive but less detailed; and 12 are far less detailed. Some of the shorter statements therefore omit information that is collected in other statements.

The analysis undertaken in this report focuses solely on the written statements taken and did not seek any further information from the detainees for clarification.

In all but one case, the statements were taken outside Sri Lanka (predominantly in the UK). In most cases, at the time of giving the statement, the person had sought or was going to seek asylum, though the statement taking taken by ITJP was entirely independent of any

asylum application that the detainees were making.

The individuals who gave the statements are only a small subset of all Tamils who claim asylum in the UK. This means that amongst the many other Tamils who have escaped Sri Lanka, who are now seeking asylum in the UK or elsewhere, there are likely to be many other similar accounts to those considered in this report.

In addition, although all the statements considered here were given by Tamils who escaped Sri Lanka following their detention, there are also likely to be Tamils continuing to live in Sri Lanka, whom were similarly unlawfully detained, tortured and sexually assaulted, but have not been able to leave the country.

## **UNLAWFUL DETENTION AND ENFORCED DISAPPEARANCES**

The International Convention for the Protection of all Persons from Enforced Disappearance defines an enforced disappearance as:

“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups or persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person which

place such a person outside the protection of the law.”<sup>17</sup>

Amnesty International colloquially defines enforced disappearances like this:

“Victims of enforced disappearance are people who have literally disappeared; from their loved ones and their community. They go missing when state officials (or someone acting with state consent) grabs them from the street, or from their homes and then deny it, or refuse to say where they are. .... These people are often never released and their fate remains unknown. Victims are frequently tortured and many are killed or live in constant fear of being killed. They know their families have no idea of where they are and that there is little chance anyone is coming to help them. Even if they escape death and are eventually released, the physical and psychological scars stay with them.”<sup>18</sup>

Sri Lankan general criminal law requires that detainees be brought before a magistrate within 24 hours, though under the 1979 Prevention of Terrorism Act, people can be arrested without a warrant and held in preventive detention for 3 months, renewable on the order of a minister, without any involvement of a magistrate. However, none of the 123 detainees were brought before a magistrate or told that they were being

arrested/held under the terrorism legislation. Except for a handful of cases, security forces put the Tamil men and women, into vans, and drove them to unauthorised detention centres where they were held incommunicado for varying periods of time, from a few days to over a year, with the authorities not informing the detainees' families where their relatives were detained. None of the detainees were taken to court following their detention, nor (as far as we know) were any charges filed against the detainees following their detention. In only one of the cases, was a detainee told that they had been arrested, or faced arrest for a particular offence.

As a result, we can conclude that the detentions were themselves not only unlawful, but the detainees appear to have been subject to enforced disappearance.

# THE 123 DETAINEES

This first section of the report looks at some characteristics of the 123 people who were detained at least once and in some cases on multiple occasions, between 2015 and 2022.

### GENDER

109 of the 123 people (90%) were male and 14 females (see Table 1).

### AGE

At the time of their detention (their first detention if they were detained multiple times), the ages of the 123 people, ranged from between 18 to 52, with 70 of them aged between 20-29 years of age (see Table 2). The ages of these detainees are notable as it shows that a large number of those detained could not have been part of the LTTE during the time of the conflict which ended in 2009. This is a new generation of victims.

### JOINING LIBERATION TIGERS OF TAMIL EELAM (LTTE)

Just over half of the 123 people detained, 62 of the total number, involved men and women who said that prior to their detentions, they had joined the militant group, the LTTE, before the end of the war, when it ceased to exist. Although a slight majority of men had not joined, a majority of the women detainees, 8 of the 14, had been LTTE members (see Table 3).

It should be noted that many of those who had joined the LTTE said that they had been “forcibly” recruited.

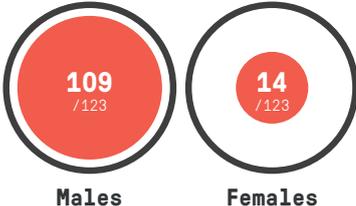


Table 1: Gender of the detainees

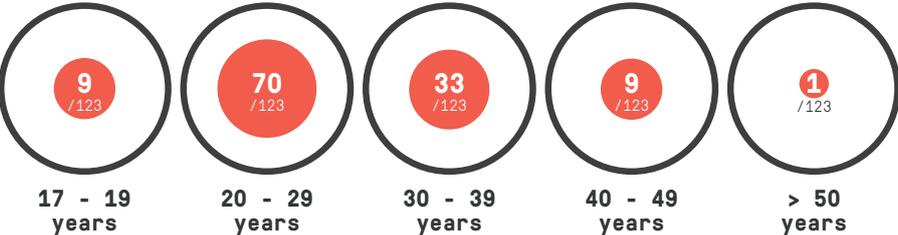


Table 2: Age of the detainees

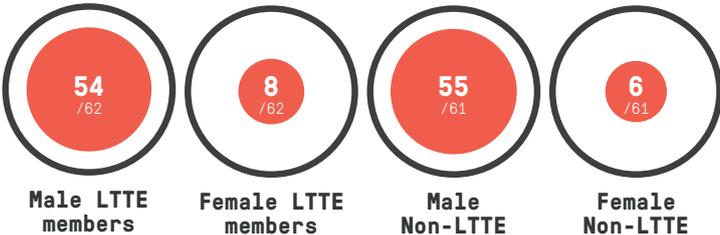


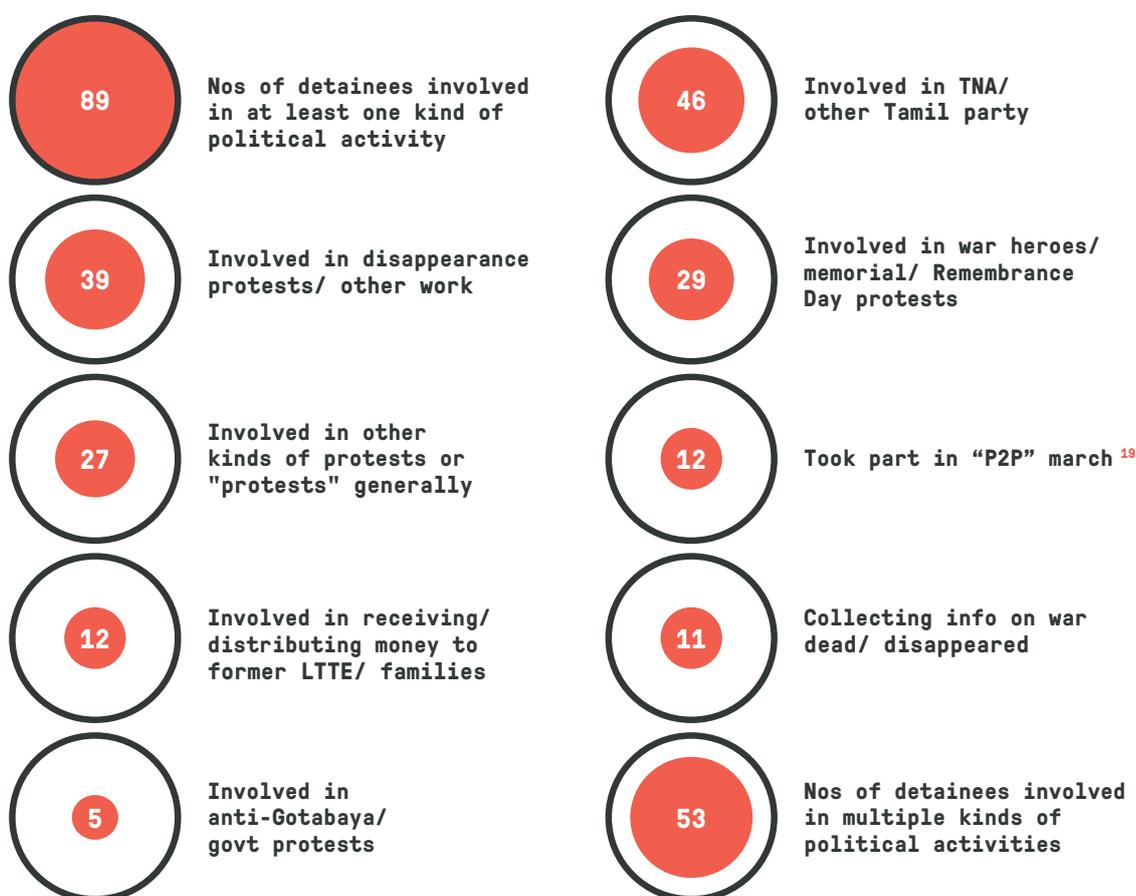
Table 3: Previous LTTE membership of the detainees

## POLITICAL ACTIVITY PRIOR TO DETENTION

89 of the 123 detainees – 38 of whom had been former members of the LTTE – had been involved in at least one kind of legitimate peaceful political activity in the immediate years or months prior to being detained. These political activities typically involve participation in remembrance day meetings, protests organised by families of those whose relatives were subject to enforced disappearances, and meetings organised by democratic Tamil political parties.

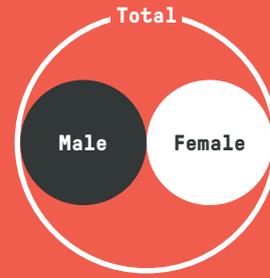
53 detainees had been involved in multiple kinds of political activities. Over half (46) of these 89 detainees, involved people who were actively supporting the Tamil National Alliance (TNA) or other Tamil political parties. Another sizeable number (39) were involved in actively campaigning/working on disappearances, mostly by attending or organising protests. Another notable portion (29) were involved in taking part in memorial protests for relatives who died in the war, with 44 involved in other kinds of protests, including anti-government ones (see Table 4).

Of the 34 people whose statements make no mention of involvement in politics, 24 (70%) were former LTTE combatants providing a possible reason for the State's interest in them. In relation to the remaining 10, two had recently travelled back to Sri-Lanka from abroad, with the brother of one of the men having escaped detention; and in three cases the circumstances suggest that they were detained due to family links with a former LTTE member.



**Table 4: Nos of detainees involved in different kinds of political activity prior to detention**

# THE DETENTIONS



This section of the report looks at the 139 detentions which these 123 individuals experienced between 2015 and 2022 (See Table 5).

## SINGLE AND MULTIPLE DETENTIONS

All of the 14 female detainees in our cohort were detained only once between 2015 to 2022. But 12 of the 109 males were detained twice over the 8-year period, and 2 were detained three times.

## YEAR OF DETENTION

The detentions mostly took place in 2015 and 2016 and then in 2022. Relatively fewer detentions the ITJP investigated took place in 2017 to 2021 which reflects only the organisation's focus of activities not the number of victims detained then. Most of the detentions of females documented took place in 2015/6, with far fewer in recent years.

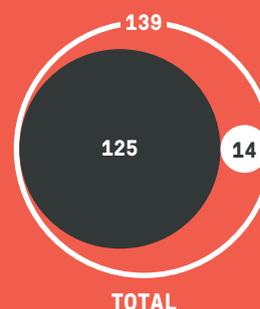
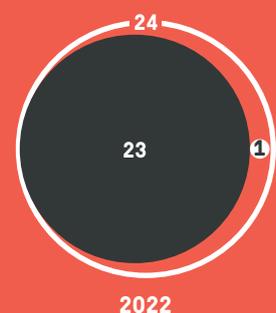
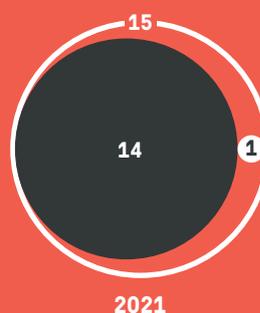
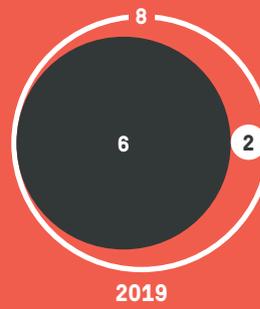
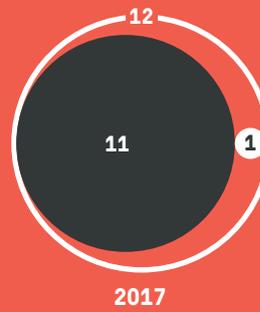
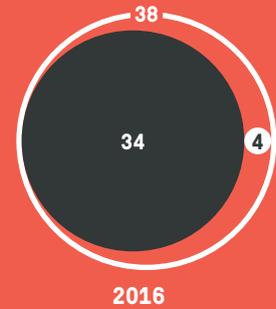
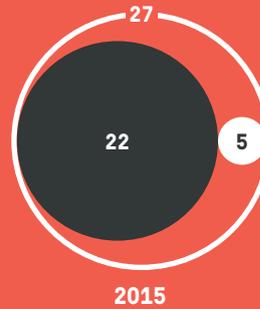


Table 5:  
Nos of detentions involving male and females in different years

## LENGTH OF PERIOD OF DETENTION

The detentions lasted for various periods of time. Although 24 detentions lasted longer than a month - with one lasting for over a year and another for six months - most of the detentions (115/139) lasted for less than a month, with three quarters of the total (100/139) detained for less than 2 weeks. About a quarter of the detentions lasted three days or less (39/139), another quarter (31/139) for 4 days to 1 week and another quarter for between 1-2 weeks. As we shall see, although sexual and physical torture continued to take place in the more recent years, the shorter period of time of detention did reduce the kinds and levels of torture to which those detainees were subject.

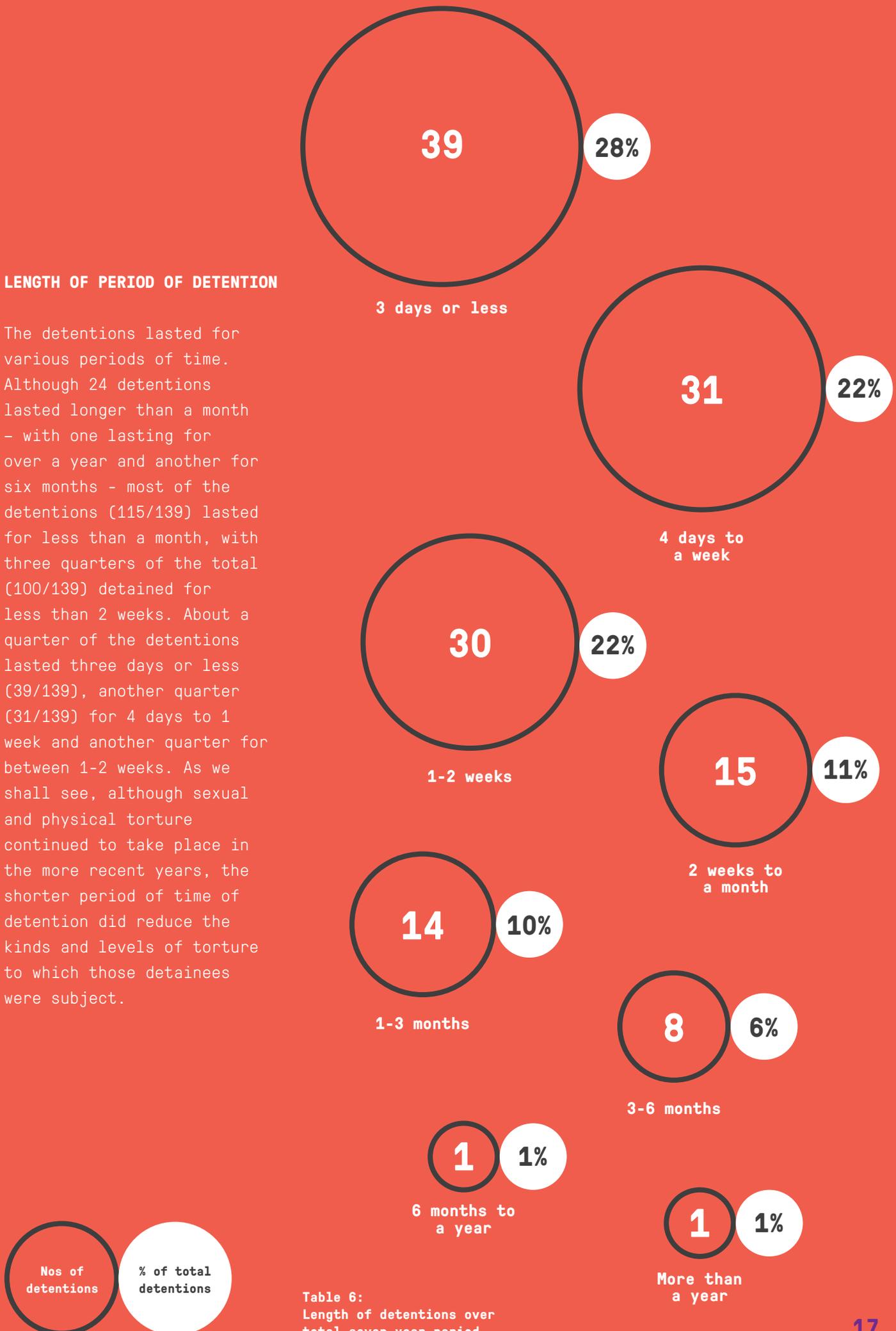
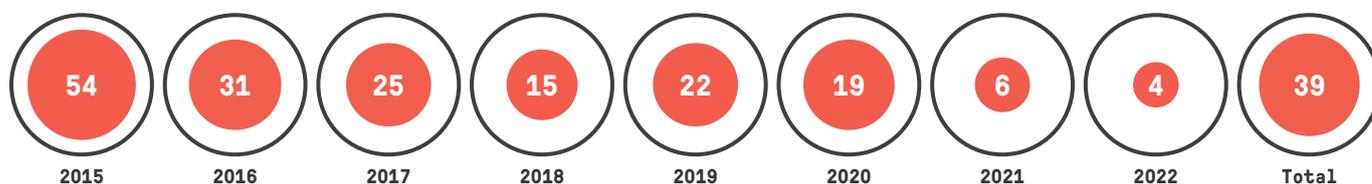


Table 6:  
Length of detentions over  
total seven year period

If we look at the length of detentions by the year in which the detentions took place, the average detention period in 2015 was 54 days whilst in 2022 it was only 4 days.

Table 7 shows how, apart from 2018, the average length of detention reduced year on year. The average over the 8 years was 39 days.



**Table 7: Average nos of days of detention endured by detainees**

Table 8 below shows in more detail the periods of detention over the 8-year period. After 2017, no detention lasted longer than 3 months. In 2022, 16 of the detentions lasted 3 days or less and the remaining 8 lasted between 4 days to 2 weeks.

|                  | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total |
|------------------|------|------|------|------|------|------|------|------|-------|
| 3 days or less   | 3    | 4    | 1    | 2    | 3    | 2    | 8    | 16   | 39    |
| 4 days to 1 week | 8    | 9    | 5    | 0    | 0    | 2    | 3    | 4    | 31    |
| 1-2 weeks        | 10   | 8    | 2    | 1    | 0    | 3    | 2    | 4    | 30    |
| 2 weeks to month | 0    | 7    | 2    | 0    | 4    | 0    | 2    | 0    | 15    |
| 1-3 months       | 1    | 6    | 1    | 1    | 1    | 4    | 0    | 0    | 14    |
| 3-6 months       | 3    | 4    | 1    | 0    | 0    | 0    | 0    | 0    | 8     |
| 6 months to year | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1     |
| More than year   | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1     |

**Table 8: Length of detentions in different years**

## INTERROGATIONS

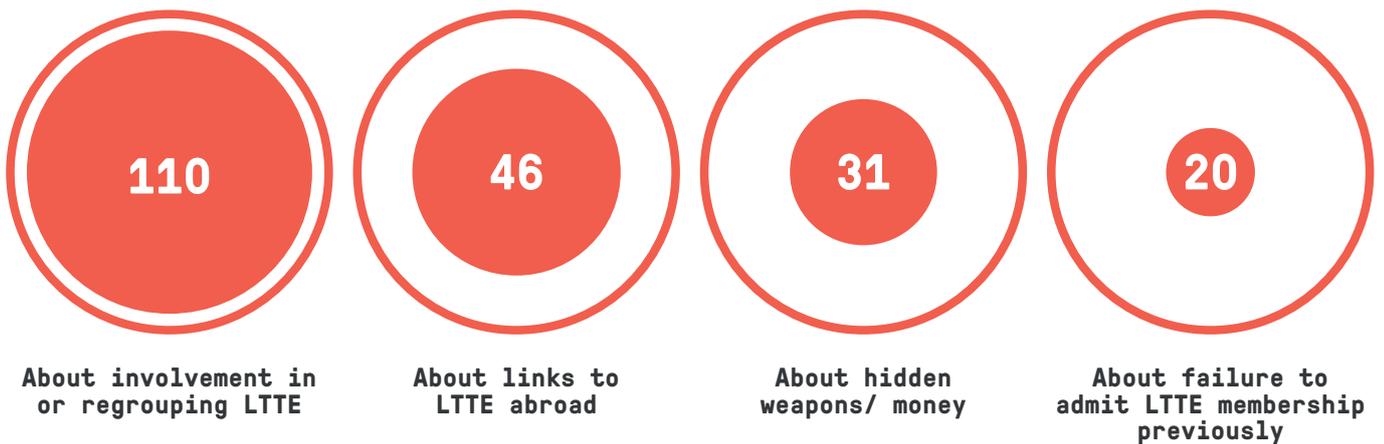
133 out of the 139 statements contain information about the kinds of questions asked or claims made during the interrogation – and these were overwhelmingly about the alleged involvement of detainees with the LTTE, or links to it, or were concerned about their involvement in pro-Tamil political protests or political parties. This section only concerns these 133 detentions.

## QUESTIONS ABOUT LTTE

In almost all of these 133 detentions, the detainees were questioned about issues relating to the LTTE – whether this be about their own current or historical links to the organisation within Sri Lanka or abroad, alleged attempts to regroup it, about hidden weapons or money, funding the LTTE, or their family links to it.

110 people were specifically questioned about their alleged current involvement in the LTTE or about “regrouping the LTTE”. A considerable number of detainees, 46, were also questioned about their alleged links or connections to the LTTE outside the country; 31 were asked about hidden weapons or money; and 20 were accused of not having admitted their LTTE membership when detained previously (see Table 9).

**Table 9: Types of questions asked about LTTE in interrogations**



## QUESTIONS ABOUT TAMIL POLITICS

The victims being detained now are generally young and of little intelligence value to the security forces, who appear to be mounting a campaign of repression against legitimate Tamil expression of fundamental rights including protests or calls for accountability.

In addition to the questions about the LTTE, many of the detainees were questioned about their involvement in political protests or activities. 45 were questioned about their organisation or attendance at Tamil protests/remembrance meeting, of which 8 concerned protests organised by the families of the disappeared. 16 detainees were also questioned about their links to or work with the Tamil National Alliance or other Tamil political parties.

8 detainees were asked about names of protest organisers or participants, and 5 were asked about their work in collecting information on the disappeared (see Table 10).

Table 10: Types of questions asked about Tamil politics in interrogations



## PHYSICAL TORTURE

We have separated out the accounts of torture into two categories, those involving physical torture and those concerning rape and sexual torture, with sexual torture involving at a minimum any physical touching of genitals. This section deals with (non-sexual) physical torture. It also does not purport to deal with psychological torture.

### BEATINGS

The statements involving the vast majority of the detentions (130 out of 139 cases) indicate the detainees were subjected to beatings.<sup>20</sup> These were often brutal, sometimes with feet and hands, but normally with sticks, pipes, wires and other implements, used on different parts of the detainee's body. 26 out of the 130 detentions involved a detainee being beaten by a wire.

The nine cases that did not involve beating involved 1 detention in 2015; and 2 each in 2016, 2019, 2021 and 2022.

In January 2019, the 37-year-old woman was picked up in Vavuniya by CID police and detained for 21 days. She said: "One of the men went outside and returned with a S-lon pipe full of something like sand which made it hard and beat me over my whole body hard – but mostly on the back and the back of my legs. I had never been beaten by anyone before. The beating was so hard and caused me so much pain. I could not bear it. They also poked the S-lon pipe into my shrapnel wounds. This pain was even worse than the beating." (Case no. W321)

In 2022, a 26-year-old man was picked up by men in civilian dress in Jaffna district and detained for two days, just after he returned from abroad. During his interrogation he was asked who had sent him to Sri Lanka "to assist member of the LTTE". He said: "When I told him that I had nothing to do with the LTTE he approached me and placed one of his feet on the bench, grabbed my hair and pulled my head back. I was told again to tell him the truth and he would continue to ask me nicely. Then he said something in Sinhala to the two men behind me which caused them to untie my hands and remove my t-shirt and they began to hit me with a long wooden stick on my back. The beating was indiscriminate. I tried to cover my head and tuck it into my chest. ... As I lay on the ground they began kicking me. They were wearing heavy boots. I had pain all over my body and they repeatedly warned me that I should tell the truth, or I would be beaten to death." (Case no. W387)

In August 2021, a 31-year-old man was picked up in Vavuniya district, by men he presumed were from the security forces, and detained for 8 days. He said: "They did not believe what I had told them and said that asking me questions was not the appropriate way to deal with me. Man One slapped me around the head a few times and the other man kicked me in the chest. He was wearing heavy shoes and I fell backwards off the bench, hitting my head on the floor. I sat up and took hold of Man One's lower leg, begging him to leave me. He kicked me off him and picked up a long stick from the corner of the room. I was sitting on the floor and he began to hit me all over my body, especially on my back." (Case no. W366)

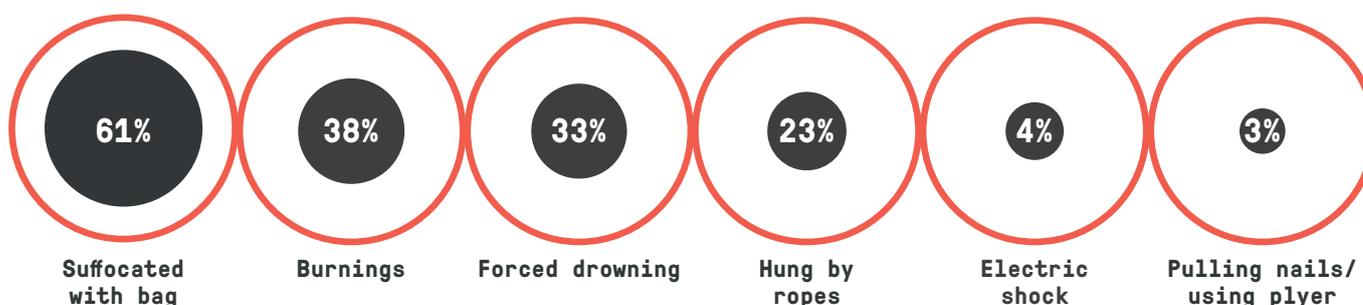
## SPECIFIC TORTURE TECHNIQUES

In addition to the beatings, we have identified a number of other specific torture techniques that were used on most of the detainees throughout the eight-year period. These involve the detainees' heads being submerged in water (drowning); their heads covered by plastic bags (asphyxiation); their body being burnt by cigarettes and other heated objects; being suspended by ropes from their hands or feet; electrocution; and having their nails being removed.

Out of the 130 detentions where the detainee was (at the very least) beaten, 102 also were subject to at least one of these techniques. There were only 27 detentions where a detainee was beaten but not subject to an additional torture technique.

|                                      | Nos of detentions | % of total detentions subject to this torture method |
|--------------------------------------|-------------------|--|
| Suffocated with bag                  | 85                | 61%  |
| (of which with petrol inside)        | (66)              |  |
| (of which with chili inside)         | (11)              |  |
| (empty/unspecified)                  | (7)               |  |
| Burnings                             | 53                | 38%  |
| (of which, with cigarettes)          | (47)              |  |
| (of which, with other heated object) | (28)              |  |
| (of which both)                      | (12)              |  |
| Forced drowning                      | 46                | 33%  |
| Hung by ropes                        | 32                | 23%  |
| (of which, upside down)              | 20                |  |
| (of which, by hands)                 | 12                |  |
| Electric shock                       | 6                 | 4%   |
| Pulling nails/using pleyer           | 4                 | 3%   |

**Table 11: Nos of detentions resulting in detainees suffering different methods of torture**



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The technique of torture most often used on the detainees was “petrol bagging” in which a plastic bag was tied around the head of a detainee, creating the feeling of suffocation. The bags were often suffused with petrol or chilis. Many of the detainees often became unconscious as a result of this kind of torture. 85 detentions involved detainees subjected to this - with 66 involving petrol and 11 chilies.

In August 2021, a 31-year-old man was picked up from his home by men in civilian dress, who said they were from CID, in Mullaitivu district and detained for 3 days. He said: “I denied having any connection with the LTTE or participating in any events organized by them. When I answered his questions, the interrogator said something to the man next to me and a polythene bag was put over my head. I could smell petrol and began to struggle and thrash my hands from side to side. I was not able to breathe. When I regained consciousness, the bag had been removed.” (Case no. W388)

In February 2021, a 46-year-old man was picked up in Vavuniya district, by men in civilian dress and detained for 15 days. He said: “On one occasion, I had a bag put over my head which had been doused in petrol and they held it tight around my neck while I was being beaten. This causes an intense sensation of burning and suffocation. I remember being put on the floor and stamped on my stomach. I was bleeding from my nose mouth and ears. This abuse led to me getting a urinary infection which caused me to urinate blood.” (Case no. W361)

In September 2018, a 45-year-old man was detained in Kilinochchi district for 45 days. He said: “They then brought a polythene bag and covered my head. I could not breathe and just moved my whole body up and down struggling to breathe. I could not move as I was still tied down. I think I fainted. When I woke up, I did not have any strength to move my body.” (Case no. W326)

The second most common form of torture used during detentions involved being burnt either by cigarettes which were stubbed out on different parts of the body, a practice which was used in 47 detentions, or burnt by another heated object like a metal bar or rod which was used in 28 detentions.

In July 2020, a 20-year-old man was picked up in Trincomalee, by men from the (Counter Terrorism Investigation Department (TID), and detained for 35 days. He said: "I kept on telling them that I did not know anything about the LTTE and I was not involved. I was made to lie on the floor facing down and two men held me by the hands and legs. The third then burned me with a metal rod on my back and lower leg. He wore gloves. I did not see where he got the metal rod from or how he made it hot. I screamed in pain and felt severe burning on my back and legs. That feeling of burning lasted for many weeks. I could not even move without being in pain. I could not lie on my back because it hurt too much and was uncomfortable." (Case no. W347)

In January 2020, a 19-year-old man was picked up in Jaffna, by men in camouflaged uniform, and detained for 3 days. He said: "I was burned around seven times in total. It was painful and the feeling of burning continued after the cigarettes were removed. Even the following day I couldn't move myself properly and I felt severe pain on my back." (Case no. W341)

The third most common torture practice - to which 46 people were subjected - was "forced drowning" where the head of a detainee was pushed down and submerged into a container full of water. This forced drowning was sometimes combined with being "hung upside down" with the head then lowered to submerge into the water container below (see table 11).

In March 2022, the 28-year-old man was picked up in Jaffna, by men in civil clothes, and detained for 10 days. He said: "It was at this point that the polythene-soaked bag was put back over my head. They repeated this four or five times before dragging me to a plastic barrel filled with water. My head was submerged repeatedly for what felt like half an hour. Every time my head was lifted out so that I could breathe, I was told to tell the truth and provide them with some names. I was so exhausted I collapsed to the floor and was dragged back to the room where I was kept." (Case no. W389)

Analysis of the statements shows that the likelihood of a person suffering some kinds of physical torture during their period in detention decreased over the years,

though for other methods of torture, it remained relatively consistent. So whilst a lower percentage of detentions involved detainees being suffocated

with a bag in 2021 and 2022 than in 2015 and 2016, the number of detentions where a detainee suffered cigarette burns remained generally consistent (see Table 12).

|                       | 2015<br>(27) | 2016<br>(38) | 2017<br>(12) | 2018<br>(4) | 2019<br>(8) | 2020<br>(11) | 2021<br>(15) | 2022<br>(24) | Total<br>(139) |
|-----------------------|--------------|--------------|--------------|-------------|-------------|--------------|--------------|--------------|----------------|
| (Total Detentions)    |              |              |              |             |             |              |              |              |                |
| Suffocated with bag   | 20           | 22           | 9            | 2           | 3           | 9            | 7            | 13           | 85             |
| Burnings - cigarettes | 11           | 16           | 6            | 0           | 1           | 4            | 4            | 5            | 47             |
| Forced Drowning       | 9            | 14           | 6            | 0           | 2           | 5            | 4            | 6            | 46             |
| Hung by ropes         | 11           | 14           | 4            | 0           | 0           | 1            | 1            | 1            | 32             |
| Electric shock        | 1            | 1            | 2            | 0           | 0           | 1            | 0            | 1            | 6              |
| Pulling nails         | 1            | 3            | 0            | 0           | 0           | 0            | 0            | 0            | 4              |

Table 12: Methods of torture by year

Table 13 below, nonetheless shows that in the more recent years, detentions involved fewer methods of torture. So whilst in 2015, over four fifths of the detentions (22 out of 27) resulted in a

detainee being subject to at least one of the defined torture techniques, in 2022, this had reduced to just over a half (8 out of 15). And after 2022, none of the detentions resulted in a

detainee being subject to over four techniques of torture, though this happened in previous years.

|                  | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------|------|------|------|------|------|------|------|------|
| None             | 5    | 5    | 2    | 2    | 4    | -    | 7    | 7    |
| One              | 4    | 6    | 2    | 1    | 2    | 3    | 2    | 2    |
| Two              | 5    | 13   | 2    | 1    | 2    | 4    | 3    | 3    |
| Three            | 4    | 10   | 3    | -    | -    | 3    | 2    | 2    |
| Four             | 9    | 2    | 2    | -    | -    |      | 1    | 1    |
| Five             | -    | 1    | -    | -    | -    | 1    | -    | -    |
| Six              | -    | 1    | 1    | -    | -    |      | -    | -    |
| Total Detentions | 27   | 38   | 12   | 4    | 8    | 11   | 15   | 15   |

Table 13: Nos of categories of torture a detainee was subject during a detention

## SEXUAL VIOLENCE

Sexual violence was perpetrated during 91 out of 139 detentions - 65% of the total. In 48 detentions, there was no sexual violence or it was not disclosed by the victim. Of the 91 detentions involving disclosures of sexual violence, 78 were men (representing 62%) and 13 were women - meaning that, amongst those documented here, all but one of the women detained in this 8-year period was subject to sexual violence.<sup>21</sup> Apart from 2018 and 2019, where we have only a small number of cases, the percentage of detainees subject to sexual violence has been quite consistent throughout the years. (See Table 14)

|       | Nos of detentions involving sexual violence | Nos of total detentions | % subject to sexual violence |
|-------|---|-------------------------|------------------------------|
| 2015  | 19  | 27                      | 70%                          |
| 2016  | 25  | 38                      | 66%                          |
| 2017  | 8   | 12                      | 67%                          |
| 2018  | 1   | 4                       | 25%                          |
| 2019  | 3   | 8                       | 38%                          |
| 2020  | 8   | 11                      | 73%                          |
| 2021  | 11  | 15                      | 73%                          |
| 2022  | 16  | 24                      | 67%                          |
| TOTAL | 91  | 139                     | 65%                          |

Table 14: Nos and percentages of detentions where detainee suffered sexual violence

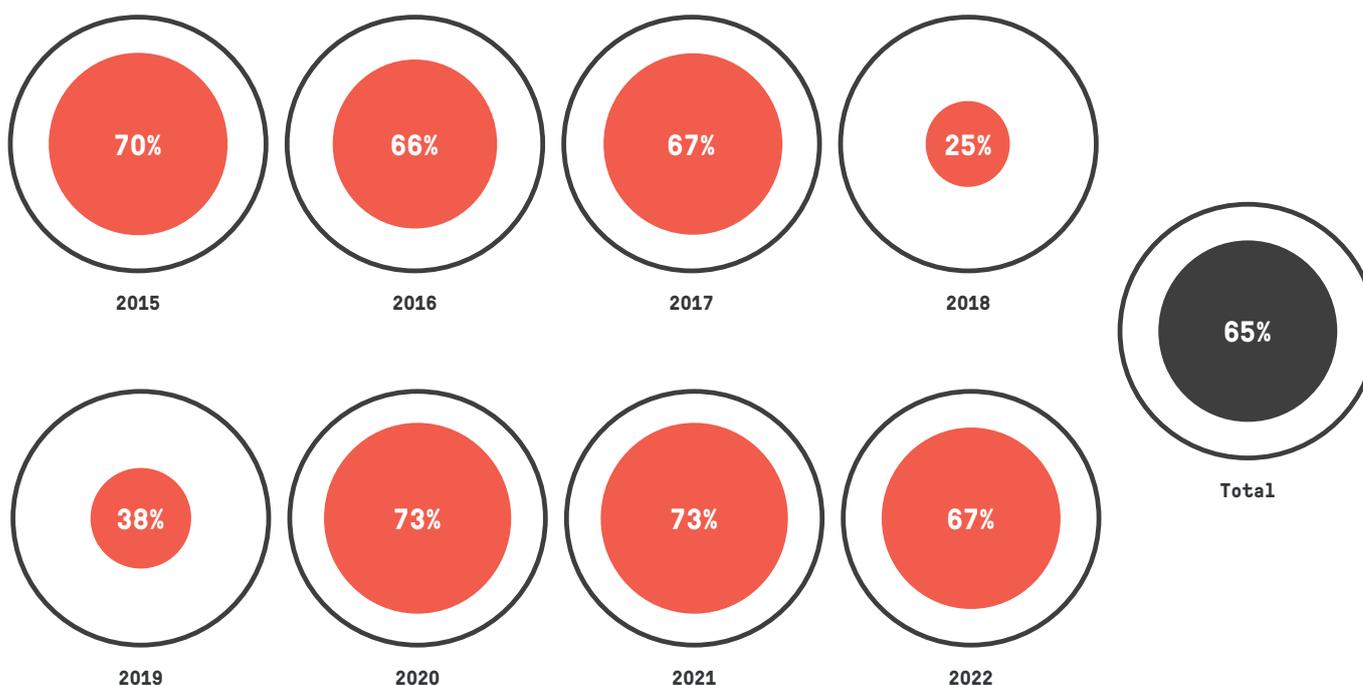


Table 15: Percentages of detentions resulting in sexual violence

## KINDS OF SEXUAL VIOLENCE

In 9 of the 91 detentions, detainee statements provide insufficient detail to categorise the kinds of sexual violence to which they were subject. However, in the remaining 82 cases the detainees were subject to one of at least five main kinds of sexual violence: the squeezing of genitals; forced oral sex; penile rape; rape with a rod; and forced masturbation. In 42 of these cases, the detainees were subject to two or more incidents of these forms of torture.

The most common form of sexual violence involved the vaginal or anal rape of detainees. 51 detentions (37% of the total) involved penetration by either a penis or rod – with 40 of them involving men (36% of all men) and 11 were women (79% of all women).<sup>22</sup> All 11 cases of rape using a rod involved men.

The second most common form of sexual violence involved having their genitals squeezed, to which 45 male detainees (36% of all men) and 4 women (29%) were subjected.

Forced oral sex, where a penis was forcibly put into a detainee's mouth was another common form of sexual torture. 40 detentions (28%) involved this coerced sexual practice (see Table 16). All but one of these cases involved men. 29 of the detainees who were subject to coerced oral sex were also raped.<sup>23</sup>

In many of these cases, forced oral sex or vaginal/anal rape happened multiple times and with multiple male law enforcement officials. For example, in 15 of the 40 cases of rape (through penile penetration) rape occurred on multiple occasions.

|                                   | Nos of detentions involving specified sexual violence | % of detentions involving specified sexual violence | Male | % of total males detained | Female | % of total females detained |
|-----------------------------------|---|---|------|---------------------------|--------|-----------------------------|
| Rape (vaginal/anal)               | 51  | 37%   | 40   | 36%                       | 11     | 79%                         |
| (of which penile penetration)     | 40  | 29%   | 29   | 21%                       | 11     | 79%                         |
| (of which penetration with a rod) | 11  | 8%  | 11   | 10%                       | 0      | -                           |
| Genitals squeezed/touched         | 49  | 35%   | 45   | 41%                       | 4      | 29%                         |
| Forced oral sex                   | 40  | 29%   | 39   | 36%                       | 1      | 7%                          |
| Forced masturbation               | 9   | 6%  | 9    | 6%                        | 1      | 7%                          |

Table 16: Levels of different kinds of sexual violence in detentions



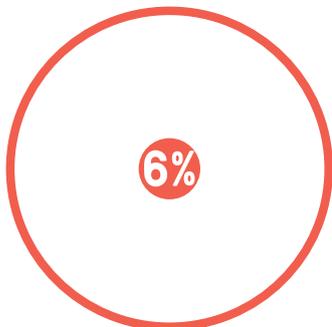
**Rape**



**Genital touching  
or squeezing**



**Forced  
oral sex**



**Forced  
masturbation**

**% of detentions involving  
specified sexual violence**

In March 2021, a 24-year-old man was picked up from Jaffna, by men in the CID, and detained for 5 days. He said: “They told me to take my underwear off and they started to manhandle my genitals. They asked me to hold their genitals. I was shocked and disgusted by this. I tried to move backwards. I was forced onto my knees and the one man tried to stroke my face with his genitals. I started to cry and was in despair. He forced me to perform oral sex, I felt sick about this. I was begging and he ejaculated in my face. The other man also abused me in this way. They left the room after doing this. I wiped my face, I was crying. I couldn’t clean myself up, there wasn’t toilet facilities; I had a tin to use for my waste only. I was so frightened and worried, I wondered what was the point of living after that experience.” (Case no. W359)

In July 2020, a 20-year-old man was picked up in Trincomalee, by men in the TID, and detained for 35 days. He said: “One of the men approached me and squeezed my private parts through my underwear. The others joined in and dragged my underwear down before pulling and squeezing my penis. I was made to kneel in front of them and one of them tried to put their penis in my mouth. Another took hold of the back of my head to keep me still. One by one, all four of them forced their penis into my mouth. When they were inside me, they made me move my head back and forth for about ten minutes. At all times someone had hold of the back of my head so I could not escape. When I tried to move away, I was burned with cigarettes on my upper shoulder and back. I do not know if they all ejaculated, but some of them did. When they had each had their turn, I was made to kneel on all fours with my head facing the floor. Three of them held me down while another inserted a metal rod into my back passage. While they did this, they were talking to each other and I heard them saying ‘tiger’ and ‘puli’. This caused severe pain and I begged them to leave me. They took the rod out of me and one of them returned me to the room. After this incident I had bleeding from my anus.” (Case no. W347)

In June 2017, a 29-year-old woman was picked up in Jaffna and detained for 7 days. She said: "That night two men I had not seen before came to my room and shut the door behind them. I don't know if they locked the door. I do not remember what they were wearing. They did not have weapons. I could smell alcohol on both. One of them came close to me and I held my hands in a prayer position and pleaded with him not to do anything to me. The one who was close to me pulled my hair and shouted in broken Tamil, "You Tamil dog. Are you trying to rebuild the LTTE?" I pleaded with him again not to do anything to me. He then pulled my hair again and tried to remove my clothes, but I stopped him. He then tried to take off my bra and I stopped him. In this process he scratched my back and right arm and I still have scars. He then tore off my blouse. I could not run away. The other man then took quite a few photographs of my breasts with his mobile phone. The man who had torn off my blouse then tore off my bra and took off all my clothes and my underwear, so I was naked. He tied my hands behind my back with cloth and put a cloth in my mouth. The other man slapped me hard on both of my cheeks. I fainted and fell. When I woke up it was still night. I was alone in the room, and I was naked. My hands were untied. I felt a terrible burning sensation all over my body. I saw that I had cigarette burn marks on my breasts, but I think that they were marks from the previous day. There was blood coming from my vagina and it was extremely painful." (Case no. W284)

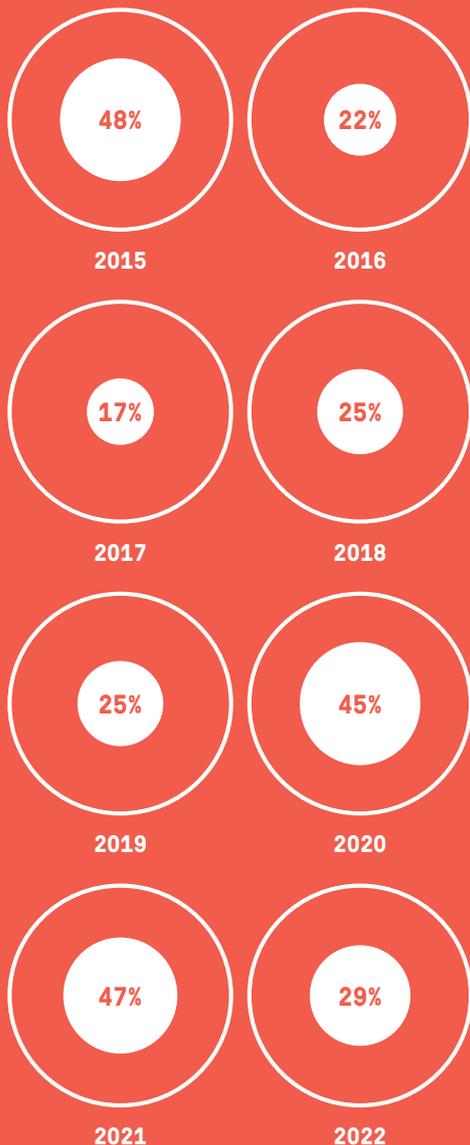
In January 2019, a 39-year-old woman was picked up in Vavuniya district, by men in the CID, and detained for 21 days. She said: "They both pulled off my clothes including my underwear. I was naked. I felt like I had lost everything including my life. The other man laughed and said that I should tell the truth and took photographs of me with his phone. The man gave the phone to the other man who had been beating me and he then took photographs. The man who had originally taken pictures then squeezed my breasts. He then touched me 'below' - grabbing my vagina so hard that he pulled my pubic hair. As he did this, he said why can't you tell me the truth. I could not bear it and I fainted. I woke up after two or three hours and I could see I was bleeding from my vagina like I was having my period, although it was not my period. My stomach was in pain, and I found it hard to sit. My vagina was also burning. I cannot explain this pain. I had no sexual experience before and did not know anything about sex." (Case no. W321)

The percentage of the 139 detentions where the detainee was subjected each year to some of the key practices of sexual violence has been relatively consistent over the years – as can be seen by looking at the percentage of detainees subject to “genital squeezing” and all “rapes” in each of the years (see Table 17). It should be noted that 8 out of the 11 rapes using rods took place in 2016, and the last of that kind of sexual torture recorded in these statements occurred in 2020.

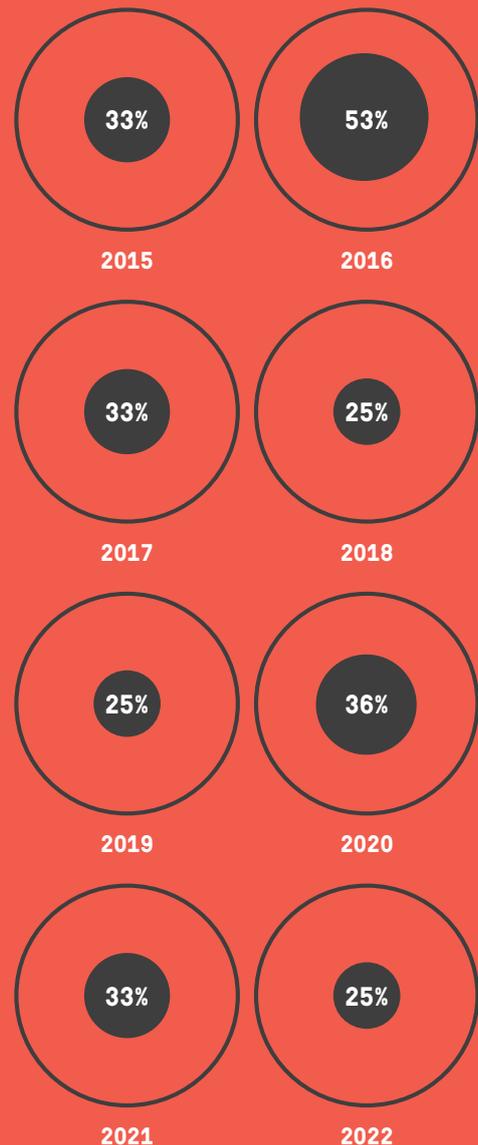
|      | Genitals squeezed |     | Rape  |     |
|------|-------------------|-----|-------|-----|
|      | Nos               | %   | Nos   | %   |
| 2015 | 13/27             | 48% | 9/27  | 33% |
| 2016 | 12/38             | 32% | 20/38 | 53% |
| 2017 | 2/12              | 17% | 4/12  | 33% |
| 2018 | 1/4               | 25% | 1/4   | 25% |
| 2019 | 2/8               | 25% | 2/8   | 25% |
| 2020 | 5/11              | 45% | 4/11  | 36% |
| 2021 | 6/15              | 40% | 5/15  | 33% |
| 2022 | 7/24              | 29% | 6/24  | 25% |

Table 17: Nos and % of detentions where detainee were raped and where they had genitals squeezed

**Genitals squeezed**



**Rape**



## SIGNED FORCED WRITTEN CONFESSIONS

55 of the 139 detentions (40%) ended with the detainee signing a written confession. In all cases the confession was forced, after days, weeks or months of torture and intimidation. In all cases the so-called 'confession' was written in Sinhala, a language none of the Tamil detainees could read – not that they were given a chance to peruse these documents. They signed only in the hope it would stop their torture and end their suffering.

In the vast majority of the cases, the detainee said they were forced to sign a document written in Sinhala. In 2 cases, the detainees were forced to sign just blank pieces of paper and in another 2 cases the detainee did not mention the language. In 3 cases the detainees were forced to sign both blank pieces of paper and typed or hand-written confessions in Sinhala.

In none of the cases where a document written in Sinhala was given to sign, did the detainee state they had a chance to read through the confession or had the confession read out to and translated for them, with 23 detainees stating specifically that they just had to sign the statement without reading it or it being read out to them.

There has been a gradual increase in the percentage of detentions resulting in confessions, from 37% in 2015 to 50% in 2022 (see Table 18). No detainee faced a court case following their release.

|       | Total Detentions | Nos resulting in forced written confession | % resulting in forced written confession |
|-------|------------------|--|--|
| 2015  | 27               | 8  | 30%                                      |
| 2016  | 38               | 11   | 29%                                      |
| 2017  | 12               | 5  | 42%                                      |
| 2018  | 4                | 1  | 25%                                      |
| 2019  | 8                | 4  | 50%                                      |
| 2020  | 11               | 5  | 45%                                      |
| 2021  | 15               | 7  | 47%                                      |
| 2022  | 24               | 14   | 58%                                      |
| TOTAL | 139              | 55   | 40%                                      |

**Table 18: Nos and % of detentions where detainee forced to give written confession**

In March 2021, a 24-year-old man was picked up from Jaffna, by men in the CID, and detained for 5 days. He said: "At this stage, all I could think about was how to get out of this situation, what I could do to make this stop. Some paperwork was put in front of me; I asked what this was but was not given an explanation. I just went ahead and signed the papers as I was only interested in getting out of this situation. I really do not know what I was signing. There were four or five pages and I signed each page. ... I then suffered no more abuse after this." (Case no. W359)

## RELEASE

We analysed how the detentions came to an end. In 3 of the 139 cases, the detainee escaped, and in 6 cases the detainee was simply released. In all the other cases, the detainee was put into a vehicle and taken to a place where s/he was released into the hands of their family, after they had given some financial payment or extortion to a middle-man, though in most cases the detainees themselves were unaware of the identity and details of the arrangement made.

The Eelam People's Democratic Party (EPDP), a pro-government Tamil political party/para-military group, was involved in negotiating the release of 41 out of 139 detentions, just under a third of the total (see Table 19).

| Year  | Total Detentions | Involvement of EPDP in release | % released involving EPDP |
|-------|------------------|--------------------------------|---------------------------|
| 2015  | 27               | 8                              | 30%                       |
| 2016  | 38               | 7                              | 18%                       |
| 2017  | 12               | 7                              | 58%                       |
| 2018  | 4                | 1                              | 25%                       |
| 2019  | 8                | 3                              | 38%                       |
| 2020  | 11               | 5                              | 45%                       |
| 2021  | 15               | 2                              | 13%                       |
| 2022  | 24               | 8                              | 33%                       |
| TOTAL | 139              | 41                             | 29%                       |

**Table 19:**  
Nos and % of detentions where detainee released with involvement of EPDP

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# CONCLUSION

**“I remain deeply concerned about recurring, credible accounts received by my office of abductions, unlawful detention and torture, including sexual violence, by the Sri Lankan police and security forces, some of which allegedly took place in 2023, mainly in the north and east of the country.”**

**Statement by Volker Türk,  
UN High Commissioner for Human Rights  
55th session of the Human Rights Council  
1 March 2024**

The most significant conclusion of the analysis contained in this report is how arbitrary detentions, disappearances, and physical and sexual torture suffered by members of the Tamil population in the immediate years after the country’s civil war have not ceased. It continues today, 15 years after the end of the war.

The torture is systematic. the ITJP report of 2014, which looked at 40 cases of arbitrary detention between 2009 and 2014, concluded:

“The similarity of the torture, rape and sexual violence experienced by each of the witnesses suggests a pattern and that the practices are systemic and wholly entrenched, not least

because ill-treatment and torture have become methods of interrogation, with confession evidence being widely used and accepted; and to punish and humiliate detainees.”

In our report a year later documenting 115 detentions in the previous six years, we stated:

“The evidence demonstrates a pattern of widespread and systematic torture, rape and other forms of sexual violence, cruel and inhuman and degrading treatment, terrorisation, illegal detention, killings and enforced disappearance, and persecution, which continue to be committed six years after the end of the war by the security forces of the

state of Sri Lanka against civilians in Sri Lanka.”

The analysis in the current report confirms that the conclusions from these two reports, namely that arbitrary and unlawful detentions between 2009 and 2015 were systemic and structurally entrenched, could just as well have been written about the seven-year period, between 2015 to 2022, given reforms at an institutional level, as well as prevention have failed.

The *modus operandi* of detentions today contains common patterns and trends still visible from the past, including: the way people are unlawfully and arbitrarily abducted (using vans, often white) and

detained; taken to unknown places of detention; the kinds of physical and sexual torture inflicted upon the detainees; the kinds of questions that continue to be asked about their linkages to the LTTE; and the manner of the detainee's release.

While similar in pattern and trends, there are some differences between the time period 2009-2015 and the post 2015 period. The first is the length of time for which people are detained. Whilst in recent years, arbitrary detentions - and the accompanying physical and sexual torture - often lasted less than a week, in the immediate years after the war, the period of detention lasted for many months, and sometimes for a year or longer. Second, the role that political activism has increasingly played in contributing to those detained - both as a trigger to being picked up and as a source of interest to interrogators once detained. Since 2015, with the election of a coalition government, Tamils believed they were increasingly safe to take part in political protests and commemorations of those who died in the war. From the analysis done in this report it appears that their participation in these events has often been a precursor or trigger for their detention, and for others, a subject of interrogation as law enforcement officers construed involvement in the protests

and commemorations organised by Tamils as evidence of a link to the LTTE. The narrative of 'terrorists' regrouping has played into the notion of the need for heightened security which is entirely expedient and crucial to the government's continued support by the international community

### **INVISIBLE IN TRANSITIONAL JUSTICE PROCESSES**

Victims of conflict related torture and sexual violence continue to face stigma, persecution and denial, irrespective of whether they now live inside or outside the country. They remain invisible with many forgetting them now that 15 years have passed since the end of the civil war. It is not surprising therefore that they are no longer the focus of any calls for accountability for war crimes perpetrated at the end of the war in 2009, and instead have been largely silenced. Families of the disappeared have been much more visible on the streets bravely demanding answers about their loved ones, but torture victims by contrast are more invisible and always have been in Sri Lanka, during different periods of civil conflict including in the JVP era where they were described as "returned detainees".

During the first attempt at a post-war transitional justice process in 2015, an extensive civil society consultation process was conducted with

victims. The final report of the Consultation Task Force (set up by the Sri Lankan government in 2016) frankly described victims' inability to talk about their experience of torture or sexual violence openly or in detail while inside the country:

"People who were arrested based on suspicion of LTTE involvement by the police or armed forces were subjected to torture. The families of the disappeared reported having to undergo harassment and ill treatment. Victims who attended the consultations indirectly stated that upon their arrest they were tortured but hardly anyone talked about sexual torture or rape as the environment was not suitable to speak about it, in part due to the military presence.

Rape and sexual violence were not reported during the consultations but that does not mean that rape and other forms of sexual violence did not happen. The environment was not conducive for victims to feel comfortable raising these violations as the victims are still forced to live with the perpetrators due to militarization. Rape, whether the victims are female or male, is still considered a taboo subject and has a social stigma attached to it which affects the lives of the victims who report such violations."

Recognizing that the primary responsibility for dealing with accountability for past violations lies with the state, sovereignty implies a commitment to ensure a credible independent process of truth recovery, criminal accountability and reparations for victims and their families. While the Sri Lankan government has once again committed to establishing a Commission for Truth, National Unity and Reconciliation, the legislation and process are deeply flawed and amount to another attempt to hoodwink the international community into believing that Sri Lanka is focused on justice and accountability for the victims. The legislation establishing the Commission lacks any mention of criminal accountability and as envisaged is tantamount to impunity for perpetrators of serious crimes. As a result, it is highly unlikely that it will deliver justice and accountability, or reparations, for victims. It also contains no plan to accommodate the participation of victims of torture, inside or outside the country nor set out what measures would be put in place for witnesses in the diaspora to testify securely, as well as what witness protection measures would be taken.

## **LEARNING FROM STATE RESPONSES TO CORRUPTION**

In 2022, mass protests across the country over the economic crisis, resulted in President Gotabaya Rajapaksa fleeing the capital city and the complete collapse of his government which had included his brothers Mahinda Rajapaksa as prime minister and Basil Rajapaksa as finance minister. The economic crisis had been brought about by fraud and corruption and serious economic policy mismanagement by the Rajapaksa government which resulted in a shortage of foreign currency and rampant inflation. With Ranil Wickremesinghe installed as the new President, the IMF and the new government soon came to agreement allowing loans to provide Sri Lanka some economic and political stability.

The IMF agreement is critical to this human rights report, given the linkages between human rights violations and economic crimes and corruption. Inevitably they involve the same players. The IMF in an extraordinary measure imposed conditionalities which require the government to undertake important reforms in terms of public institutions, including the justice system, necessary to deal with corruption. The IMF governance diagnostic report of August 2023 advocated the reform of the justice system to ensure the investigation and prosecution of corruption, a process which

is also very much needed in relation to preventing the serious human rights abuses evidenced in this report. In the context of considering what should happen to stop the unlawful detentions, along with the physical and sexual torture of those detained, as set out in this report, it is worth looking at what the IMF required the government to agree to do in relation to corruption as part of its loan agreement.

In the March 2023 IMF agreement, the government agreed that the IMF could conduct a “Governance Diagnostic” report which would “include a holistic set of prioritized, tailored, and sequenced recommendations to reduce exposure to corruption risks and improve governance.” This diagnostic report would include “a comprehensive assessment of Sri Lanka’s governance weaknesses and corruption vulnerabilities” which would include information on “the severity of corruption in Sri Lanka”, “key governance weaknesses and corruption vulnerabilities” and “adequacy of the anti-corruption framework. It would also identify governance weaknesses and corruption risks across six core state functions including the rule of law.

In turn, the government committed itself “to introducing new anti-corruption legislation aimed to significantly

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improve the legal and institutional framework for addressing corruption” in full compliance with the United Nations Convention against Corruption (UNCAC). The agreement also stressed the importance of “timely implementation of the anti-corruption legislation” and the establishment of anti-corruption institutions with “sufficient resources” and “independent and qualified” members of the judiciary. Sri Lanka had in the past established two corruption bodies, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) and the Financial Crimes Investigation Division (FCID) within the police to investigate fraud and corruption, both of which are considered tainted.

In August 2023, the government completed the enactment of a new Anti-Corruption Act 2023 which set up a new investigative commission with significant new powers, and a month later, the IMF published its diagnostic report which “revealed systematic and severe governance weaknesses and corruption vulnerabilities across state functions”. It stated that, “Corruption vulnerabilities are exacerbated by weak accountability institutions, including the Commission to Investigate Allegations of Bribery and Corruption (CIABOC) that have neither

the authority nor competency to successfully fulfil their functions.” The report also highlighted the importance of the leadership appointed to lead the Commission. “Gaining full benefit of the improved legal framework hinges on the creation of a transparent and merit-based process, informed by input from acknowledged experts in governance and anticorruption, for selection of Commissioners of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), given their role in day-to-day operations.”

Tackling economic crimes has now become the primary accountability focus of the international community, unsurprisingly given the extent of financial assistance being extended to the Sri Lankan economy. It has led to a frank assessment of the systemic failures of rule of law over decades and in particular the lack of an independent prosecutor’s office to investigate corruption and other independent oversight and appointment bodies. However, these are problems that do not just affect economic crimes – but the investigation of all crimes, including serious violations of human rights on an intersectional basis. The challenge of tackling one aspect of the criminal investigation process in isolation from the structural underpinnings of the justice system is a grave mistake, given the intersection of

economic crimes and other forms of criminal activity, including the abuse of human rights, and structural fault lines underpinning the system. It should not be either economic crimes or human rights – in terms of pressure on the Government of Sri Lanka – rather both at the same time and a detailed understanding of their interconnectedness that only comes from investigating and researching actual case studies and individuals.

This report therefore seeks to echo the benchmark recommendations of the IMF and sets out a number of reform measures that could be undertaken by the Government of Sri Lanka to stop the arbitrary detention and torture contained in this report. We set out these benchmark recommendations with the understanding that, in the current political structure given the tainted individuals in positions of power, the likelihood of these being implemented, without significant international pressure, is very limited.

**STATE  
MINISTER  
FOR PRISONS**

Alleged to have  
threatened to  
kill prisoners

**MINISTER OF  
JUSTICE**

Sacked in 2017  
for allegedly not  
investigating  
corruption

**PRESIDENT  
AND MINISTER  
OF DEFENCE**

A presidential  
commission of inquiry  
named him as complicit  
in JVP era torture  
in Batalanda

**MINISTER  
OF PUBLIC  
SECURITY**

A case for fraudulently  
influencing the 2005  
elections was dropped  
after a key witness  
changed her testimony

**ATTORNEY  
GENERAL**

Lawyer for the  
Government and  
Prosecutor

**CHIEF OF  
DEFENCE  
STAFF**

UN has named him as  
allegedly responsible for  
war crimes in 2009. US  
Government designated him  
for gross violations of  
human rights

**NATIONAL  
POLICE  
COMMISSION**

Includes one  
individual named  
regarding his role  
in the JVP era

**INSPECTOR  
GENERAL OF  
POLICE**

Supreme Court found  
he was responsible  
for torture

**SECRETARY OF  
DEFENCE**

UN has named him as  
allegedly responsible  
for war crimes  
in 2009

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# SUGGESTED BENCHMARKS

A cardinal maxim of international human rights law is the absolute prohibition against torture and other cruel, inhuman or degrading treatment, for which no exception can be accepted, defended, justified, or tolerated in any circumstance whatever<sup>24</sup>. Torture also raises core questions about power, violence and vulnerability.

The benchmarks set out in this report area constitute only a selection of suggested initial steps that donors and other states could recommend to the government of Sri Lanka, to abide by, which would demonstrate genuine political will on the part of the government to end the illegal practice of torture and sexual violence as well as the unlawful conduct of the security forces which has continued for decades. These recommendations are informed by discussions with Sri Lankan victims of torture.

These are not intended to be exhaustive guidelines on

arrest and interrogation, which others have already compiled<sup>25</sup>. While the Sri Lankan security forces should follow and abide by international standards regarding law, policy and practice, to date they have not done so and as a result, impunity for these crimes has become entrenched. These benchmarks include ideas on how to tackle the problem of illegal arrest (which constitutes abduction) and torture, typically conducted by Sri Lankan police and military officials in unmarked vehicles, wearing plain clothes, in rooms that are not official lock-ups or detention centres and conducted clandestinely at night.

Ending this criminal behaviour by the security forces is arguably impossible with the current appointments to senior positions, of persons implicated in these crimes. However, even if credible individuals were in top positions, challenges would still exist about

rooting out structural practices entrenched over decades with a few piecemeal reforms, and without comprehensive security sector reform. These benchmarks highlight some steps that might make the criminal behaviour of the security forces more difficult but are conscious that a full security reform process needs a more holistic, comprehensive and sustained approach with political will.

## BENCHMARKS CHART

| RECOMMENDATION  | RESPONSIBLE PARTY  | BY WHEN | PRIORITY |
|---|--|---------|----------|
| <b>Individuals</b>  |  |         |          |
| Remove the current Inspector General (IGP) of Police who has been found by a Sri Lankan court to have been involved in torture <sup>26</sup>  | <ol style="list-style-type: none"> <li>1. Ministry of Public Security</li> <li>2. Constitutional Council and</li> <li>3. National Police Commission (see below)</li> </ol> | ASAP    | Top      |
| Remove individuals from the oversight body, the National Police Commission, who are allegedly complicit in disappearances during the JVP time <sup>27</sup>   | <ol style="list-style-type: none"> <li>1. President</li> <li>2. Constitutional Council</li> </ol>  | ASAP    | Top      |
| Re-examine allegations that the Minister of Public Security diverted state development funds to pay the LTTE (a proscribed organisation) to call on Tamils to boycott the 2005 Presidential elections that brought Mahinda Rajapaksa to power <sup>28</sup> . This is a serious allegation of interference in the democratic process through fraud and involves an alleged breach of security. The charges were dropped when a witness changed her testimony when the Rajapaksas returned to power. The appointment of this individual as the minister in charge of the police raises serious questions <sup>29</sup> | <ol style="list-style-type: none"> <li>1. President</li> <li>2. AG</li> <li>3. Police</li> </ol>   | ASAP    | Top      |

|  |  |          |           |
|--|--|----------|-----------|
| Remove from office and indict inter alia the Chief of Defence Staff and the Secretary to the Ministry of Defence for their role in alleged war crimes, including torture <sup>30</sup>             | <ol style="list-style-type: none"> <li>1. President</li> <li>2. AG's office</li> </ol>   | ASAP     | Top       |
| Remove from office the State Minister of Prison Management and Prisoners Rehabilitation Affairs, who is alleged to have threatened to kill prisoners <sup>31</sup>                                 | <ol style="list-style-type: none"> <li>1. President</li> <li>2. Constitutional Council</li> </ol>                                    | ASAP     | Top       |
| <b>Laws and Policy</b>   |  |          |           |
| Repeal the Prevention of Terrorism Act <sup>32</sup> ; Online Safety Act <sup>33</sup>   | <ol style="list-style-type: none"> <li>1. Parliament</li> </ol>  | ASAP     | Ongoing   |
| Abolish the police reward system which incentivises torture by paying officers for captured weapons and the number of cases which go to court <sup>34</sup>  | <ol style="list-style-type: none"> <li>1. IGP of Police (see issue with IGP above)</li> <li>2. National Police Commission</li> </ol> | 3 months | Top       |
| Establish an Independent Prosecutor's Office <sup>35</sup>   | <ol style="list-style-type: none"> <li>1. President</li> <li>2. Parliament</li> </ol>  | 2 years  | Long term |
| Extend asset declaration and conflict of interest rules to include members of the security forces (and families) to allow scrutiny of whether bribes taken for release of those illegally detained | <ol style="list-style-type: none"> <li>1. President</li> <li>2. Parliament</li> </ol>  |          | Long term |

|  |   |                        |                      |
|--|---|------------------------|----------------------|
| <p>Adopt a policy that “rehabilitation” of former LTTE cadres is no longer required</p>  | <p><b>1. President</b></p>  | <p><b>3 months</b></p> | <p><b>Top</b></p>    |
| <p>Establish a Reparations fund that includes victims abroad</p>   | <p><b>1. President</b></p>  | <p><b>5 years</b></p>  |                      |
| <p>Detainees are often forced to sign pre written statements in a language that they do not understand (Sinhala mainly). To counter this, make mandatory videoing [with metadata showing location and time] of the person writing the statement and signing it with witnesses. Likewise, video record police official signing a detention order to avoid blank Detention Orders being pre-signed</p> | <p><b>1. IGP</b><br/><b>2. National Police Commission</b></p>             | <p><b>6 months</b></p> | <p><b>Top</b></p>    |
| <p>In line with UN expert recommendations, halt the repressive ‘Yukthiya’ anti-drug operation where torture is reported to have occurred after arbitrary arrests.<sup>36</sup> (as of 9 January 2024, there were allegedly 29,000+ arrests<sup>37</sup> and in March 2024 was intensified on orders of the IGP<sup>38</sup>)</p>   | <p><b>1. IGP (see above)</b><br/><b>2. UNODC Sri Lanka</b></p>            | <p><b>ASAP</b></p>     | <p><b>Top</b></p>    |
| <p>Remove drug rehabilitation from the auspices of the Military</p>  | <p><b>1. President</b><br/><b>2. Secretary of Defence (see above)</b></p> | <p><b>ASAP</b></p>     | <p><b>Medium</b></p> |

|  |   |                        |                         |
|--|---|------------------------|-------------------------|
| <p>Curb prison overcrowding as currently prisons hold more than twice the prisoners compared to capacity<sup>39</sup></p>  | <p><b>1. State Minister of Prison Management and Prisoners Rehabilitation Affairs (see above)</b></p>   | <p><b>5 years</b></p>  | <p><b>Long term</b></p> |
| <p>Stop summoning people to faraway places for interrogation (Eg; Tamils in the north are called to Colombo CTID where they are more vulnerable and can't speak the language and forced to pay for the travel)</p>   | <p><b>1. IGP</b></p>  | <p><b>ASAP</b></p>     | <p><b>Top</b></p>       |
| <p><b>Language</b></p>   |   |                        |                         |
| <p>Translate the Charge Sheets the Police use in the North and East into Tamil and use these; currently only the Fine Sheet is bilingual. This would enable people to understand what offence or crime they are charged with</p>                           | <p><b>1. Ministry of Public Security (see issue with the Minister above);</b><br/> <b>2. Ministry of Justice;</b><br/> <b>3. Donors - Canada<sup>40</sup></b><br/> <b>4. The Official Languages Commission<sup>41</sup></b></p> | <p><b>3 months</b></p> | <p><b>Top</b></p>       |
| <p>Include more Tamil speaking, local officers in north and east police stations, including women officers whom victims say should be Tamils from the area, not from the south or Hill Country</p> <p>Translators at police stations in North and East</p> | <p><b>1. IGP</b><br/> <b>2. Ministry of Public Security</b></p>   | <p><b>5 years</b></p>  | <p><b>Long term</b></p> |

| <b>Identification of law enforcement</b>  |  |                 |               |
|---|--|-----------------|---------------|
| Publish a policy directive for each force on when officers are allowed to wear plain clothes while on operational duty, and how they should identify themselves to the public or a suspect  | <b>1. IGP</b>  | <b>ASAP</b>     | <b>Top</b>    |
| Enforce a penalty for policemen and soldiers who move around without name tags on uniforms  | <b>1. National Police Commission (see issue above)</b> | <b>1 year</b>   | <b>Medium</b> |
| Fit GPS trackers in all police vehicles, including unmarked vehicles, and check whether their petrol use corresponds to the usage/ distances and addresses they log <sup>42</sup> ; also register the private vehicles (motorbikes and vans) of intelligence officers if possible and fit GPS trackers and check mileage and timings of use <sup>43</sup> | <b>1. Ministry of Public Security</b>                  | <b>9 months</b> | <b>Medium</b> |
| Check the overtime logs of intelligence officers and what hours they work on cases outside normal duty hours  | <b>1. Ministry of Public Security</b>                  | <b>1 year</b>   | <b>Medium</b> |

|  |  |                 |                  |
|--|--|-----------------|------------------|
| <p>Keep with the Human Rights Commission of Sri Lanka a register of private mobile phone numbers of intelligence officers as they use these numbers to threaten and intimidate victims, including photographing them</p>   | <ol style="list-style-type: none"> <li>1. HRCSL</li> <li>2. IGP</li> <li>3. MOD</li> </ol>                                     | <p>1 year</p>   | <p>Medium</p>    |
| <p>End confession-based investigation techniques. Consider using and making footage from police body cameras admissible in court. This would ensure the dates of arrest are not falsified to enable a period of illegal detention in which to extract a confession</p>             | <ol style="list-style-type: none"> <li>1. Ministry of Justice</li> <li>2. IGP</li> <li>3. AG</li> <li>4. Parliament</li> </ol> | <p>2 years</p>  | <p>Long term</p> |
| <p>Fit CCTV cameras with a live feed to police stations, including rooms and sheds at the back of the premises typically used for torture. This was a commitment by the Yahapalana Law and order minister who is now the President's adviser on national security<sup>44</sup></p> | <ol style="list-style-type: none"> <li>1. Minister of Public Security</li> </ol>   | <p>1 year</p>   | <p>Medium</p>    |
| <p><b>Medical</b></p>  |  |                 |                  |
| <p>Conduct medical examinations by independent doctors within 12 hours of arrest; and another one at the time of release<sup>45</sup></p>  | <ol style="list-style-type: none"> <li>1. IGP in Circular to all Police Stations;</li> <li>2. JMOs</li> </ol>                  | <p>3 months</p> | <p>High</p>      |

| <b>Oversight<sup>46</sup></b>  |   |                        |                      |
|--|---|------------------------|----------------------|
| <p>In relation to the Human Rights Commission of Sri Lanka (HRCSL), (which tells victims to report crimes to the police to obtain a police report which is a problem if the security forces are the culprits) (i) Conduct a consultation process including with recent torture victims to propose measures to make this body more independent and effective. (ii) Establish a credible process in an office in the north and east for complaints against the SL security forces and local police</p> | <ol style="list-style-type: none"> <li>1. <b>President's office;</b></li> <li>2. <b>HRCSL itself, especially if the police report requirement is not written in law but an internal procedure</b></li> </ol>  | <p><b>1 year</b></p>   | <p><b>Medium</b></p> |
| <b>Policy</b>  |   |                        |                      |
| <p>Establish an oversight process for Tamils who are deported after failed asylum claims abroad; currently they are detained for having left the country illegally which exposes them to the risk of torture and extortion</p>   | <ol style="list-style-type: none"> <li>1. <b>Swiss Embassy in Colombo;</b></li> <li>2. <b>NGOs;</b></li> <li>3. <b>Ministry of Defence (immigration);</b></li> <li>4. <b>IGP, Airport</b></li> <li>5. <b>Authorities;</b></li> <li>6. <b>IOM</b></li> </ol> | <p><b>3 months</b></p> | <p><b>Top</b></p>    |
| <p>Publish lists of all official detention sites annually in newspapers</p>  | <ol style="list-style-type: none"> <li>1. <b>President</b></li> </ol>   | <p><b>ASAP</b></p>     | <p><b>Top</b></p>    |
| <p>Provide public clarification about the duties of police/ military deployed for MP protection because of allegations that they are involved in wrongdoing</p>  | <ol style="list-style-type: none"> <li>1. <b>Minister of Public Security</b></li> </ol>   | <p><b>ASAP</b></p>     | <p><b>Top</b></p>    |

| <b>Investigations</b>  |   |                 |               |
|--|---|-----------------|---------------|
| Investigate EPDP which is alleged by victims and their families to be involved in taking huge bribes from families to allow the detainees to be released | <b>1. Attorney General's Office/<br/>CIABOC</b>   | <b>1 year</b>   | <b>Medium</b> |
| Provide funding to exhume mass graves (which contain evidence of torture) with proper international oversight  | <b>1. President<br/>2. OMP<br/>3. AG's office</b> | <b>3 months</b> | <b>Top</b>    |

# ENDNOTES

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**1** Report of the Commission of Inquiry into the Establishment and Maintenance of Places of Unlawful Detention and Torture Chambers at the Batalanda Housing scheme, p.56 (available at <https://www.yumpu.com/en/document/view/39530093/sri-lankas-commissions-of-inquiry-law-society-trust>)

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**2** Report of the Committee Against Torture, United Nations, New York, 1998, Para 249 (available at <https://www.refworld.org/reference/annualreport/cat/1998/en/20925>)

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**3** Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak. Mission to Sri Lanka, para, 70. (available at <https://digitallibrary.un.org/record/622163?ln=en>)

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**4** Op cit Para 71

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**5** Report of the OHCHR investigation on Sri Lanka, para 1120 (available at <https://www.refworld.org/>

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[reference/countryrep/unhrc/2015/en/107236](https://www.refworld.org/reference/countryrep/unhrc/2015/en/107236)

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**6** Op cit para 1129, p1130

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**7** Op cit para 1131, 1132

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**8** “*An Unfinished War* : Torture and Sexual Violence in Sri Lanka”, March 2014, p.6 at [https://itjpsl.com/assets/STOP\\_report.pdf](https://itjpsl.com/assets/STOP_report.pdf)

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**9** “*A Still Unfinished War: Sri Lanak’s Survivors of Torture and Sexual Violence, 2009-2015.*” (July, 2015) [https://itjpsl.com/assets/stoptorture\\_report\\_v4\\_online.pdf](https://itjpsl.com/assets/stoptorture_report_v4_online.pdf)

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**10** “Unstopped: 2016/17 torture in Sri Lanka”, July 2017, p.4/5 at <https://www.itjpsl.com/reports/unstopped>

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**11** <https://itjpsl.com/reports/ongoing-torture>

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**12** <https://www.freedomfromtorture.org/news/unbearable-treatment-torture-continues-despite-sri-lankan-governments-promise>

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**13** <https://apnews.com/article/europe-immigration->

[migration-race-and-ethnicity-only-on-ap-ced017bd441f46ba838aaedf6ff5dbe2](https://www.refworld.org/reference/countryrep/unhrc/2015/en/107236)

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**14** A/HRC/40/23, paragraph 56.

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**15** ITJP: Torture: 2020-2021, Sept 2021, <https://itjpsl.com/reports/torture-2020-21>

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**16** High Commissioner presents updates on human rights in Colombia, Guatemala, Honduras, Nicaragua, Cyprus and Sri Lanka, 1 March 2024, available at <https://www.ohchr.org/en/statements-and-speeches/2024/03/high-commissioner-presents-updates-human-rights-colombia-guatemala>

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**17** Article 2.

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**18** <https://www.amnesty.org/en/what-we-do/enforced-disappearances/>

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**19** This refers to the march from Pottuvil in Ampara district to Polikandy in Jaffna district that took place in February 2021 raising issues including the continuing militarisation of the north and east of Sri Lanka, bans on the memorialisation processes of the Tamils, and justice for the families of the disappeared

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**20** In two cases, the statements state that they were “tortured” without providing details. We have assumed that this torture amounted to beatings.

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**21** The woman may have been subject to rape, but her statement provided insufficient details. See text below.

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**22** In 10 cases, the detainees were “unconscious” when raped, but when they came to believe they had been raped because of the circumstances they later found themselves in, including blood around their genitals, bruising and significant pain. In addition, there were two cases of attempted rape. These have all been included in the data.

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**23** Rape here includes both penile rape and rape using a rod.

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**24** <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule90>

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**25** For example, the DK Basu guidelines for police in Nagpur in India: <https://www.scribd.com/document/382193508/D-k-Basu-Guidelines-on-Arrest>

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**26** <https://www.ft.lk/front-page/SC-finds-Acting-IGP-guilty-of-torture/44-756329>

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**27** Confidential submission.

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**28** <https://www.adaderana.lk/news.php?nid=65413>  
In 2020, after Gotabaya Rajapaksa was elected the President of Sri Lanka in November 2019, Tiran Alles was discharged by the court in the relevant case against him as the Prosecution

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decided not to pursue the case on the grounds that one prosecution witness was deemed not credible. A former Chief Operating Officer (COO) of RADA, Chandra Kanthi Fernando, testified in court that the documents contained in a file given to her by a RADA engineer, on which the indictments against the accused were based, were all photocopies rather than originals and that she had never seen the originals, which was contrary to her previous statements to the police when the investigation was ongoing. Since Fernando was the only witness who had information regarding these documents, the Prosecution informed the court that they would be unable to proceed with the case. To note, the Prosecution’s withdrawal of the case based on the unavailability of the original copies of certain relevant documents should not be construed as proof that the allegations underlying the case are weak or baseless; on the contrary, the fact that the original copies of key RADA documents were missing puts the agency’s operations under a more suspicious light, as it suggests a deliberate sabotage of important documents or at least gross negligence in record-keeping that conveniently enables cover-up of problematic, if not outright illegal, operations.

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**29** <https://www.adaderana.lk/news/65413/tiran-alles-three-others-discharged-from-rada->

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case

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**30** CDS is designated by US Government - <https://2017-2021.state.gov/public-designation-due-to-gross-violations-of-human-rights-of-shavendra-silva-of-sri-lanka-under-section-7031c-of-the-department-of-state-foreign-operations-and-related-programs-appropriations-a/>  
UN on Secretary of defence - <https://www.reuters.com/article/idUSKBN29W28P/>

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**31** <https://www.newswire.lk/2024/01/29/new-state-ministry-for-lohan-ratwatte/>; [https://www.prisonmin.gov.lk/web/index.php?option=com\\_content&view=article&id=21&Itemid=154&lang=en](https://www.prisonmin.gov.lk/web/index.php?option=com_content&view=article&id=21&Itemid=154&lang=en); [https://twitter.com/meeganguly/status/1751846941573656747?refsrc=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1751846941573656747%7Ctwgr%5Ef033d48b96ae61f27fd1677981039981c090db49%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fwww.tamilguardian.com%2Fcontent%2Frajapaksas-murderous-drunk-ally-lohan-ratwatte-back-government](https://twitter.com/meeganguly/status/1751846941573656747?refsrc=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1751846941573656747%7Ctwgr%5Ef033d48b96ae61f27fd1677981039981c090db49%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.tamilguardian.com%2Fcontent%2Frajapaksas-murderous-drunk-ally-lohan-ratwatte-back-government)

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**32** Sri Lanka’s new proposed counter-terrorism legislation does not go far enough to remedy the defects of the country’s draconian Prevention of Terrorism Act (PTA), UN experts said: <https://www.ohchr.org/en/press-releases/2023/10/un-experts-say-sri-lankas-counter-terrorism-bill-fails-heed-their>

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**33** The UN Human Rights

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Office said that Sri Lanka's new Online Safety Act will have far reaching negative implications for human rights, including freedom of expression: <https://english.newsfirst.lk/2024/02/02/un-warns-sri-lanka-s-online-safety-act-threat-ens-human-rights>

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**34** <https://www.adaderana.lk/news.php?nid=91490>;

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**35** The IMF Diagnostic report in Aug. 2023 said, "The wide prosecutorial discretion vested with the Attorney General's Department can easily become subject to political interference, due to the nature of its close political association." See also the report by the Independent International Group of Eminent Persons on Sri Lanka on the AG's conflicts of interest.

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**36** "They deplored reported cases of arbitrary arrests of thousands of drug offenders from marginalised socio-economic groups, and the detention of hundreds in compulsory military-run rehabilitation centres. Torture and ill-treatment were also reported during the security operation known as 'Yukthiya'." <https://www.ohchr.org/en/press-releases/2024/01/un-experts-call-sri-lanka-immediately-suspend-and-review-yukthiya-anti-drug>

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**37** See Joint statement by 33 groups: [https://www.hrw.org/sites/default/files/media\\_2024/01/240112%20](https://www.hrw.org/sites/default/files/media_2024/01/240112%20)

Sri%20Lanka%20-%20Joint%20statement%20on%20Yukthiya.pdf<https://www.jurist.org/news/2024/01/sri-lanka-anti-drug-operation-to-continue-amid-human-rights-concerns/>

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**38** <https://island.lk/operation-yukthiya-to-be-intensified/>

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**39** Performance Audit Report on Overcrowding Management in Prison; <https://www.naosl.gov.lk/web/images/audit-reports/upload/2022/performance/8-iii/English.pdf>

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**40** <https://island.lk/govt-keen-to-receive-canadian-assistance-despite-diplomatic-issue/>[https://www.nleap.lk/#:-:text=The%20National%20Languages%20Fund%20\(NLF\)%20funded%20by%20the%20Government%20of,righ%20and%20second%20language%20learning.](https://www.nleap.lk/#:-:text=The%20National%20Languages%20Fund%20(NLF)%20funded%20by%20the%20Government%20of,righ%20and%20second%20language%20learning.)

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**41** <https://olc.gov.lk/en/home/>

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**42** Given the price of fuel it's likely they are using official supplies even for unofficial work.

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**43** Victims say the uniformed police /army in clearly identified vehicles are generally not those involved in abduction or illegal arrests; rather it's officials in plain clothes at night (after duty hours) in unmarked motorbikes or vehicles.

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**44** <https://www.colombo.telegraph.com/index.php/dinesh-says-police-duty-to-safeguard-a-life-sagala-says->

[looking-at-installing-cctv-cameras-at-police-stations/](https://www.apr.ch/sites/default/files/publications/doc-3_right-to-a-medical-examination_en_final.pdf)

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**45** [https://www.apr.ch/sites/default/files/publications/doc-3\\_right-to-a-medical-examination\\_en\\_final.pdf](https://www.apr.ch/sites/default/files/publications/doc-3_right-to-a-medical-examination_en_final.pdf)

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**46** 1970 Report; ie 54 years ago:

"Courteous attention and civility must replace the rude and militaristic attitude that is characteristic of a Police Station. No laws can effect the change. Even after public attention has been focused on a number of incidents in which the Police have belaboured the public, reports of Police violence still continue to appear in the Press. We think that this attitude of mind of the Police is largely due to the fact that the machinery for investigating complaints by the public against the Police at present is unsatisfactory and does not command the confidence of the people." <http://www.humanrights.asia/wp-content/uploads/2018/07/Police-Commission-Report-1970.pdf>

