

Perpetrators, Deniers and Enablers: Torture in Sri Lanka

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Abstract

This essay examines the intersection of society's denial and violations of human rights in post-war Sri Lanka. It argues that after decades, torture has become so normalized in Sri Lankan society, both at the level of the individual perpetrator and institutionally, that it helps protect those responsible. Reform focuses on legislative and policy changes but dodges the issue of individual criminal responsibility with the result that known perpetrators flourish. The article places current denial of ongoing abductions and torture within a continuum of denial for the mass atrocities of the war, showing the consistent downplaying of ethnicity, refusal to examine the facts and tendency of the aggressors to portray themselves as victims.

Citation

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Introduction

There is today a wealth of evidence to show that hundreds if not thousands of Tamil men and women were repeatedly raped and tortured by different units of the Sri Lankan security forces after the end of the war in 2009 - in jungle clearings, bunkers, office rooms, rehabilitation camps, abandoned houses, army camps, police stations, naval bases, tents and offices in "IDP camps", prison cells and buildings that resemble schools - a multitude of sites that do not appear to overlap. For these victims the war hasn't ended even though the politicians talk of it in the past tense. The torture and rape continues to this day, nine years after the guns went silent. This paper examines how ongoing torture has become normalized in Sri Lanka and enabled by the same tactics of denial that prevailed during the war.

Perpetrators

Laughing & Joking

Who are the men – and in some cases women too – who burn, brand, beat, whip, suffocate and half drown other human beings as part of their daily work? One Tamil victim in Sri Lanka described his torturers downing tools and breaking for lunch; another noticed them go outside for a cigarette break. Many of the hundreds of survivors interviewed by the International Truth and Justice Project (ITJP) describe their torturers laughing and joking in Sinhala while hurting them, treating it as entertainment or sport¹:

"The interrogators and the translator seemed cheerful, talking loudly, laughing all while inflicting torture. They sometimes called in a female soldier, inviting them to watch and those women also seemed to be in a good mood and enjoying watching the torture²".

Another man who had his head submerged in a water barrel several times and coughing and struggling to breathe, terrified that he would die, heard his torturers speaking in Sinhala and laughing. *"It appeared that they were enjoying it³,*" he said. There can be no bigger gulf between communities than that of a man

spluttering for air and those responsible laughing in his face.

In this context it is astonishing that the discourse post-war, dictated by the donor community, is focused on “reconciliation”. Thousands of Tamils have been tortured during the conflict but they were never consulted about the “reconciliation” agenda; just one more way in which their experience is denied. How do you reconcile with someone who has dehumanized you to this extent?

Slaves and Dogs

Dehumanizing literally involves treating the victims like animals. Having said that, in a Buddhist country it is debatable that anyone would tolerate treating animals this badly. Tamils in security force detention in Sri Lanka are routinely called “Tamil dogs” and abused in ethnically derogatory language. Some have even been given their food in what appears to be a dog bowl shoved into their cell through a flap.

Tamil detainees are branded with hot metal rods on their backs and legs like cattle – except that with human victims it’s done repeatedly and until the victim passes out unconscious. The torturers say the long thin branding marks are supposed to recreate Tiger stripes⁴:

“They talking among themselves in Sinhalese and were laughing. Finally they said jokingly in Tamil, that the marks are similar to the stripes of a tiger. I was screaming and crying⁵.”

References to “Tamil slaves” are also common throughout the testimony of torture survivors. Nothing more clearly signifies the desire to deny Tamils their political rights in Sri Lanka. It’s worth noting that both cattle and, in the past, slaves, were branded in Sri Lanka.

“Throughout the beating, the men were shouting in broken Tamil ‘You are a Tamil dog’, ‘The Tamils are the slaves of the Sinhalese’ and other insults against the Tamils and the LTTE⁶.”

Women too are branded or burned with cigarettes on areas visible if they wear a sari blouse as a marker to their community that they have likely sexually violated. Female Sinhalese soldiers use exactly the same racist language:

“..she would say ‘you are our slave, go and tell your whole Tamil generation that you people should never think of forming another LTTE, you people are slaves and you should remain slaves⁷’”.

In police headquarters in Colombo at the end of the war, Tamil prisoners described being forced to

move to court manacled by the ankle and chained together in a long line like slaves. Onlookers on the streets of the capital jeered at them. This must have been witnessed by many bystanders but none has ever spoken of it. After many decades of violence it is not surprising that the perpetrators, the public and even human rights activists in Sri Lanka have normalized the violations to varying degrees⁸.

Lord Buddha in the Torture Chamber: the process of normalization

When a young Tamil man had the blindfold removed in the torture room, his hands still tied behind his back, he remembers seeing a roll of electric cable in the corner of the room and an orange Buddha statue on the table in front of him.

The presence of Lord Buddha in a military torture chamber shows to what extent the brutality has become normalized for the perpetrators who are invariably Sinhalese and Buddhist, or in some cases Catholic.

“Have you given him the normal treatment?” is what another Tamil victim who understood Sinhala overheard his captors in an army camp say before he was severely tortured.

Torture quickly becomes a routine task for the torturers, though a few hours can destroy the victims for life. A Sinhalese man involved in “white van” abductions recounted casually going for a meal while colleagues burned the corpse of a man he’d helped abduct earlier in the day:

“We freshened up and had something to eat. I watched some TV napping in the chair. We had lunch and stayed indoors. As the evening approached I went down to where they were burning the body... we needed to satisfy ourselves that body was completely burned⁹.”

Individuals or Institutions

The mindset that normalizes torture manifests itself not just at an individual level but institutionally. This is so entrenched that the Government of Sri Lanka sent the policeman who ran the country’s most notorious wartime torture site¹⁰ (a man named in a UN report) as part of their delegation to Geneva to the UN Committee Against Torture meeting in 2016. The decision to send him was approved by the reform-minded Foreign Minister¹¹. Mr. Sisira Mendis’ departure was announced ten days in advance¹² but no human rights activist questioned the decision though he is well-known. Even after he went home in disgrace, the local media ignored the issue for a

month, despite international media coverage¹³. In a supreme act of denial, the Government renewed Mr. Mendis' contract as intelligence chief for another year¹⁴ and continued to include him in official government meetings¹⁵. No journalist or activist or NGO questioned this¹⁶ even though reports say there is now considerable media freedom in Sri Lanka¹⁷.

Nothing illustrates more starkly how Government and civil society alike have become myopic, choosing not to see the wild elephant in the room. Instead they spend time working on plans, protocols and policies¹⁸ to improve human rights, though often with questionable officials leading the process who are never called out¹⁹.

The discussion of Sri Lanka's human rights record has tended to focus on flawed structures and legislation, as if decades of violations are an incremental development issue that just require more training and capacity building - and nothing to do with individual criminal responsibility. It is no accident therefore that there are rarely prosecutions or the naming and shaming of individuals, many of whom are part of the establishment and well known socially in the very small elite of Colombo society²⁰.

For example, the fact that the Government's witness protection authority contains alleged perpetrators of torture is never mentioned by human rights activists²¹. Prominent members of civil society attended the launch event for the witness protection authority and failed to question the inclusion on the body of a senior policeman who had been named by the UN special rapporteur on torture a decade ago as an alleged perpetrator of torture²². While there is much general discussion of theoretical issues such as impunity there's very rarely any challenge mounted from within civil society regarding compromised individuals. There is a disconnect that enables those responsible to abnegate responsibility. Civil society is silent regarding the promotion of alleged war criminals²³ posted abroad as diplomats²⁴ or even awarded corporate sponsorship²⁵. It also does not question the Government's failure to vet public and security officials as it promised in Geneva, preferring to focus on constitutional and legislative change.

It is as if human rights violations occur in some disembodied context and the perpetrators are distant and unknowable people never encountered. Unfortunately they are ordinary people following orders and society's denial helps to shields them.

Deniers & Enablers

Rajapaksa Era Denial

Under the Rajapaksa government the denial was crude but surprisingly successful. In 2009, the Sri Lankan State used the term "zero civilian casualty policy" for one of the bloodiest short periods of war this century. Mass atrocities were dubbed "a humanitarian operation" and the shelling of civilians a "hostage rescue mission", the killing fields called "no fire zones". The "rehabilitation" programme for former combatants was mass arbitrary detention; scores of survivors describe being tortured. The internment camps for civilians who came out of the war zone were called Internally Displaced People (IDP) camps even though many of those forcibly detained there actually had places to live. There was a "zero tolerance policy" for what the UN later said was systematic sexual violence. "It's against our policy so it can't happen," as if policy makers believe in their own magic²⁶.

The Rajapaksa period also saw a great deal of effort expended to deny survivor accounts, matching each film, article or report with a rival version. There were extensive attempts to counter the videos of summary executions, producing long treatises claiming they were fake, even though UN experts corroborated them. The Government's parallel narrative was flimsy factually but intended to comfort those who just needed to believe their soldiers were blameless - those who wanted to live in denial.

As Stanley Cohen²⁷ explains, typically there's simultaneously literal denial and ideological justification. The war in Sri Lanka was portrayed as one of self-defence for the majority. When talking to outsiders it was Sri Lanka's own little "war on terror"; internally it was in the defence of Sinhala Buddhism. Nationalism became "a moral vocabulary of self-exoneration" for the Sinhalese victors but a crime for the defeated Tamils. The Sinhalese aggressively paint themselves as the true victims. First their culture was under existential threat from seventy million Tamils in Southern India; now purportedly from Muslims who are also depicted as extremists.

According to Cohen, denial usually involves a vicious counter offensive being mounted against critics - during the Sri Lankan war international human rights groups were derided as mouthpieces of terrorists and internal critics as unpatriotic.

The Rotten Apple Theory

Post-Rakajapsa there was a partial acknowledgement that Sri Lanka's past needs addressing and transitional justice mechanisms were outlined, mainly it now seems to placate the international community. A key aspect of the denial today involves regarding the conflict atrocities as isolated incidents not system crimes. The UN High Commissioner for Human Rights clearly stated in 2015 that Sri Lanka's security forces had used sexual violence as a matter of policy and that the country's institutions were not ready to investigate the scale and extent of the crimes²⁸.

Nevertheless the fashionable theory after the change of government in 2015 is that just a few rotten apples in the security forces are responsible for a vast array of crimes, *inter alia*: the second largest case load of disappearances in the world, thousands of torture and rape cases, and in the war, conduct that "represented a grave assault on the entire regime of international law"²⁹. It's not humanly possible for a few individuals to have done all this.

Nobody has ever elaborated the "rotten apple" theory to explain if the wrongdoers are at the top of the navy, army, air force, intelligence services, the TID, CID, STF and prison services, or spread throughout all these institutions that committed the violations according to the UN.

Sometimes there is a begrudging acceptance of violations after they've been internationally verified – like the admission by the former Foreign Minister that an execution video is authentic³⁰. However there is no allocation of individual responsibility even though the video clearly shows the faces of the perpetrators and the Government has facial recognition software that could identify them as they laugh while shooting bound naked Tamil prisoners. Since the wartime army commander sits in cabinet, pointing fingers might be difficult for his colleague, but the former Foreign Minister's behaviour falls into the pattern of avoiding identifying perpetrators.

Over the years Sri Lanka's ludicrous "zero civilian casualty policy" has been adjusted to allow for between 7-9,000 casualties – still a vast underestimate³¹. Dates have been manipulated to fit the State's narrative of denial. For example, government registrars in affected districts have told families that they cannot register a death of a loved one on for example, 13 May 2009, "because too many people have already died that day". By mid-May 2009 it's hard to blame the defeated LTTE forces for

shelling thousands of their own people because they were squeezed into a tiny patch of land. It cannot be denied the victims are dead but the date of their death is reinterpreted to hide those responsible.

The same reinterpretation occurs to change enforced disappearance cases into missing cases. Families know if they register complaints that their children disappeared on the final day of the war, 18 May 2009, it implies they disappeared after surrender to the army, so they protect themselves by saying it was January or February 2009 when the State can suggest the missing were killed in crossfire or forcibly recruited by the LTTE. The culture of denial is internalised by the victims for their own protection. The denial extends beyond death.

Denying Responsibility

The entire modus operandi of Sri Lanka's notorious "white van" abduction teams is geared towards deniability for the individuals involved. Typically one team abducts, another tortures and a third releases the victim for ransom. It's a Nazi style of division of labour. Each team can absolve itself of responsibility for the full crime by claiming they didn't select the victim or know what would happen to them later on in the process. Indeed one victim described being reprimanded by his interrogator for not telling him the full truth, adding, "*I cannot be responsible for what is going to happen to you now*"³². Such a legalistic disclaimer is an odd thing to hear in a secret torture cell but is made possible by the separation of tasks in the process.

The sexual violence is more often than not perpetrated in groups. There is an enforced obedience and bonding that comes from sharing atrocities. This is a gang where members are initiated to keep the crimes silent and deny the experience of the victims. The victims are degraded with ethnic insults that stem from a common value system that's reinforced by continually symbolically re-enacting the defeat of Tamils by literally torturing them. There's enormous satisfaction in exercising complete sovereignty over the enemy's body, as well as his land. It reassures the victors in Sri Lanka to know they have total power over people they once feared.

Officially sanctioned torture comes with paperwork. No criminal outfit or lone "rotten apple" would be so diligent about collecting signatures on false "confessions" as the Sri Lankan torturers. There's also increasing evidence of a centralized database of torture records because victims who have

been detained on multiple occasions find they are asked questions by new security force units that they could only know from previous interrogations.

“This sort of thing doesn’t happen under this government”

The ITJP has documented 76 torture cases that occurred under the Sirisena Government, since January 2015, many of them involving the military in some capacity or the Terrorism Investigation Department, or TID. The overwhelming response of civil society in Colombo and diplomats has been to cast vague doubts at the accounts without engaging with the evidence that is also supported by medical experts from organisations like Freedom From Torture. One diplomat said he found the situation confusing because where he sat everything was getting better; he made a choice to remain “confused” by not engaging with the facts despite offers to do so. For deniers, examining the evidence is to be avoided at all costs as it might require action to be taken.

Instead there is the customary counter offensive: the advocates are personally vilified, called “spoilers” or derided as “ideological”, falsely accused of taking LTTE funding and therefore being biased. Human rights activists express vague doubts about the “methodology” and about “some cases” without having enough information to identify individual cases. Women’s groups report they don’t see accounts of sexual violence like the ones now documented. That’s not surprising – the accounts are primarily those of men not women. No wonder they do not match if we are talking about a different gender.

The blind faith in policy to fix systematic criminal justice failures resurfaces. At the request of the international community, the Ministry of Defence issued a written order in English to the Sri Lankan military regarding torture and sexual violence. The circular first references “the men and women who fought valiantly to defeat terrorism” and the “long march ahead towards reconciliation” and the need “to win hearts and minds”. Then it says that there are “allegations that have surfaced from time to time on [sic] offences committed by Armed Forces Personnel” and orders that they shouldn’t happen³³. We can only infer that the extremely vague language in the circular is about torture because it was submitted to the UN Committee Against Torture. The idea that a circular from the secretary of defence can change reality is of course at odds with the notion that

the perpetrators are a few rotten apples operating alone. Logic and denial do not sit well together.

The ethnic element to the torture is as usual downplayed. It is generally conceded that torture still occurs extensively in police stations across the country but that it affects Sinhalese, Muslims and Tamils equally. It’s part of the normalisation of torture that nobody is too shocked by the hundreds of cases recorded by the Human Rights Commission. Many still assume a developmental approach such as skills training of the police will work even though that’s been tried over decades at the expense of taxpayers around the world. What is strenuously denied is the continued involvement of the military in torture of Tamils in the former conflict areas under the new Government.

In one respect the denial has spread. Torture victims were routinely disbelieved by the Rajapaksa Government on the grounds that those who spoke out were abroad and asylum seekers. Now this argument is heard from some of Colombo civil society. They forget that most of the UN investigation into Sri Lanka (OISL, 2015), which underpins the “transitional justice” programme, was based on victims outside Sri Lanka because the UN team was denied access even after the Government changed. In 2014 a victim testifying abroad is credible; in 2015 they are not. The deniers have not explained how this is possible. Entrenched practices like torture do not change overnight just because a new configuration of politicians takes power.

Imagine if all evidence from Syrian or Rohingya victims abroad was treated the same way? There’s an irrational assumption that there must exist accessible corroboration inside Sri Lanka and without it testimony is automatically invalid. This is a fallacy – instead of primarily examining the victims, the deniers superficially examine what they left behind.

There is an unspoken belief that bleeding, bruised and terrified victims should go and report their violations to an NGO before fleeing the country. Many Tamil victims cannot name a human rights group in the Vanni. Moreover donors say no NGO inside Sri Lanka actually documents sexual violence to the level needed for criminal accountability or has expertise in male sexual violence. This is a considerable impediment when men constitute the majority of recent victims seen abroad. Tamil activists themselves in the north say it’s dangerous for them to work with ex-LTTE cadres because of the

level of intelligence infiltration. Most victims abducted and tortured have LTTE associations so they are not going to be easily accessible to NGOs inside Sri Lanka.

Elaborate systems of control have been created post-war to ensure the silence of victims' families. In approximately a third of recent ITJP cases, victims' families have reported the initial disappearance to the national Human Rights Commission. Some also go to the police only to face outright denial – one was told: “that sort of thing doesn't happen under this government”. When the victim is later released on payment of a bribe by their family there is no incentive to pursue the complaint; indeed the family has technically broken the law by bribing security officials and could face legal sanction, as well as threats and violent reprisals. That makes it difficult to investigate the crime inside Sri Lanka without putting the victim's family in peril.

Interpretative denial: the concept of “Self infliction By Proxy” or SIBP

In Stanley Cohen's paradigm, “interpretative denial” is where the harm is acknowledged but the meaning denied or twisted. In many torture cases, including the recent ones, the scars from branding with a hot metal rod appear literally undeniable – huge welts across the back that are obvious signs of abuse. Hundreds of Tamils have experienced this but extraordinarily these have become the most contested scars. It is a magnificent achievement on the part of the deniers to reinterpret the most blatant of scars. Many countries resort to stealth torture that leaves no physical marks but Sri Lanka has mastered denial instead.

Doctors have written learned papers on whether there is any medical evidence to substantiate the existence of self-infliction of torture by proxy (SIBP) anywhere in the world –there is not³⁴. SIBP is a form of denial that's thought to have originated in Colombo during the Rajapaksa Government but it's also been seized on by supporters of the Sirisena Government to deny allegations that the security forces continue to torture Tamils. It is a euphemistic term for alleging the victim paid someone else to inflict the torture scars on his or her body in order to be able to get asylum in Europe and have a better life. It doesn't deny the harm done to the body but it reinterprets it as voluntary.

No matter that scarring alone will not secure a person asylum in the UK - you have to prove future risk. If scars alone guaranteed asylum, one or two

cigarette burns would be enough; there would be no need to brand your back and also your thighs and calves. Nor would you need to be hung upside down to achieve the rope burns around the wrists and ankles that so many victims have. And if torture were self-inflicted it would not cause the same psychological damage – doctors wouldn't see the large number of attempted suicides upon arrival in the UK. Some recent victims have up to 30 cigarette burns on their body – often on their genitals or in the case of women on their breasts and where their bra strap would go on their back, indicating they were stripped naked. They have routinely been subjected to falaka – the beating of the soles of the feet, which they say is like electricity running through their body and, while not leaving visible scars, this torture leaves them in pain for life when they walk. Who would pay someone to do this – as well as burn them?

Then there's the rape – many of the young men say they didn't know it was possible for men to rape other men until it happened to them. They struggle to describe unspeakable depravity, risking stigmatisation in their community. Experts believe it would be very hard to fake the traumatic response to torture and sexual violence.

It's the depravity of these assaults that leads the perpetrator's community to need a defence mechanism – the concept of “self-infliction” is a sophisticated safety valve to enable even human rights activists to deny the most blatant cases of torture. Sadly some Tamils have joined this chorus of doubt, not realising that it has its roots in a culture of denial of the entire experience of Tamil suffering during the conflict.

Triumph of the Deniers

After the war, Sri Lanka ran conferences to teach other militaries how to defeat terrorists, albeit violating international law in the process. Where the country really excels is in denial; it has a lot to teach other States. Tens of thousands of Sri Lankans played a role in enabling the atrocities of the final phase of the war, in the military, as guards of torture sites, as administrators writing rotas, supplying food to prisoners, doing accounts, paying for all the ordinance dropped on the misnamed “No Fire Zones”, sifting through intelligence files and forced confessions, taking photos and fingerprints, watching drone footage of civilians in tents being bombed by supersonic jets, driving white vans, burning corpses, tapping phones, employing prison labour, smuggling

victims out of the country and conducting illegal abortions after rape. From the torturers to the military generals, the journalists to the politicians, it is arguable a large number of people played a part.

Today many who speak about accountability are silent bystanders to the ongoing torture in Sri Lanka. Torture and rape victims are always going to be more invisible than the families of the disappeared who stage noisy protests on roadsides. That cannot be an excuse to deny their existence.

¹ After having chill powder put on his penis and thrown in his eyes, another ITJP victim described thrashing around, crying and screaming, convinced he was dying, his torturers joking and laughing at the spectacle.

² ITJP Witness.

³ ITJP Witness.

⁴ Because the armed group was called the Liberation Tigers of Tamil Eelam.

⁵ ITJP Witness.

⁶ ITJP Witness.

⁷ ITJP Witness.

⁸ Donors too – according to Sri Lanka’s AG, the UK trained the TID from 2011.

⁹ ITJP Witness.

¹⁰ Known locally as the ‘fourth floor’.

¹¹ Sri Lanka FM has no excuse for sending spy chief to UN (Video), 16 January 2017, <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/658-sri-lanka-fm-has-no-excuse-for-sending-spy-chief-to-un-video>

¹² http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LKA/INT_CAT_LOP_LKA_25850_E.pdf

¹³ Sri Lankan official dodges UN questions over alleged torture, JAMEY KEATEN, Associated Press, Nov. 16, 2016, <https://apnews.com/35d63d93e8d242d680884e4ed2d5de12/Sri-Lankan-official-dodges-UN-questions-over-alleged-torture>

¹⁴ Sri Lanka’s Top Torture Chief Sisira Mendis Given One-Year Contract Extension, Colombo Telegraph, 23 July 2017, <https://www.colombotelegraph.com/index.php/sri-lankas-top-torture-chief-sisira-mendis-given-one-year-contract-extension/>

¹⁵ Australian Joint Agency Task Force Commander meets Secretary, 15 May 2017, http://www.defence.lk/new.asp?fname=Australian_Joint_Agency_Task_Force_Commander_meets_Secretary_20170515_04;

Australian Foreign Secretary meets Secretary, 4 September 2017, Department of Government Information, [https://www.dgi.gov.lk/news/latest-news/1597-australian-foreign-secretary-meets-secretary,](https://www.dgi.gov.lk/news/latest-news/1597-australian-foreign-secretary-meets-secretary)

Welcome Remarks by the Acting High Commissioner of Australia at the Inauguration of the Australian Defence White Paper Workshop, 23 October 2017, Institute of National Security Studies of Sri Lanka, <http://www.insssl.lk/preview.php?id=93>

¹⁶ Except: ITJP PRESS RELEASE: SISIRA MENDIS REWARDED NOT INVESTIGATED, 24 July 2017, <http://www.itjpsl.com/assets/press/Press-release-24-July-2017-on-Sisira-Mendis-2.pdf>

¹⁷ Sri Lanka improves significantly in press freedom, Ministry of Finance and Mass Media, 22 April 2016, <https://www.media.gov.lk/news-archives/514-sri-lanka-improves-significantly-in-press-freedom>

"Civil society groups in Colombo acknowledge a pall has lifted since 2015. Newspapers that once laboured under official censorship, or the kind enforced by military vehicles parked outside journalists’ homes at night, now print boisterous criticism of the government. Human rights groups chased out ten years ago are re-establishing offices in the city”, according to: Sri Lanka opens door for return of divisive former president, The Guardian, 10 April 2018,

https://amp.theguardian.com/world/2018/apr/10/sri-lanka-opens-door-for-return-of-divisive-former-president-mahinda-rajapaksa?CMP=share_btn_tw&__twitter_impresion=true

¹⁸ National Action Plan for the Protection and Promotion of Human Rights 2017 – 2021, <http://www.mfa.gov.lk/index.php/en/hr/human-rights-action-plan>

¹⁹ APPOINTMENT OF YASANTHA KODAGODA TO TORTURE COMMITTEE OF HRC-SL INAPPROPRIATE – AHRC, 22 September 2016 <http://srilankabrief.org/2016/09/appointment-of->

yasantha-kodagoda-to-torture-committee-of-hrc-sl-inappropriate-ahrc/

- ²⁰<http://sacls.org/resources/publications/reports/mending-walls-avenues-to-restore-trust-in-victim-and-witness-protection-part-1>
- ²¹<http://www.itjpsl.com/reports/witness-protection>
- ²² <http://www.sundaytimes.lk/160911/news/new-police-division-to-be-opened-soon-to-protect-crime-victims-and-witnesses-208415.html>;
- ²³ Prosecute don't promote alleged war criminals, <http://www.itjpsl.com/assets/press/Press-release-Jagath-Dias.pdf>,
SRI LANKA FLOUTS UN COMMITMENTS BY APPOINTING ALLEGED WAR CRIMINAL TO ADMINISTER ARMY
<http://www.itjpsl.com/assets/press/31-March-2017-ITJP-PRESS-RELEASE-3.pdf>
- ²⁴ ITJP, the Case Against Jagath Jayasuriya, <http://www.itjpsl.com/reports/the-case-against-jagath-jayasuriya>;
What Vetting of Sri Lanka Diplomats, <http://www.itjpsl.com/assets/press/final-joint-ITJP-JDS-press-release-7-feb-2018.pdf>
- ²⁵ Coca Cola Sponsorship of Event Headed by Sri Lankan Alleged War Criminal., <http://www.itjpsl.com/assets/press/Herbert-Alan-Coca-Cola-Sept-2017.pdf>
- ²⁶ This also conveys itself to donors and diplomats who today in Sri Lanka focus on the signing of protocols, such as the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, as a marker of progress but such documents have little impact on the rapists. Similarly, a huge emphasis has been placed on repealing the Prevention of Terrorism Act but it is sometimes unclear whether policy makers understand that almost none of the hundreds of

victims abducted in “white vans” in Sri Lanka were ever detained under PTA or any Sri Lankan law. Replacing the PTA legislation with a law that meets international standards would be a positive step indeed but will not impact torture in illegal detention sites. The torture in legal and illegal sites gets blurred into one phenomenon.

- ²⁷ States of Denial, Knowing about Atrocities and Suffering, Stanley Cohen, 2001.
- ²⁸ Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein via videolink to the Human Rights Council - See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16539&LangID=E#sthash.LyF8RDN6.dpuf>, 30 September 2015
- ²⁹ Report of the UN secretary General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011.
- ³⁰ Tamil Tiger defeat impossible 'without our friends in Washington' - FM Mangala, 17 May 2016, JDS, <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/600-tamil-tiger-defeat-would-have-been-impossible-without-our-friends-in-washington-mangala>
- ³¹ The UN Panel of Experts referred to an estimated 40,000 civilians killed in 2009; the Charles Petrie report to 70,000.
- ³² ITJP Witness.
- ³³ MOD circular, 18 March 2016, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/LKA/INT_CAT_ARL_LKA_25822_E.pdf
- ³⁴ Cohen J, Pettitt J, Wilbourn E, Intentional burn injury: Assessment of allegations of self-infliction, *Journal of Forensic and Legal Medicine* (2017), doi: 10.1016/j.jflm.2017.07.005.