

The ITJP was established in December 2013 in response to emerging evidence regarding war crimes and crimes against humanity committed in Sri Lanka both during the final phase of the civil war in 2009 and its aftermath. The project is administered by the Foundation for Human Rights in South Africa. The ITJP specializes in documentation and gathering evidence outside the country from victims who leave Sri Lanka shortly after their release. In some instances, victims point out that they have been specifically warned by their captors to leave Sri Lanka. Many of the victims interviewed by the ITJP are deeply traumatized having just arrived in Europe.

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

# JOSEPH

# CAMP

DESIGN:  
 ▶ [TEMPLO.CO.UK](http://TEMPLO.CO.UK)  
 ▶ [@T\\_E\\_M\\_P\\_L\\_O](https://twitter.com/T_E_M_P_L_O)

INTERNATIONAL  
 TRUTH  
 AND JUSTICE  
 PROJECT

“The worst torture I experienced ever was in Joseph Camp and in the 4th Floor. The interrogators and the translator seemed cheerful, talking loudly, laughing all while inflicting torture.”

**MALE WITNESS (2009)**

“...Joseph military camp in Vavuniya (Security Force Headquarters for Vavuniya) or the CID “Fourth Floor” detention facility in Colombo had rooms that were set up with torture equipment, illustrating the premeditated and systematic nature of the use of torture by units of the Sri Lankan security forces.”

**UNITED NATIONS**

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# JOSEPH CAMP COMMANDERS



**2016-PRESENT:**  
**MAJOR GENERAL**  
**JEEWAKA RUWAN**  
**KULATUNGA**

He took part in all major offensives in Northern Sri Lanka. From 2005-7 he was an Infantry Brigade Commander in Muhamalei, Jaffna. After the war he ran the military academy until in 2012 becoming the Commander of the 55th Infantry Division, in Jaffna. He received a gallantry award three times for his role in the "Counter Terrorist Operation".



**2012-16:**  
**MAJOR GENERAL**  
**BONIFACE PERERA**

He took part in almost all major offensives against the LTTE and was the commander of the East during the war and then the Competent Authority for displaced war survivors in the northern region.



**2011-12**  
**MAJOR GENERAL**  
**SUMEDHA PERERA**

Appointed Deputy Chief of Staff in the Army (February 2016). He served under the former defence secretary in the Gajaba Regiment in Matale in 1989 (alongside Shavendra Silva and Jagath Dias). He was Brigadier General Staff SFHQ-W in 2009. He was a member of the Military Court of Inquiry set up to investigate allegations raised by Channel 4 news.



**2009-2011**  
**MAJOR GENERAL**  
**KAMAL GUNARATNE**

In charge of the 53 Division during the last phase of fighting. In 2012 he was sent as deputy Ambassador to Brazil. He is part of the Gajaba Regiment and also Special Forces.



**2007-2009**  
**MAJOR GENERAL**  
**JAGATH**

After the war he became the Commander of the Army and then the Chief of Defence Staff. He is currently Ambassador to Brazil, Columbia, Peru, Chile, Argentina and Suriname.

Sources: Sri Lankan SFHQ(W) website, <http://www.army.lk/sfhqwanni/> and Sri Lanka Army site, 8 November 2016, <http://www.army.lk/news/major-general-jr-kulatunga-assumes-office-commander-security-force-wanni>

# FOREWARD

This is a case study dealing with just one of Sri Lanka's many known torture sites<sup>2</sup> and is based on 46 detailed testimonies from survivors and a wealth of supporting documentation. The violations depicted in this report are horrifying but by no means represent the totality of suffering inflicted in Joseph Camp. We identified many more victims who were tortured in Joseph Camp from whom we could not take testimony because time and resources did not permit.

This huge army garrison in the heart of Vavuniya Town has been a well documented site of torture for the last three decades and represents, at least for Sri Lankan Tamils, a potent symbol of impunity. Successive governments, including those of Chandrika Kumaratunga, Ranil Wickremesinghe, Mahinda Rajapaksa and Maithripala Sirisena have all failed to investigate past violations and prevent future ones. The most recent case of torture and rape that the ITJP documented in Joseph Camp took place as recently as December 2016. Political inaction and denial on the part of the political leadership have resulted in

military commanders believing they have the license to torture and perpetrate sexual violence.

The extent of torture - and the prevalence of interrogation rooms equipped with manacles, chains, pulleys and other instruments of torture - cannot be ignored or wished away. It is hardly likely that successive military commanders of this torture and detention site can claim not to have known about the extensive violations. At the end of the civil war in May 2009, the camp was used to interrogate and torture large numbers of people suspected to be members of the Liberation Tigers of Tamil Eelam or LTTE. The Government condoned these violations and several of them occurred when General Jegath Jayasuriya was the commander of the site. Instead of being held accountable for these serious crimes he was promoted and rewarded by becoming army commander in July 2009. After the change of government in 2015, he was given a diplomatic posting to Brazil from where he is also accredited to Argentina, Chile, Peru, Colombia and Suriname. The ITJP is also

in possession of evidence revealing that the officer who ran military intelligence in Joseph Camp at the end of the war was also rewarded with a prestigious UN peacekeeping posting in 2015. This level of impunity does not bode well for accountability in Sri Lanka.

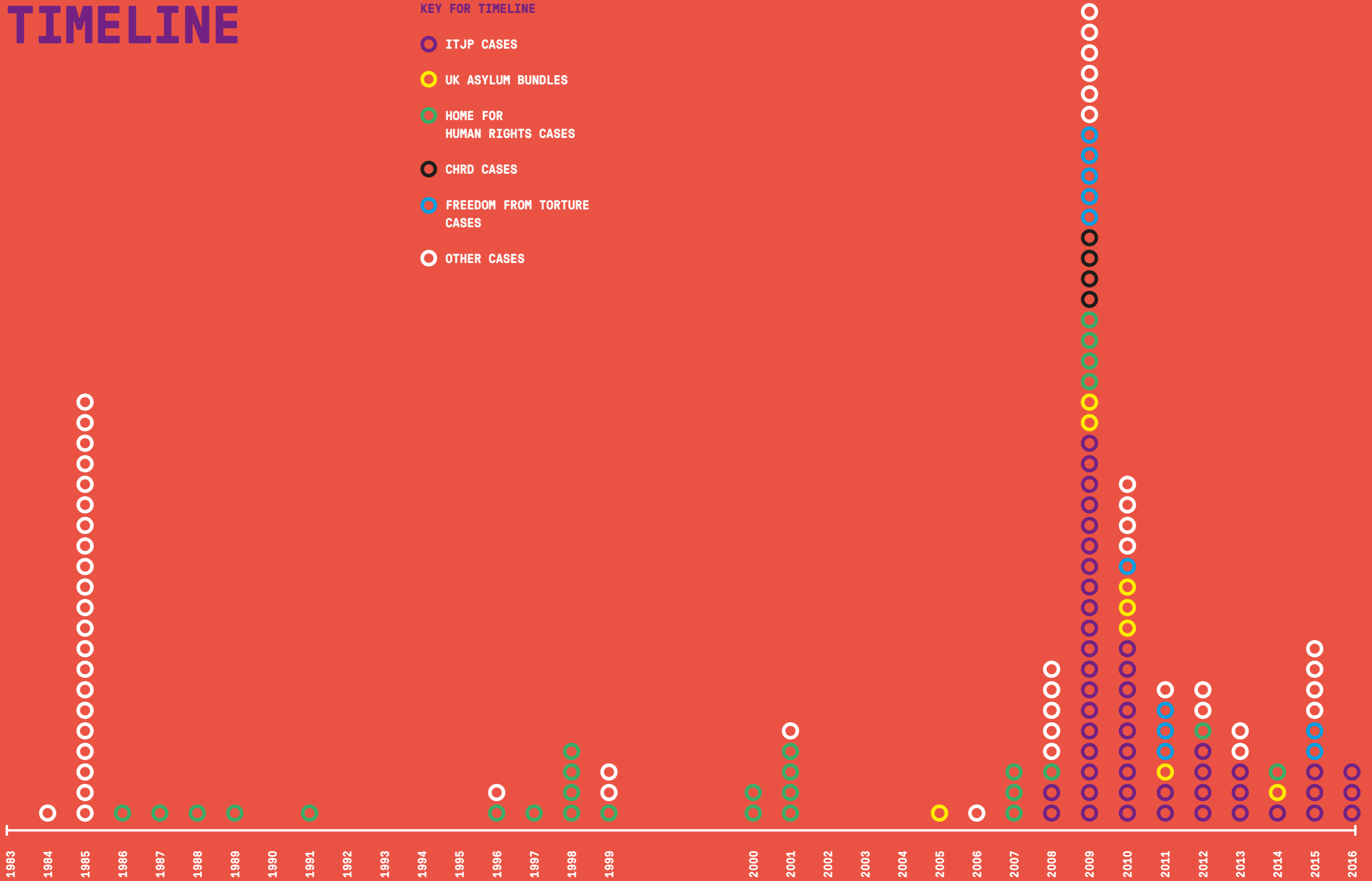
It is hard for a report like this to do justice to the cruelty routinely perpetrated inside Joseph Camp. Survivors, even abroad, are still struggling to regain their lives, wracked by physical pain and psychological trauma, plunged into poverty, lonely and often suicidal in exile. We thank them for their extraordinary courage in recounting some of their darkest days; they did so in the hope that speaking out will prevent others suffering in the same way in the future.

**Yasmin Sooka**  
Johannesburg

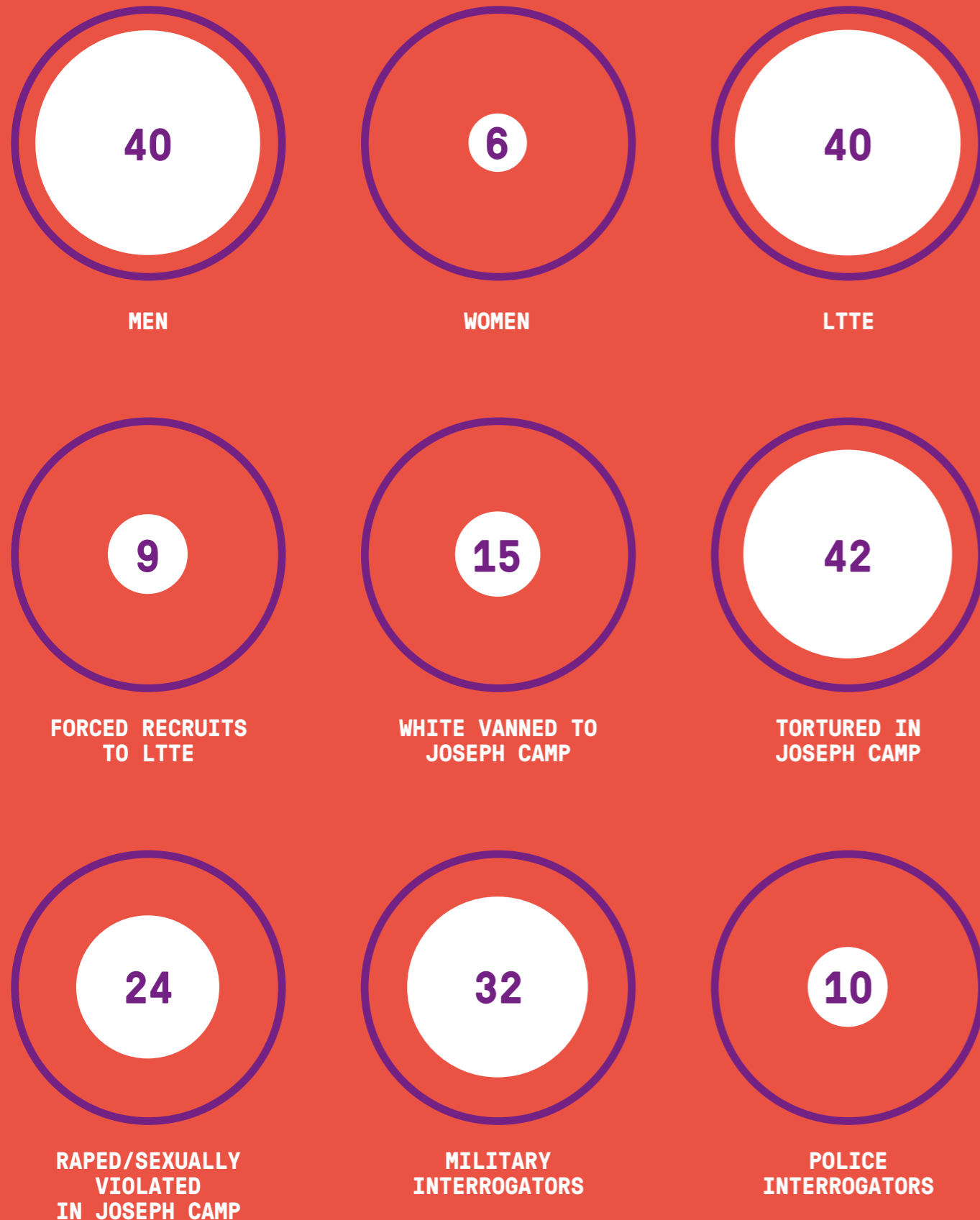
# TIMELINE

## KEY FOR TIMELINE

- ITJP CASES
- UK ASYLUM BUNDLES
- HOME FOR HUMAN RIGHTS CASES
- CHRD CASES
- FREEDOM FROM TORTURE CASES
- OTHER CASES



# ITJP WITNESSES



# INTRODUCTION

This is the latest in a series of reports from the ITJP that profile the continuing and endemic nature of violations perpetrated by Sri Lanka's security forces during the final phase of the civil war in 2009 and its aftermath.<sup>3</sup> This report highlights the criminality of security force investigations and the pervasive violations and abuses perpetrated against detainees, in particular torture and sexual violence. This has resulted in a "culture of torture", that is systemic and reinforced by institutional impunity that protects individual perpetrators as well as those with command responsibility.

This report focuses on Sri Lanka's war time past as well as the violations and abuses perpetrated during the last two years under the administration of President Sirisena. The violations and abuses documented in this report are confirmed by

recent allegations of ongoing violations and a persistent culture of impunity, articulated in recent reports from the United Nations.<sup>4</sup>

## METHODOLOGY

### INTERVIEWS:

Six ITJP investigators conducted extensive confidential individual interviews with 46 Sri Lankan Tamils based in the UK and Switzerland that lasted several days. In those instances where statements had already been taken by the ITJP as part of its previous documentation work and where Joseph Camp was mentioned but not dealt with in depth, the ITJP conducted follow-up interviews focusing on this site. In addition, new witnesses were interviewed on their experiences of Joseph Camp with 14 of them providing sketches of the sites where they were detained and interrogated. These sketches by victims are

extremely useful as they provide corroboration for the written testimony.

### TARGET:

The main criteria the ITJP utilised for selecting witnesses was detention for a minimum of 3 days at the Vanni Security Force Headquarters, also known as the Joint Operational Security Forces Headquarters (JOSFH), or more commonly "Joseph Camp". The witnesses chosen were held in Joseph Camp during the final phase of the war or since 2009 and up until the end of 2016.

### SECURITY:

There is still intense fear among witnesses abroad of reprisals against family members living in Sri Lanka. As a result, information has been edited to ensure no identifying information is revealed about individuals.

## CONFIDENTIALITY:

ITJP investigators, interpreters and staff are bound by confidentiality agreements; victims were informed of this before starting the interview.

## SAFE SPACE:

ITJP investigators took great care to ensure that victims of torture and sexual violence felt safe with the investigators, interpreters and the locations used for the interviews.

## OTHER MATERIAL CONSIDERED:

The ITJP obtained, with the permission of the witness, detailed medical and psychiatric records, including medico-legal records (MLRs). It also examined:

- An additional 8 UK asylum bundles from Joseph Camp survivors;

- A spreadsheet of 28 Joseph Camp torture cases (occurring from 1987 to 2014) documented inside Sri Lanka and shared from the archives of the NGO, Home For Human Rights, in Sri Lanka. This organization also indicated that it had

identified an additional 59 cases where a suspect had been detained in Joseph Camp but not specified whether they had been tortured there;

- 4 affidavits pertaining to Joseph Camp torture in 2009 shared by an NGO, based in Colombo, the Centre for Human Rights Development;

- Annexure 1 has collected published historical references to 49 allegations of torture dating from 1984 to 2015 in Joseph Camp taken from reports of the UN, human rights organizations and court rulings.<sup>5</sup>

- The NGO Freedom From Torture reported that it had at last 11 recent cases of Sri Lankans tortured in Joseph Camp.

In total this represent 146 individuals alleging torture in Joseph Camp, spanning 32 years from 1984 to 2016.

## WITNESS PROFILE

This report is based on the testimonies of 46 witnesses unlawfully detained in Joseph camp, 11 on more than one occasion, over a ten year period between August 2008 and December 2016. 40 witnesses are men, 6

are women, ranging in ages from 22 to 55 years; most are currently in their thirties. Joseph Camp was positively identified by all 46 of the witnesses. For many, Joseph Camp was one of several locations of their unlawful detention and torture. A large number of cases relate to 2009 and 2010, during the closing stages and aftermath of the conflict, when detention numbers ballooned and intelligence gathering reached a climax. Of the 28 witnesses who were held at Joseph Camp during this period, shockingly seven had subsequent repeat experiences of unlawful detention, torture and abuse at the camp between 2012 and 2016.

## LTTE MEMBERSHIP / ASSOCIATION

All but two witnesses had links, or what the Sri Lankan security forces considered to be links, to the LTTE or its administration at some stage, though in some cases many years in the past. Most of the (40 witnesses) were directly involved with the LTTE or its administration, of which 33 men and 6 women were in combat or related structures. This included several, including some senior, members of units responsible for intelligence, media, logistics and close protection of senior

leaders, but also administrative and support staff including drivers, administrative staff and medics. Others were involved in various parts of the LTTE's civilian administration support; this included the finance, judicial and computer sections; one was a senior police officer, who was subsequently redeployed to the frontlines. Several witnesses admitted membership during their surrender or later in the IDP camps in response to repeated threats for cadres to identify themselves. Many were identified by other captured cadres.

Nine witnesses said they had been forced to join the LTTE; most in the final months of the conflict, late 2008 and early 2009.<sup>6</sup>

The witness base provides particulars on a varied set of experiences within the LTTE and distressing detail about the final months and days of the war, and the final surrender in mid May 2009. This includes compelling testimony on some key incidents relating to other war crimes and human rights violations not analysed in this report.

Several witnesses, who had been LTTE members, subsequently became informers for Military Intelligence after being tortured or

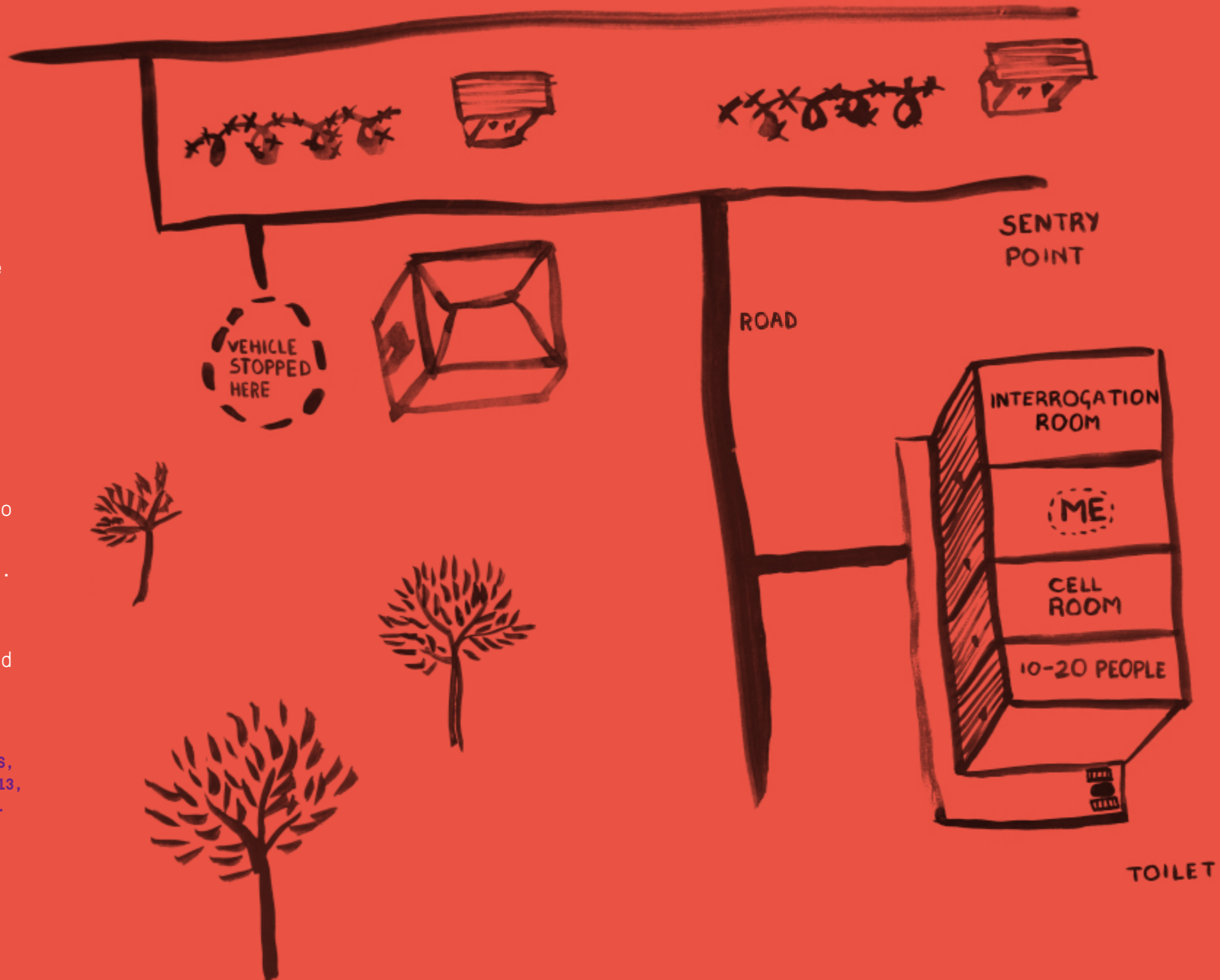
threatened with torture if they did not inform on their colleagues. Their espionage work brought them into close contact with Military Intelligence activities at Joseph camp resulting in them providing helpful detail on issues of abduction, torture, sexual violations, detention and other activities.

Three witnesses were targeted because of their connection to relatives who had been in the LTTE, three non-LTTE members were accused of assisting the LTTE and two others were detained in 2015 in connection with peaceful democratic political campaigning against the government.

**MALE WITNESS  
DETAINED IN 2009**

“I was held in one of three large cells that each held 10-20 men. Each of the cells had an iron bar door with a metal sheet partially covering it and no windows. It was always quite dark. The walls were cement and felt like they had been painted.”

**TWO OTHER MALE WITNESSES,  
DETAINED IN 2009 AND 2013,  
DESCRIBED SIMILAR CELLS.**



**HOLDING CELLS  
ABOVE GROUND**

# JOSEPH CAMP

## MILITARY HUB

Joseph Camp has been a major hub for military and counter terrorism operations in the northern districts of Sri Lanka. At the peak of the war, both military and police operated from the base; this included the Military Intelligence Corps (MIC), and other military units, including the Sri Lankan Airforce, as well as police units such as the Terrorism Investigation Division (TID), responsible for counter-terrorism investigations and threats to internal security<sup>7</sup>. The ITJP took statements from 6 witnesses held in Joseph Camp in 2015 and 2016. They report being detained and tortured by the Sri Lankan military and the TID, identifying them based on how the officers introduced themselves and what clothing or uniforms they wore.

Military Intelligence at Joseph Camp were also responsible for turning scores of captured LTTE members into informers to work with the security forces and to handle other informers. These informers were important assets for the military in their efforts to deconstruct the LTTE's command and resource infrastructure. They maintained quarters in the camp and were issued with Sri Lankan security force identity documents and even in some cases weapons.

Public information about the camp and its operations is limited. The Sri Lankan army website provides sparse detail on the background and history, but does provide a basic organisational overview of Divisions, Brigades and affiliated Battalions based at the camp.<sup>8</sup> There is no public information about other security force units that are based at the camp, if and how these groupings may have or still do

interact in terms of overlapping mandates.

## ILLEGAL DETENTION SITE

That Joseph Camp was used for torture or ill-treatment, including sexual violence, has been well documented by the OHCHR Investigation into Sri Lanka<sup>9</sup>, as well as human rights groups over decades. The OHCHR Investigation, which covered the period 2002-11, made it clear that Joseph Camp was not an officially gazetted detention site<sup>10</sup>; there is no indication that has changed and yet it continues to be used for intelligence gathering, interrogations, investigations and related unofficial detentions.

## UN SPECIAL RAPPORTEUR ON TORTURE VISIT

The ITJP welcomes the fact that that the United Nations was given access to Joseph Camp in May 2016. A team accompanying, Juan Mendez, the then Special Rapporteur on

torture and other cruel, inhuman or degrading treatment or punishment visited the Camp and met officials there. Considering the size of the camp, and limited time spent there, it is evident a comprehensive search was not possible or indeed undertaken. Further detail of the layout of the camp and its facilities has subsequently been secured, which would expedite a more detailed investigation. This is still necessary, and as such, the Special Rapporteur's visit can and should not be construed as the final word on the matter or confirmation that Joseph Camp is not a site of detention and torture.

## CAMP LAYOUT

Joseph Camp is a vast compound spread over a large area that incorporates an airstrip. The exact coordinates of its eastern perimeter boundary are unclear on the map provided in this report. The 'camp' is located in Vavuniya, close to the town's centre and is surrounded by residential communities. A number of official entrances to the base are distinct.

A map of the Military Intelligence Corps (MIC) facilities at the camp provided by one insider witness sets out five detention sites, four

for men and a separate facility for women, and five interrogation areas, again four for men, one for women. The map clearly shows the proximity of MIC offices and quarters. The ITJP has attempted to transpose this sketch on to google earth maps.

## DETENTIONS

The number of detainees held at any one time appears to have varied. During the final stages of the war and immediate post surrender period, there was an increase in detainee traffic through the facility.

Those in charge took some steps to keep details of the physical location of Joseph Camp a secret from those detained and abducted. Prisoners were mostly blindfolded or hooded when entering and exiting the camp, as well as when moving from transportation vehicles to cells, and between the cells and the interrogation rooms. They describe driving through checkpoints, over speedbumps, then being led to cells. None provided significant descriptions of the facilities from the outside but some, who were not blindfolded, described seeing big trees, an earthen embankment near the exit, a big metal gate and lion statues.

## TRANSFER TO JOSEPH CAMP

Most witnesses were either transferred to Joseph Camp, either directly from their original point of capture or surrender to the Sri Lankan security forces, or subsequently from the IDP camps, "rehabilitation" or other detention sites as they were identified and pointed out by informers working with the army. Several detainees also describe being brought to Joseph Camp intermittently for interrogation from other detention places. For many though, Joseph Camp was one in a string of detention places. Most were brought individually, some in small groups. One witness describes being transferred with 90 other LTTE members in May 2009; another in a group of 30 in August the same year from Rambaikulam camp:

"During the transport we were not blindfolded in my group but we couldn't see anything because of the black windows and we were told to sit on the seats



# JOSEPH CAMP PERIMETER OUTLINED

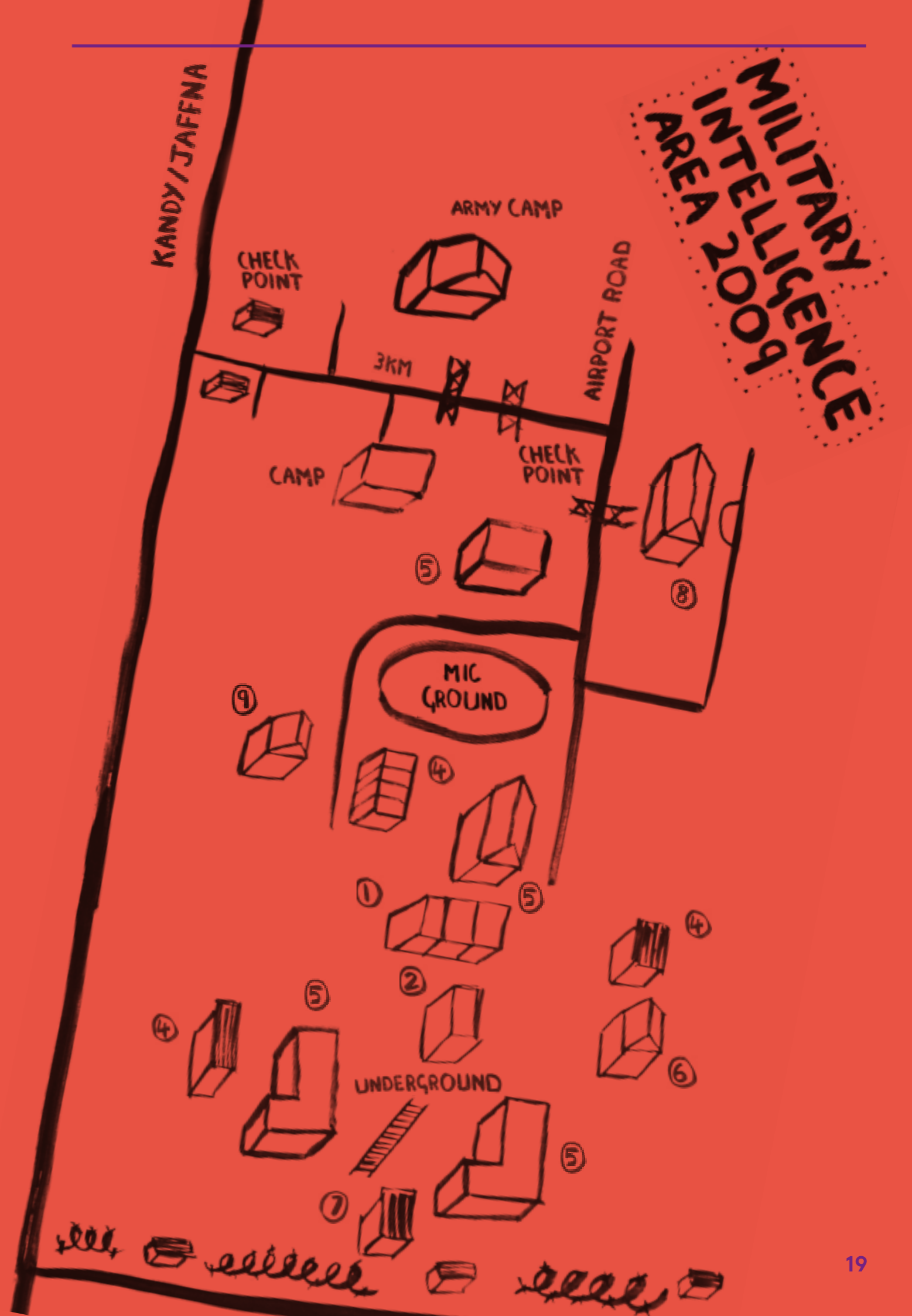
SECTION MATCHED  
TO WITNESS  
DRAWING  
(SEE PAGE 18)

APPROXIMATE  
EASTERN BOUNDARY

**MAP COMPARISON TO MALE WITNESS  
DETAINED IN 2009**



- 1 MALE INTERROGATION ROOMS
- 2 FEMALE INTERROGATION ROOMS
- 3 MILITARY INTELLIGENCE COMMANDER OFFICE
- 4 CELLS FOR MALE DETAINEES HELD BY MILITARY INTELLIGENCE
- 5 MILITARY INTELLIGENCE QUARTERS
- 6 MAJOR GAMAGE'S OFFICE
- 7 CELLS FOR FEMALE DETAINEES HELD BY MILITARY INTELLIGENCE
- 8 GENERAL JEGATH JAYASURIYA'S OFFICE
- 9 QUARTERS FOR INFORMERS



and look at the vehicle floor. I heard sounds of other vehicles and loudspeakers during the transport, which took less than half an hour. We drove with high speed on a smooth surface. The vehicle slowed down and drove over a couple of bumps. The vehicle slowed down or stopped and I heard the sound of a gate being opened. After we passed the gate we drove about two minutes and the vehicle stopped. We got out of the vehicle. I now saw that we were inside an army camp.”

Male Witness in 2009

## ABDUCTION

In 15 cases, witnesses were abducted from home, checkpoints or on the road and transferred to Joseph Camp. This man’s account of being abducted in 2014 is typical:

“I was having my dinner at home in Mullaitivu when we heard a knock on the door. My mother went to open the door and five men in civilian clothing entered the house, pushing her aside and came to me and grabbed me. My mother asked them why they were doing that, but they warned us we should not make any sounds. One man put a pistol to my head and warned that if any one screamed they would shoot me. The men spoke in broken Tamil. My mother was begging and pleading but they dragged me to the vehicle, a white (Toyota Hiace) dolphin, which was parked outside. The men never asked for my name or my ID. They pushed me inside the vehicle to lie face down on the floor between the seats. Someone tied my hands behind

my back with a piece of cloth.”

Male Witness in 2014

One female witness interviewed by the ITJP was “white vanned” on two occasions to the camp, in 2009 and again in a later year.

## HOLDING CELLS

Witness descriptions of cells vary in detail, with most giving some description, and 14 providing sketches from memory. Common to all accounts was that cells did not have windows and were not lit. Witnesses describe cells at ground level and cells that were underground, though a few were held in a 2 storey building. Most were purpose built as detention cells with metal bars or doors. Ten male witnesses described being led down 10 to 15 steps into an underground cellblock. Some cells were large and held up to 20 detainees.<sup>11</sup> Other were noticeably tiny<sup>12</sup>:

“The cell was very small, I could not stretch out my legs while tying, I’m maybe about 1.7 metres tall. The room was about one meter wide and maybe

there was a space of 25 cm between my head and the ceiling when I was standing up. There was a normal squat toilet and a small sink in one corner and I had to sit in the other corner.”

Male Witness in 2010

“It was a very small room. I could not lie down fully it was that small. I could not sleep properly there because they would also put the water on the floor.”

Female Witness in 2013

## CONDITIONS

Detainees were held at Joseph Camp for anywhere between a few days and several months. Three witness spent over eighteen months incarcerated at the camp. None was visited by the ICRC at Joseph Camp or by family members.

Two detainees mentioned being handcuffed in the holding cells, secured to metal hoops embedded in the concrete floor. Experiences were not

uniform, but most detainees report being kept only in their underwear during their incarceration. A few were allowed to keep their clothing.

Conditions were generally filthy and cells did not have ablution facilities. Some witnesses held underground, described having to knock on the door of their cell for a long time before a guard escorted them to the toilet, which typically did not have a door.<sup>13</sup> In many cases, detainees were provided with a bottle to urinate in and a plastic bag in which to defecate, and periodically taken to empty them. Some were taken to wash regularly, others not at all. One witness spent almost three months without an opportunity to clean himself.

Many detainees described receiving a plate of food slid under their cell door; it was cold and of very poor quality to the point of being inedible.<sup>14</sup> A few received some basic medical attention (one was hospitalised) but most did not, despite the injuries sustained during interrogation and at the end of the war.<sup>15</sup>

There was limited communication between detainees, and presence of others was sometimes only heard through

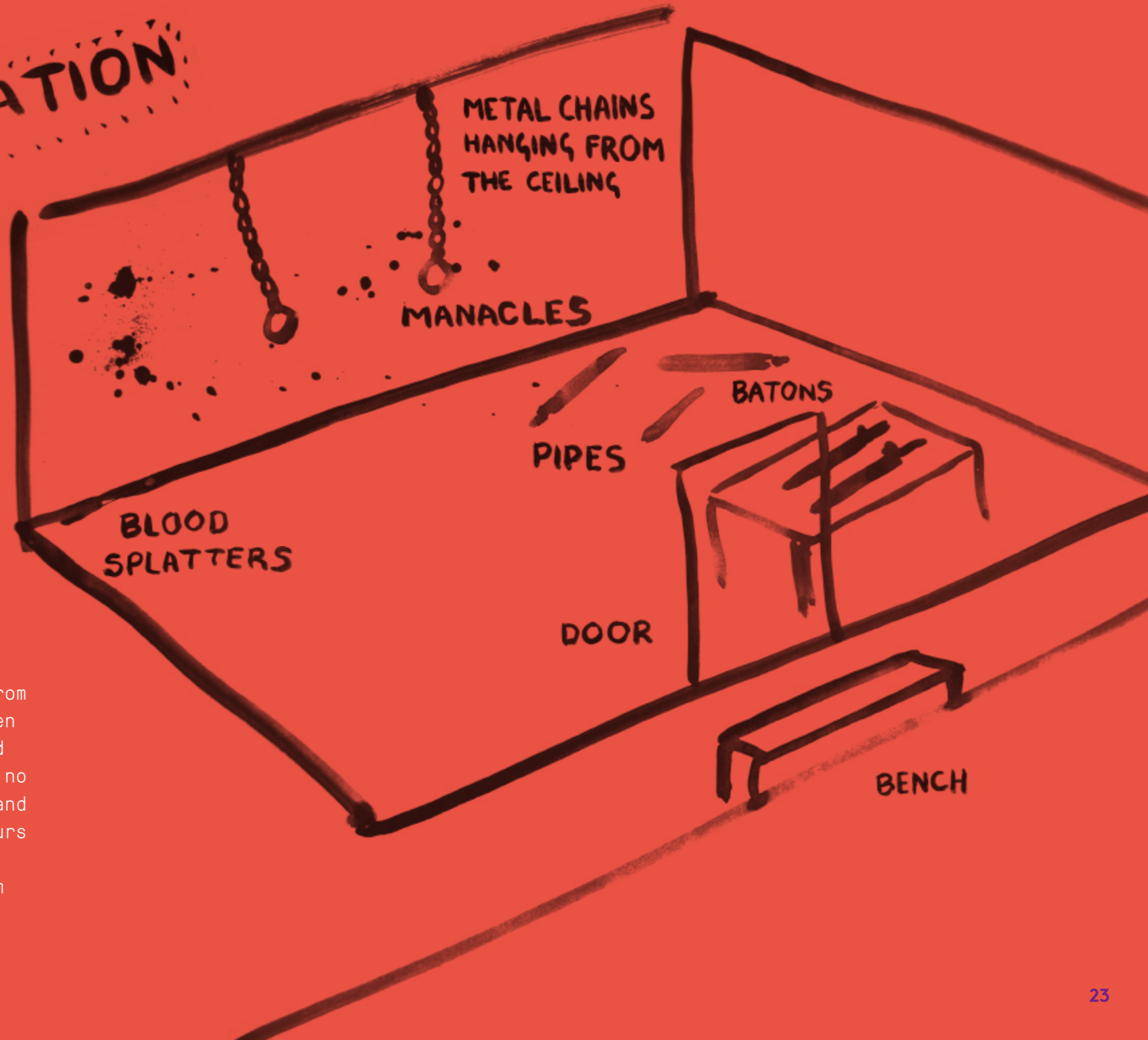
screams and cries from the interrogation room or holding cells.<sup>16</sup> Most detainees, including women, were held in solitary confinement during their detention at Joseph Camp, and had very limited interaction with other prisoners although some were held with others for brief periods of time. One woman described being held in a cell in 2010 with four girls aged 16 or 17 years; they were all made to sit naked with their hands and feet tied.

## INTERROGATIONS

In May 2009, the outpouring of 282,000 people from the LTTE controlled areas afforded military and police intelligence an unprecedented opportunity to establish a more detailed picture of LTTE personnel and infrastructure. A massive intelligence gathering and assessment process ensued that included an array of security and intelligence personnel beyond the Joseph Camp teams. Corruption at times hampered its effectiveness; several wanted LTTE figures or their close family members escaped the country by paying bribes to members of the very

**MALE WITNESS**  
**DETAINED IN 2009**

**INTERROGATION  
ROOM**



“When the blindfold was removed I saw metal chains with manacles hanging from the ceiling. I also saw pipes, wooden batons and there was blood splattered on the old cement wall. The room had no windows but there was a small table and a chair. I was on the floor on all fours after I was kicked. Someone came and stood on my hands and stamped on them with their boots.”

security forces supposed to be hunting them.

Over the years since 2009 a more coordinated and systematic approach was increasingly employed to corroborate existing intelligence, with the whereabouts of cadres and buried weapons being prioritised. Today nearly eight years after the end of the war, the mopping up exercise has mutated; the continued process of covert abduction and torture that drives victims out of the country now targets LTTE supporters, political activists or low level cadres and forced/child recruits who pose little military threat.

In general, interrogations in Joseph Camp were replete with violence and intimidation; several witnesses described being in constant fear of being shot and were repeatedly warned to cooperate, not only in the formal interrogations, but in asides from the LTTE informers working with Military Intelligence.

Interrogations varied in methodology and levels of intensity; interrogators did not always ask direct questions rather making statements that the

detainee was supposed to confirm. The objectives were not always clear, but the statement pool provides an overview of the core issues the interrogators focused on:

- Establishing and / or confirming biographical information, with a focus on admissions and details of membership and associations with the LTTE, including the roles of family members and friends. Several detainees had relatives who were senior in LTTE structures or had siblings, cousins or uncles/aunts in core LTTE functions. In several cases, witnesses were physically identified by other captured LTTE cadres already working with the security forces, including at Joseph Camp or by cadres who had been planted by Colonel Karuna.
- Identification of LTTE cadres and leadership, either in person or through photographs.<sup>17</sup> Some witnesses participated in physical identification at the point of surrender, in detention centres and IDP camps, and at Joseph Camp itself (the use of a one-way mirror was mentioned in one statement). Identification of those who had not been killed or detained was of

particular importance. Witnesses were also shown photographs of corpses to identify.

- Detail on movement of ordinance and location of weapons caches, communication equipment and LTTE records / documentation. At the end of the war several detainees were taken from Joseph Camp to identify where weapons had been buried in the conflict area. Some made false admissions simply to stop the torture, only to face further abuse when they were unable successfully to identify the location of caches. In recent years there has been an emphasis on locating hidden UXO, suicide jackets and belts, or landmines, which it is feared could be used to “restart the LTTE”.
- Detail on LTTE infrastructure and logistics, related role and responsibilities of LTTE personnel.
- Detail on location of hidden valuables, such as buried gold, and money.
- Detail on LTTE alleged revival and links to the Tamil diaspora.

Statements reflect an intensification of efforts to locate weapons caches in the final stages and immediate aftermath of the war. This focus has

remained a continuing theme throughout the period under review, including the most recent cases from 2016. This also ties directly to cases involving security force assertions of LTTE revival, and related planning and financing, which is used to justified continued militarization. It is also evident that interrogators have tried to tie these cases to detainees who were picked up in connection with protests and demonstrations from Tamil communities relating to unresolved disappearances and continued militarization.

Within Joseph Camp, detainees were interrogated in several different locations and were often naked during the process.<sup>18</sup> Many interrogation rooms were well equipped and often stained with the blood of previous victims:

“In the interrogation room, they had all the objects of torture in the room before the detainee was brought in. This included barbed wire that was put in a hollow pipe that would be inserted into an anus,

hammers, and pliers to pull out finger and toe nails. There would be a table and chair in the room, handcuffs and chains, pulley and rope to hang people on the ceilings.”

Male Witness in 2009

“This room had a table and 2 chairs and two men were sitting in the chairs and another one was standing. All of them were wearing civilian clothes, they did not have weapons. I could see blood stains on the walls. There were no pictures on the walls. There were pipes that were filled with something in the middle, thick wires and wooden batons – the size of a wicket. There were no windows, but there was a ventilation shaft. The door was made of

wood and it was shut behind me.”

Male Witness in 2016

#### RECORD KEEPING

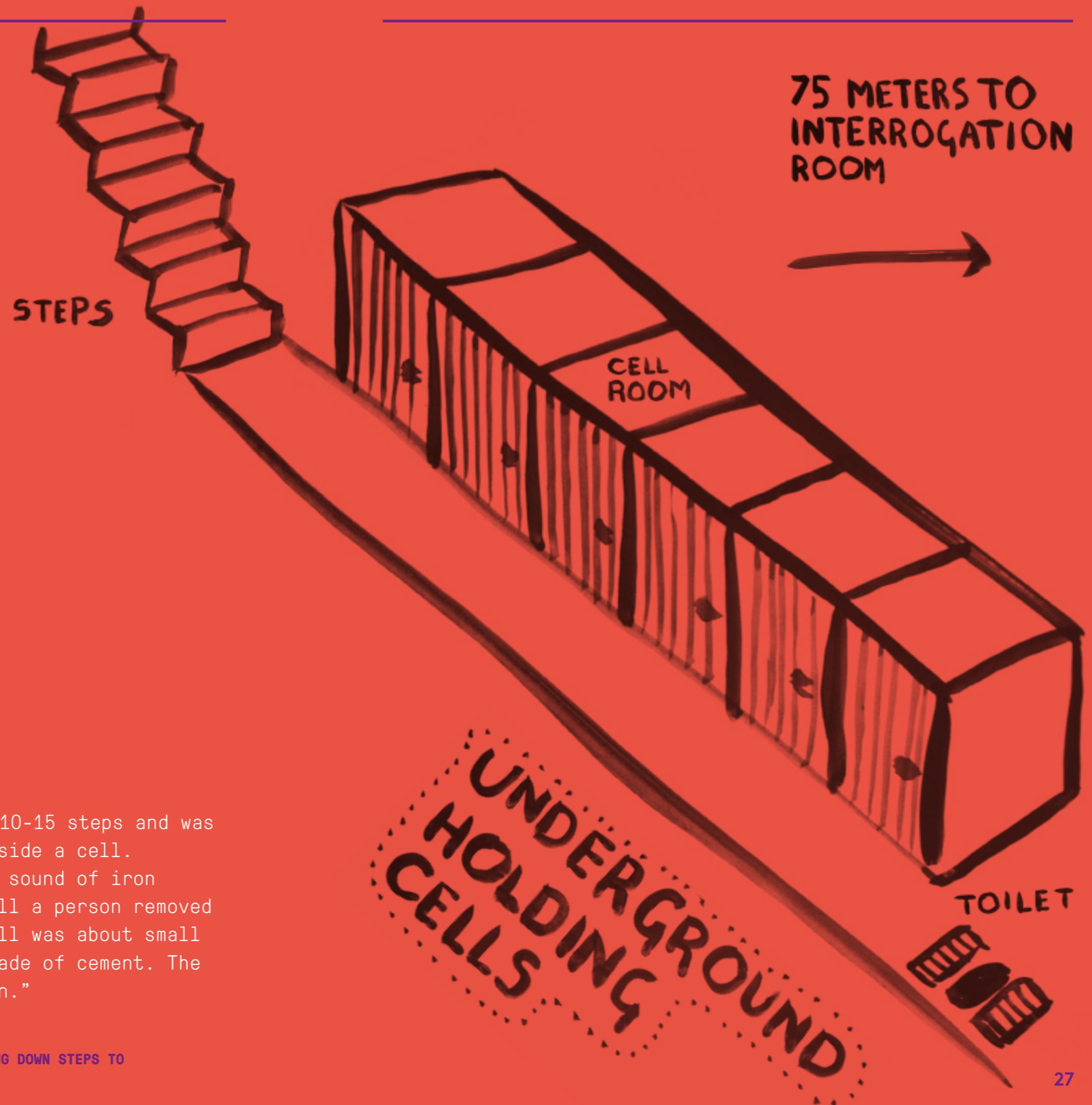
It is fair to assume that the responsible authorities generated a substantial record of the detainees who passed through their hands. Many interrogations culminated in the signing of “confessions”. While some detainees were presented with blank papers to sign, most were forced to sign documents, whose content was written or typed in Sinhala, which most Tamil detainees did not understand. No interpretation was offered. A number of witnesses mentioned that they were photographed and fingerprinted; one mentioned video and audio equipment. Administrative processing was sometimes conducted in a separate room to interrogations. Detainees were sometimes beaten during these processes.

## MALE WITNESSES DETAINED IN 2014 AND 2009

“They took me down about 10-15 steps. I was put in a cell. They removed my blindfold and the handcuffs. Everything in the room was bare cement; the door had metals bars and metal sheeting. There was a small hole at the top of the door where the guards could peek through. There were no windows and no lights inside. The cell smelled of urine and dirt.”

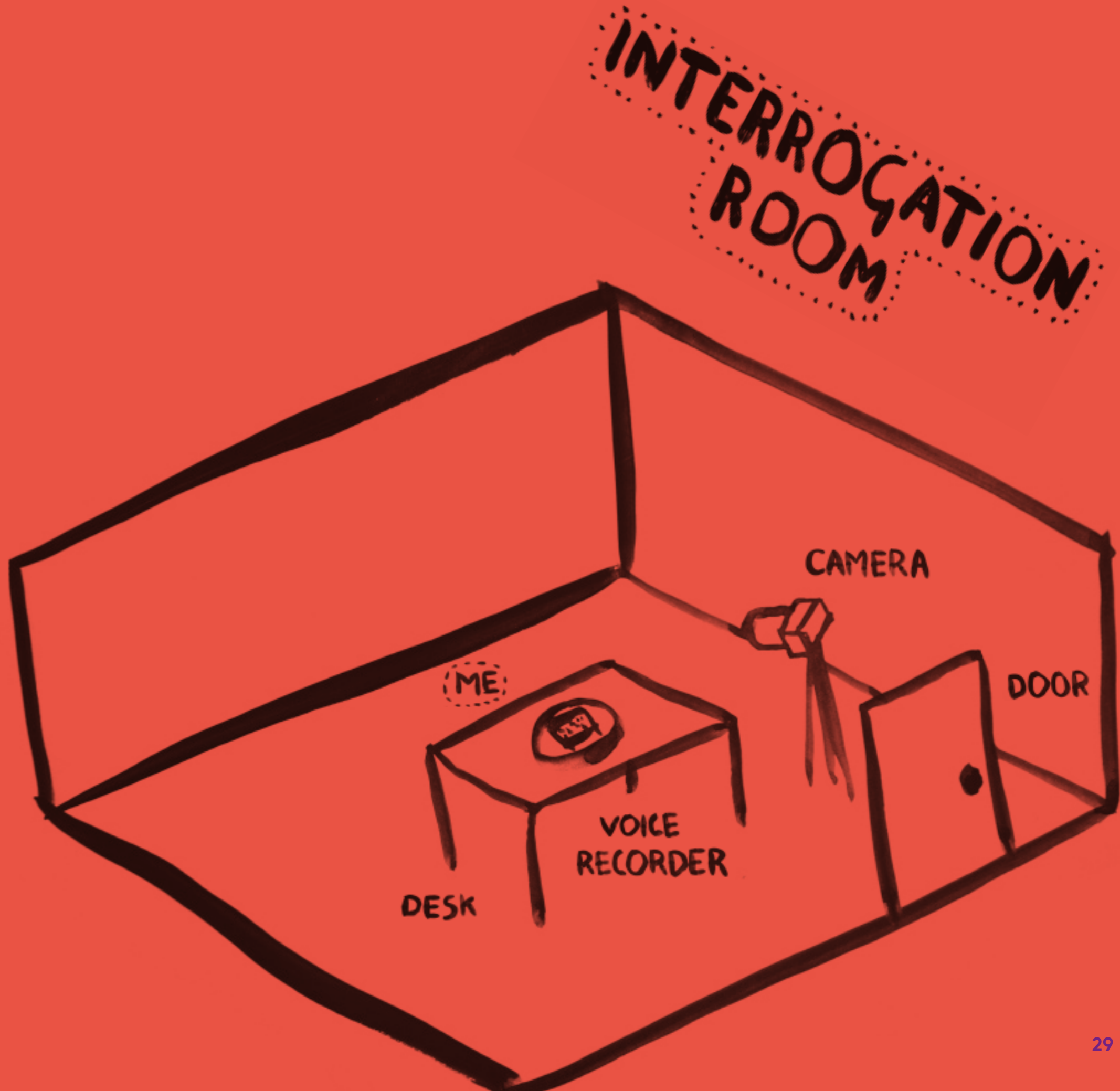
“I walked down about 10-15 steps and was made to turn left inside a cell. I heard the creaking sound of iron gates. Inside the cell a person removed my blindfold. The cell was about small the walls and floor made of cement. The door was made of iron.”

TEN WITNESSES DESCRIBED GOING DOWN STEPS TO UNDERGROUND CELLS.



**MALE WITNESS**  
**DETAINED IN 2009**

“He asked me to sign the document he had written by hand in Sinhala. I saw there was a video camera in front of me; I don’t know if it was filming me. I also saw a voice recorder. He ordered the others to take my photo and fingerprints. Another soldier told me to sign on several blank pieces of paper.”



As the years went by, the interrogators often took notes or brought with them existing files on the suspect. For example, one witness detained in 2011 in another army camp and forced to confess to things he had not actually done to stop the torture, found when he was later in Joseph Camp that the new interrogator picked up where the last one had ended and knew all the details of his false confession. Since the information wasn't true, it could only have come from interrogation records being shared between personnel in these unauthorised detention sites.

The ITJP has also noticed that in the years after the war, Sinhala interrogators increasingly speak Tamil, though generally not fluently, and therefore rely much less on interpreters.<sup>19</sup>

## TORTURE AND SEXUAL VIOLENCE

### TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT

The use of torture by Sri Lanka's security forces has been well documented by the ITJP and other organisations. Statements from Joseph Camp detainees

also corroborate previous allegations about sexual abuse perpetrated on both male and female prisoners by security force members, including senior officers.<sup>20</sup> Forty two witnesses (all of the women and 35 men) in this study provided graphic details of their torture at Joseph Camp, in most instances on more than one occasion. Those who were not tortured in Joseph Camp were tortured elsewhere in detention. Many witnesses in this study also experienced multiple incidents of rape, torture of a sexual nature and other forms of sexual violence.

Torture was systematically used in interrogations in Joseph Camp to gather information as outlined above, as well as to:

- Exert pressure to turn LTTE cadres to inform and become collaborators;
- Inflict punishment for membership and association with LTTE, for failing to make disclosures about the LTTE;
- Inflict punishment for alleged "LTTE revival" actions, including promoting legal campaigns and demonstrations looking for disappeared, land rights etc.

As well as torture, detainees were subjected to degrading treatment,

such as being urinated on and being made to strip naked and ridiculed. Torturers routinely used derogatory ethnic language, referring to their victims as "Tamil dogs" and "Tamil slaves".

In some cases detainees had to witness others suffering torture:

"I saw a man's head put in a plastic petrol bag and he was choking. He had bleeding wounds all over his back from whipping with electric wires and his head had been submerged in a water tank so he choked."

Male Witness in 2009

Victims were generally repeatedly tortured throughout their period of detention in Joseph Camp, which ranged from a few days to 21 months. The methods of torture follow the same pattern as in other security force sites documented by the ITJP but survivors of Joseph Camp speak of particularly brutal beatings that rendered them unconscious. In one case the collar bone of a witness was fractured and in another serious head injuries

inflicted with long term consequences. Torture methods included: falaka, asphyxiation (most commonly a plastic bag soaked in petrol put over the head<sup>21</sup> but also using chilli<sup>22</sup>), kicking, slapping and beatings with wooden batons and plastic pipes, whipping with metal wires and cables, suspension from pulleys or hooks in the ceiling and various forms of water torture. This was often done while the victim was tied up. There was also branding with hot metal rods, burning with cigarettes and lighters, pulling out of fingernails with pliers, and slapping both ears to the point of causing bleeding.

Twenty three, (four women and nineteen men) specifically described torture involving their genitalia and breasts; this included various forms of beatings and burnings and were often part of the interrogation process.<sup>23</sup> This was an integral component of dispensing both pain and humiliation.

Several male witnesses described being anally raped with objects such as pipes, metal rods and cricket wickets:

"On two other occasions, they forced a pipe into

my anus whilst I was chained from the ceiling."

Male Witness in 2016

"I was tortured severely for the first three months daily. They punched on my face, hit with a metal rod, hit on the sole of my feet with a wooden rod. I had a bottle inserted in my anus, they electrocuted me and sexually abused me almost every day. Even the high ranked army officers sexually abused me one after the other, gang raped me for many days."

Male Witness in 2009

In two cases, victims had hollow pipes inserted in the anus and barbed wire put inside the pipe which was then withdrawn and the wire moved about to lacerate the victim's rectum. This man was tortured in this way to force him to confess involvement in an LTTE attack he couldn't have participated in because he was only 13 years old at

the time. It was a case of mistaken identity: "They pushed me inside and face down onto a table with four legs sticking up. They removed my shorts and tied each leg and arm to the four posts sticking up from the table top. One soldier brought a pipe in one hand and a string of barbed wire in the other and he said if I did not accept I was the person they said, they would make me say it. Two people spread my buttocks and I felt one insert the pipe. It was extremely painful. I was crying and one guy pulled my head up and asked again if I was that person and I shook my head and said



‘No, no, no’. Then I felt he pulled the pipe out and I experienced severe pain and fainted. At that time I did not realize it was because of the barbed wire inside the pipe. I had thought they were going to beat me with the wire. I could feel something was being turned inside my rectum but I did not know what it was; I only realized later. When I regained consciousness I was lying on the floor in a room, there was blood everywhere on the floor and I could not move. The next day I could move a bit and I felt around my anus, some pieces of flesh were coming out, as if from a broiler chicken.”

Male Witness in 2009

## SEXUAL VIOLENCE

The torture inflicted on detainees in Joseph Camp was premeditated, planned and designed to inflict severe pain and mental distress. This also included sexual violence perpetrated with the obvious aim to cause physical pain, mental distress and to demean and humiliate and destroy the self worth of the witness.

Sexual torture included rapes of men and women, insertion of objects such as sticks, cricket wickets or coca cola bottles in the vagina or anus, forced oral sex, the crushing of male genitalia and biting, scratching and cigarette burning of women’s breasts and genitalia. It was intended to break down the detainee even further than the physical torture.

All of the six female witnesses and 18 male witnesses reported that they had been raped and sexually abused on multiple occasions during detention at the camp. This extended from the earliest case recorded in 2007, to the most recent in December 2016.

Many detainees, both men and women were raped and abused on multiple occasions and often gang raped. One of the 60 informers based in Joseph Camp after the

war, described seeing a woman tied to a chair and being raped and sexually violated by multiple perpetrators, her breasts bitten and her body covered in scratch marks. He said part of his job was not just to identify his former comrades but also “beautiful girls” for the military to rape at nights when they were drinking. He described hearing them bragging about each raping at least 15 Tamil women.

The sexual violence occurred both in holding cells and interrogation rooms; the perpetrators were often interrogators and/or guards but sometimes it was too dark to tell.

For some, although the interrogations stopped, the torture and in particular sexual violence continued. As previously noted, male detainees were in general kept apart from the women. The map of Military Intelligence facilities shows one area where men and women were interrogated in close proximity. Several witnesses heard the screams of women being abused; one caught a glimpse of a deeply disturbing image:

“When we left the room into the hallway I could

hardly walk. The door to where the females were was slightly open. I saw a female cadre laying on her back on the floor. She was totally naked. I clearly saw a soda bottle shoved inside her vagina. Her arms were spread wide as were her legs. The door was not open enough to (fully) see the other two girls. I could not tell if the girl or the others were alive.”

Male Witness in 2009

In another incident, soldiers tried to force a male detainee to rape a female detainee:


“They forced me and the woman to remove our clothes. When I refused they hit me and kicked me. The soldiers took our clothes off; the woman struggled and screamed and begged them to leave her. They forced me to

touch her body; they laughed at us and took photographs. Two of them were holding her hands and told me to go and hug her and rape her; they used that word in broken Tamil. I refused and they beat me severely and beat her severely in front of me. Her nose and her mouth were bleeding and I was bleeding from my ears. I was so weak and exhausted and desperate. The woman fell down on the floor and they dragged her away. They took me back to my cell. This experience affected (me) deeply; the abuse of a Tamil woman and forcing me to abuse a Tamil sister was so distressful to me, I feel angry and sad about it, and blame myself.”

Male Witness in 2010

Witnesses are naturally reluctant to disclose detail of their experiences because of the intense shame and humiliation arising out of sexual violence and this can make it difficult for them to access post-traumatic stress and medical treatment. Understandably, many are fearful about the sexual violence they have suffered becoming known in their communities given the high degree of stigma that exists.

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“One person came to my cell in the night, I don’t remember exactly what time and I don’t know what he was wearing because it was dark, but he raped me from behind. He put his penis in my anus and he raped me for about five minutes, I think, I was lying face down on the floor, he held my hands tight and pressed his body on top of me. I was screaming because it was painful. After he finished with ejaculation – I could feel it inside me, he made me take his penis into my mouth. He didn’t speak to me, he smelled of cigarette smoke but not of alcohol although I think he must have been drunk because he was so aggressive.”

MALE WITNESS (2015)

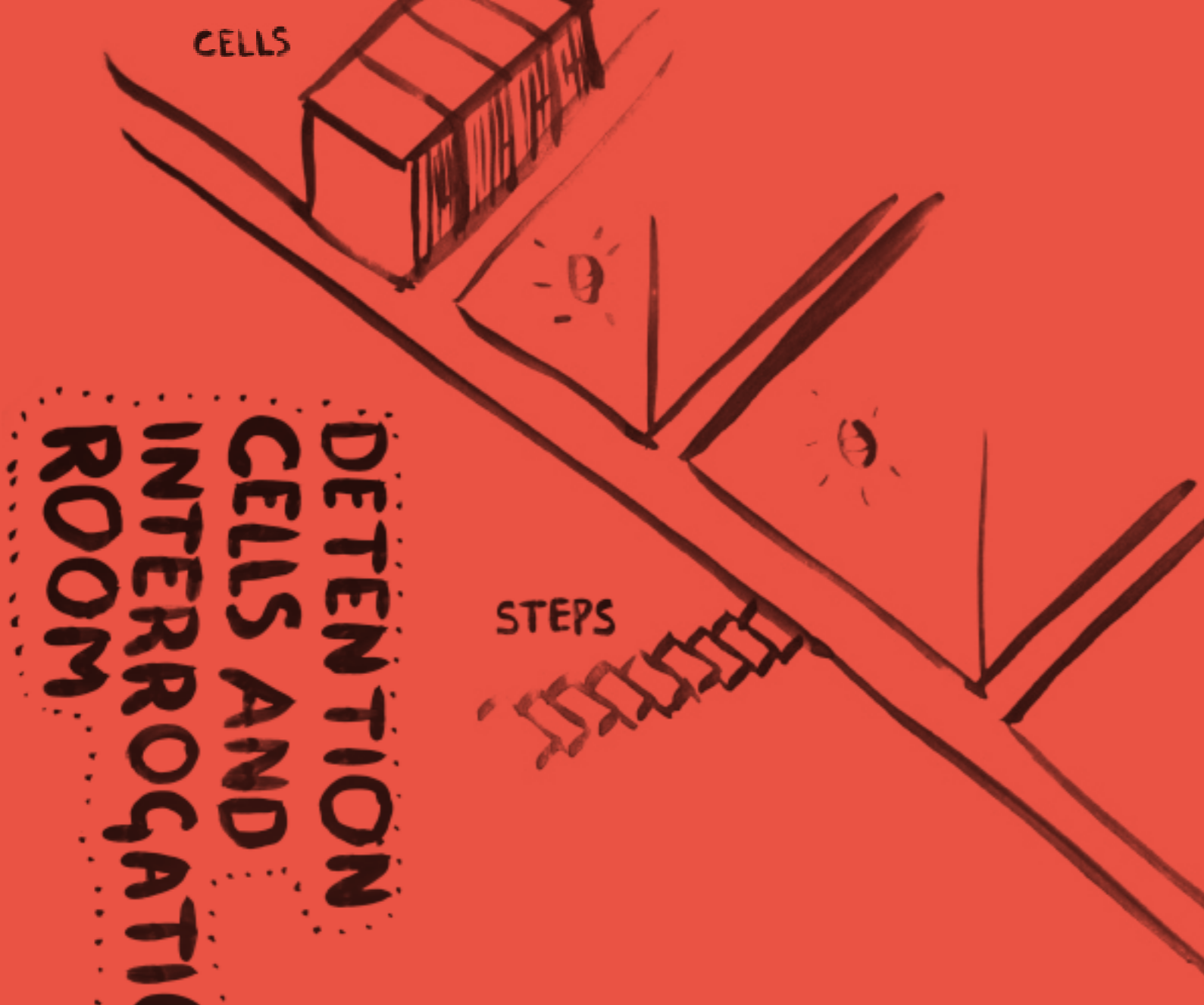


“During my two/three weeks in detention I was subjected to 6 or 7 gang rape sessions. I was naked almost all the time. Two or three different men came to my room each time. They would rotate. They did not wear uniforms. Sometimes during the interrogations they would wear army uniforms - light and dark green mix - but not during the rapes. After a couple of days they had moved me to an even smaller room where I would sleep. They raped me in that room by penetrating my vagina with their penises. They also penetrated the rear passageway, my anus, with their penises. The room is very small so only one man could fit in it at a time. They used to take turns to rape me, one after the other. Usually each man would rape me at least once. Usually one would have his penis in my mouth while the other one raped me with his penis below. One day while interrogating me they also put a baton into my vagina.”

FEMALE WITNESS (2013)



**MALE WITNESS  
DETAINED IN 2011**

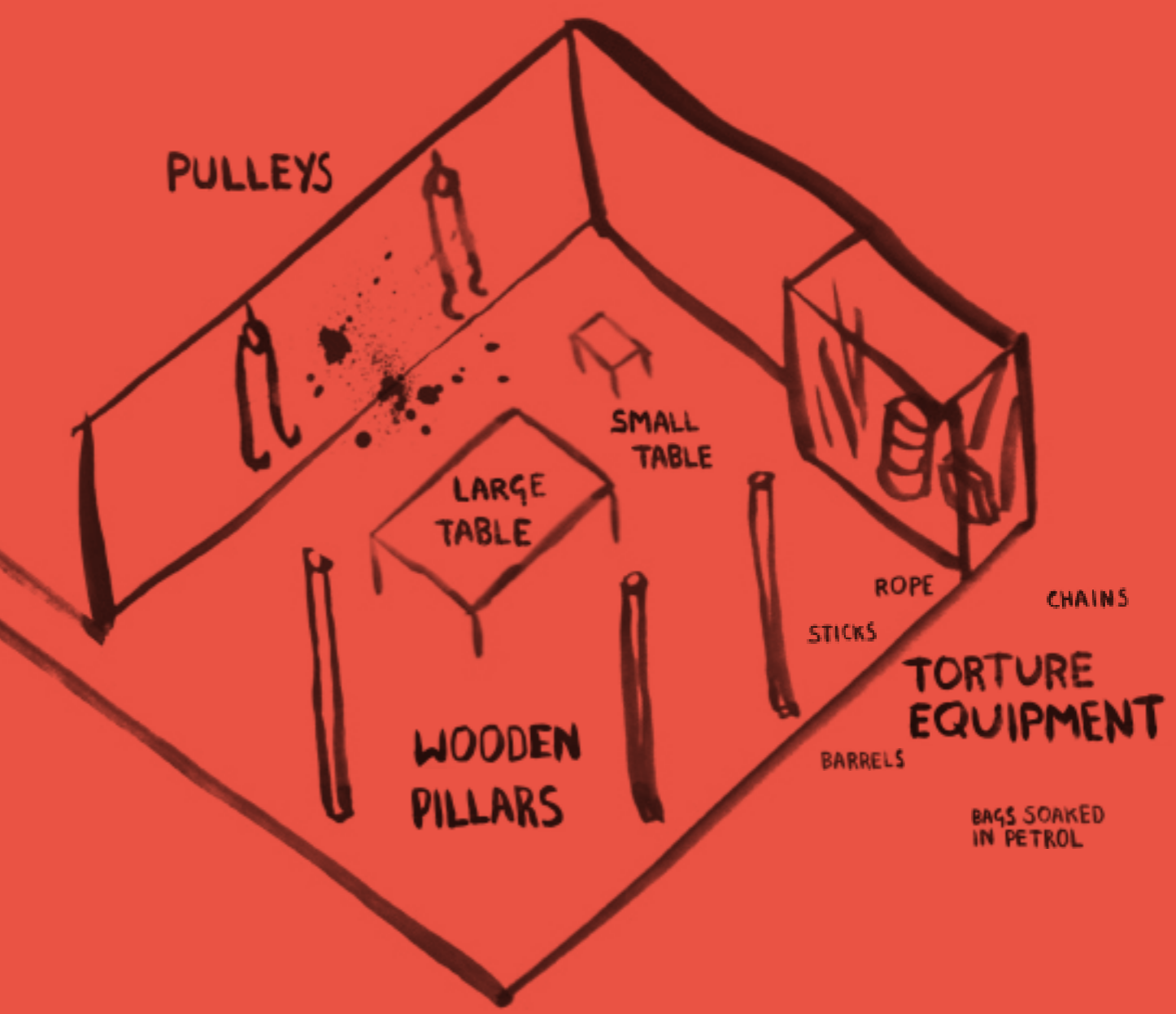


**DETENTION  
CELLS AND  
INTERROGATION  
ROOM**

“They tied me to the pillar by my hand and legs. They punched me in the face and my nose started bleeding. After this they released me from the pillar and I fell on the ground and here they stamped on me with their boots. While I was in this room another man was tied to a pillar. He was facing it and his back exposed. They kicked him and beat him with sticks and rods.”

“I was tied upside down and they put a plastic bottle in front of my face. The bottle emanated fumes and caused a burning sensation in my throat and I started coughing and my eyes and head hurt. They also had a bag soaked in petrol that they tied around my head while I was upside down. It became unbearable and my body started shaking. Then they took me down and said, ‘Now you will start talking’”.

**ANOTHER DETAINEE ALSO DESCRIBED BEING TIED TO PILLARS IN JOSEPH CAMP.**



## BRIBERY AND EXTORTION LINKED TO DETENTION AND EXFILTRATION

Witness testimonies provide further evidence of the commodification of detention and the extraction of ransoms for release and passage from Sri Lanka. This appears to have become a “secondary business” and a significant income generating option for some officials. Bribes were paid to secure the release of thirty four witnesses from Joseph Camp from the ITJP witness pool. In nearly all cases this information came from relatives who paid the military through middle men. Many cases mention Muslim middlemen or unknown intelligence officials, with some not knowing who was involved. In nine cases, the Eelam People’s Democratic Party (EPDP) was named as the facilitator. In a number of instances, the same agents procured to facilitate release from detention, also assisted with helping the witnesses leave Sri Lanka.

It is not clear how the security forces have been able to explain the disappearance of detainees, especially in

cases where there may be a record of detention. Given the general approach towards disappearances and security force culpability, it is unlikely internal investigations have been initiated. Nevertheless, in almost thirty cases, families of the witnesses have subsequently been visited by security force members in search of the “missing” detainee. Most have been threatened, and in several instances, physically abused, even tortured. Whether this masks collusion between different elements of the security establishment or a genuine attempt to locate a registered ‘fugitive’ remains unclear; a further reflection of the opacity that envelops Sri Lanka’s security sector. It may be an attempt to silence the family members and prevent them from ever speaking out about the torture.

## PERPETRATORS

### INDIVIDUAL IDENTIFICATION

The ITJP is in possession of the names of 36 military intelligence staff who allegedly operated at Joseph Camp and more than 40 names of informers based there, as well as 25 photographs, and several phone numbers, and in some cases details of ranks, service numbers and career histories.<sup>24</sup>

The photographs have been mixed up with 24 other photographs and shown to witnesses thought to have been held in Joseph Camp or the wider Vavuniya area. Several witnesses have recognised figures in the line up and some identified their alleged perpetrators from the photographs:

(a) This witness was among several who identified an army Major in Joseph Camp who tortured him:

“I saw him in the torture room several times. I cannot remember if he was in civilian clothes or uniform. He took his gun and cocked it and put the end of the pistol touching my forehead between my eyes. He did this 2-3 times on different days.”

Male Witness in 2010

Multiple other witnesses<sup>25</sup> corroborate this Major was present in Joseph Camp after the war and involved or complicit in torture; a female witness testified that the same officer was one of her team of interrogators in Joseph Camp also in 2010 and was present while she had a bag

soaked in petrol tied around her head.

(b) A female witness identified a different Major who allegedly belonged to Military Intelligence and was stationed in Joseph Camp in 2009, as one of her alleged rapists. The ITJP knows his name, his position as of 2015 and has the details of his entire career history; the fact that he was in Joseph Camp is corroborated by two other witnesses.

(c) Another woman recognised several military personnel allegedly based in Joseph Camp after the war as among those who repeatedly raped her in another military camp before the end of the war. Among those alleged perpetrators was a senior officer the ITJP has identified by name and rank.

### GENERIC IDENTIFICATION

Most victims however cannot identify their torturers by name, though the ITJP has gathered some additional names of alleged perpetrators from testimony. In 32 cases, witnesses identified military interrogators, most commonly by the type of uniform. This sometimes included senior officers:

“I also saw commanders in camouflage uniform

but they had stripes, badges and stars on their shoulders and also a band from the shoulder to the upper arm.”

Male Witness in 2009

Almost all those physically involved in torture and sexual abuse were men, ranging from guards to senior officials. Female security officers were sometimes present during interrogations, and on occasion during beatings and sexual assaults of the witnesses, with some having also participated in the assaults.

For some witnesses the identification of perpetrators was often confused, especially as most detentions involved multiple incidents over lengthy periods of time. Distinguishing between police and military was not always clear. Some military interrogators wore civilian clothes; others who wore civilian clothes acted as interpreters or scribes.

“The new officer was also in civilian clothes. He spoke good Tamil. I assumed he was CID

but whether he was TID or military intelligence I do not know. We commonly refer to authorities dressed in civilian clothes as CID whether they are or not.”

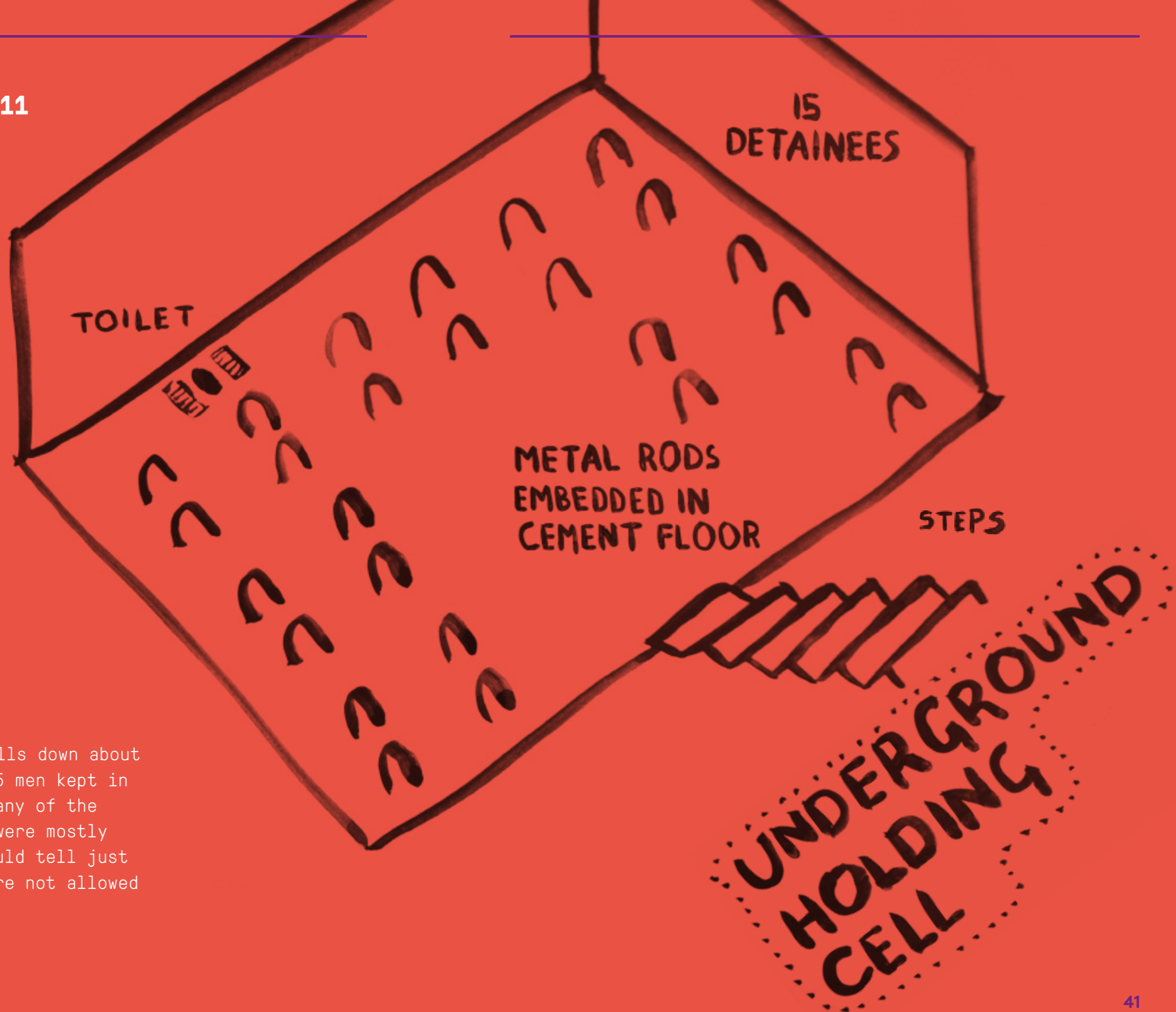
Male Witness in 2013

In ten cases the police, mostly the TID, were named. In two incidents, witnesses claim they were shown TID Identification. A preponderance of these cases relate to more recent incidents, perhaps reflecting a more profiled role in counter-terrorism cases. There was a level of cooperation between the forces; how and if this extended to cooperation protocols and related command responsibilities is presently unknown. In several cases, witnesses were transferred to and from military detention to the notorious 6th Floor, TID headquarters in Colombo.

### TAMIL INFORMERS

The informers interviewed report being coerced into assisting the Sri Lankan security forces with whom

**MALE WITNESS**  
**DETAINED IN 2010 – 11**



“These were underground cells down about 10-12 steps. There were 15 men kept in each cell. I didn’t know any of the other detainees but they were mostly former LTTE members; I could tell just by looking at them. We were not allowed to speak to each other.”

they enjoyed varying degrees of trust.

LTTE informers were sometimes present during aspects of interrogation, sometimes masked, other times not, depending if interrogators wanted the detainee to know who informer was. As detailed in other reports, abductors and interrogators seldom concealed their identity, which reinforced the sense of impunity with which they operated.

“Neither the Military Intelligence men or us were ever masked. We were not afraid of being identified or later tried in a court for what we did. We were the power, no one would arrest us. We were the ones who arrested.”

Male Witness in 2009

“They would keep me in a van in the Camp. The van had

tinted windows so people could not see in and identify me. They would bring already identified former LTTE cadres to the windows and ask me for further information on them.”

Male Witness in 2009

The LTTE members who worked as informers for Military Intelligence provided important insights into their experiences working with the Sri Lankan security forces. An increasing number of captured LTTE fighters were induced to turn, many by torture and threats to family. A number of women LTTE members held at Joseph Camp were also targeted for recruitment.

“The female detainees were located in the middle of the camp close to the MIC official barracks and away from the men. I was not in their area very often. I remember seeing three female detainees. After they were tortured

they joined our group working for the army.”

Male Witness in 2009

The decentralized and highly secretive structure of the LTTE meant that to identify all its members Sri Lankan intelligence required informers from each cell or unit, including the all female ones. The effect has been devastating on the Tamil community as a whole of so many young men and women being forced to betray each other. It has been very effective in eroding any sense of shared identity or trust.

# CONCLUSION AND RECOMMENDATIONS

## CONCLUSION

This report substantiates longstanding allegations that Joseph Camp, a centerpiece of Sri Lanka's security infrastructure, has and continues to be used for illegal detentions and interrogations. It is a site where torture and sexual violence are pervasive and, employed with total impunity, and as recently as December 2016. Witnesses confirm Joseph Camp maintained purpose built interrogation and torture chambers as an integral component of a carefully planned and deliberate policy of torture and sexual violence as well as other human rights violations and abuses. The torture facilitated not only the intelligence gathering imperatives of the security services, but in many instances was designed to humiliate and break detainees, whilst gratifying an array of grotesque perversions by security force members.

It is improbable that Sri Lanka's top military leadership, many of whom have been based in Joseph Camp, are unaware of the unlawful detentions and violations carried out at this camp. Repeated allegations of bribery and extortion by ransom for the release of witnesses corroborate an established pattern of organized crime at the heart of Sri Lanka's security services. This should be of grave concern to a Government elected on a pledge of “good governance”.

Documentation and investigations by the ITJP and others validate allegations that a culture of torture and sexual violence, mainly of Tamils, has become institutionalized within the security forces in Sri Lanka during the conflict and its aftermath. A legacy of violations and accompanying impunity remains entrenched despite Sri Lanka's international and domestic commitments to investigate and prosecute such abuses.

Sri Lanka is a party to United Nations human rights treaties and instruments that prohibit torture and ill treatment.<sup>26</sup> Domestically, Article 11 of Chapter III of the Constitution provides that, no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.<sup>27</sup> The Government of Sri Lanka has domesticated its obligations under CAT and enacted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994. Under Article 2, acts of torture, as well as participation, complicity, aiding and abetting, incitement and attempt to torture are criminal offences punishable with 7-10 years in prison and a fine of 10,000-50,000 rupees (approximately \$70-\$350). Articles 321 and 322 of the Penal Code

(Ordinance No. 11 of 1887 and subsequent amendments) also criminalize acts within the scope of the Convention, such as intentionally causing harm or grievous harm with the aim of extorting confessions or information leading to the detection of an offence or misconduct. The sentence for a person convicted of these offences is a maximum of 10 years' imprisonment and a fine.

The current legal framework regarding sexual violence in Sri Lanka provides that acts of sexual violence can be prosecuted at a domestic level as rape, custodial rape, gang rape, or grave sexual abuse. Custodial rape is defined as acts committed by public officers or persons in positions of authority against women in official custody or against women who have been wrongly restrained; this could be used to indict security force members who have carried out such crimes against those in their custody. If the Government of Sri Lanka was politically committed to addressing sexual violence, it could utilize the Convention Against Torture Act to prosecute sexual violence. Given the gravity and

scale of sexual violence in Sri Lanka, including conflict related sexual violence, rape and sexual violence should be treated as a serious international crime. The Government of Sri Lanka has however, not ratified the Rome Statute nor has it incorporated command responsibility within its domestic law, though the recent report by the UN High Commissioner for Human Rights recommends this could have been done before establishing the proposed judicial mechanism.<sup>28</sup> The failure to do so creates an impunity gap, which perpetuates the lawlessness, and impunity under which the security forces operate.

This legal framework of prevention has evidently failed to provide adequate deterrence and remedy; only a handful of security force members have been investigated or held accountable for the crime of torture and sexual violence, none in relation to Joseph Camp. This raises profound concerns about the integrity of Sri Lanka's criminal justice system.

The failure of the Sri Lankan government satisfactorily to respond and act on repeated allegations about Joseph Camp and other locales of torture will only undermine its standing. Claims by Sri Lanka's

Foreign Minister to the 34th session of the Human Rights Council that his government has "a policy of zero tolerance for torture"<sup>29</sup> belie the reality on the ground. The ongoing violations and abuses challenge the credibility of the Sri Lankan government's stated commitments to address such abuses,<sup>30</sup> and by extension present a fundamental challenge to prospects for building trust in the Government's transitional justice agenda. This, coupled with the failure to provide appropriate remedies, amply demonstrates the lack of political will on the part of the Sirisena government. Much more can and must be done.

## RECOMMENDATIONS

### FOR UN HUMAN RIGHTS COUNCIL MEMBER STATES:

- At the 34th session in March 2017, call upon (a) the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and (b) the relevant committee member responsible for Sri Lanka of the UN Committee Against Torture, jointly to conduct a visit to "Joseph Camp" and the "4th floor" (CID).<sup>31</sup> This should involve extensive site

visits, mapping of all the structures, forensic examinations, access to current and historical satellite imagery, detailed examination of military records and accounts, including transport logs and interview records, which the Sri Lankan security forces should make freely and fully available, as well as detailed interviews with survivors inside Sri Lanka and outside.

- Arising out of this visit, call upon (a) the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and (b) the relevant committee member responsible for Sri Lanka of the UN Committee Against Torture, jointly to draw up a list of alleged perpetrators of human rights violations who have been named in UN reports, including those of past special rapporteurs, and ask the Government of Sri Lanka to show its commitment to accountability by suspending these individuals and immediately investigating them and report back to the Council in one year on their progress in doing so.

### FOR THE GOVERNMENT OF SRI LANKA:

- Publicly acknowledge that Joseph Camp has been used as an illegal detention site for decades, shut down immediately any unofficial detention facilities still in operation inside the camp (as already recommended by the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment<sup>32</sup>) and take the following preventative steps:
  - (a) Install video cameras at all entrances and inside the site, at multiple key points indoors and outdoors, (locations and angles to be identified by an expert in this field nominated by the Special Rapporteur on Torture), with live remote monitoring and recording to be conducted by the Sri Lanka Human Rights Commission (SLHRC). Share the video recordings and results of the SLHRC monitoring with the UN Committee Against Torture, allowing for a 3-month delay so as not to jeopardize legitimate security operations undertaken from this site.

(b) Share with the UN Committee Against Torture and the UN Special Rapporteur on Torture the layout and detailed site maps of Joseph Camp, the original ownership records of the land, identify those units operating in the site now and over the last decade, in particular those involved in counter-terrorism activities from Military Intelligence and the police's Terrorism Investigation Division, their mandates, command structures including individuals in the chain of command and their interrelationship.

- Share lists with the UN Committee Against Torture and the UN Special Rapporteur on Torture detailing who was detained in Joseph Camp and released, how long they were held there and which officials were in charge of the units that held them.
- Recall **General Jegath Jayasuriya** from his

diplomatic posting as Ambassador to Brazil and immediately launch an independent and credible civilian investigation into his role regarding widespread torture in Joseph Camp from 2007-2009. Report back on progress to the UN Committee Against Torture and the UN Special Rapporteur on Torture within one year.

of torture<sup>35</sup> and also says the Division would have been aware that hospitals and a UN hub in the war zone were being shelled by government forces because they could be seen with the naked eye from their positions.<sup>36</sup>

- Suspend and investigate other serving and retired officers who were in command positions in Joseph Camp, especially in the post-war period, including retired **Major General Kamal Gunaratne** (former deputy Ambassador to Brazil) who is also named by the UN as having been the commander of the 53 Division during the end of the war.<sup>33</sup> The 53 Division was alleged by the UN to have been involved in the execution of the surrendered Tamil female TV presenter, Isaipriya.<sup>34</sup> Furthermore the UN report names the 53 Division as one of three military brigades involved in perpetrating acts

# ANNEXURE 1: OTHER REPORTS ON JOSEPH CAMP TORTURE

**FEBRUARY 1984:** Report that a person called Shan was arrested on 17th February 1984 in Vavuniya and taken to the Joseph camp and interrogated and tortured. Alleges a named General was present during the interrogation and torture.<sup>37</sup>

(TAMIL INFORMATION CENTRE, LONDON)

**1985:** Report that 11 Tamils in Britain as refugees had been tortured under the direct supervision of the same named army General. In some cases the General himself had participated in the torture. One includes Ravi the brother of Shan above. Ravi was arrested by the General in Vavuniya District in 1985. 20 others arrested along with Ravi were taken to Joseph camp and tortured. Ravi was held for two weeks. He was assaulted with batons, belts and plastic pipes filled with concrete, including on a number of occasions by the named General. Ravi

was hung upside down and a chilli fire was placed under him.<sup>38</sup>

(TAMIL INFORMATION CENTRE, LONDON)

**1996:** Report that a Jaffna student, G. Balakumar, was tortured at Joseph camp after his arrest in June 1996.<sup>39</sup>

(BRITISH REFUGEE COUNCIL PUBLICATION)

**OCTOBER 1996:** UN Report that a man called Pasupathipillai Yogendran was arrested by the army in Vavuniya on 27 October 1996. He was reportedly taken to Joseph camp where he was detained for three days. He was allegedly hung with a rope by his ankles and suspended upside down from a tree and beaten with sticks, fists, and wire. The JMO in Colombo found supporting evidence that he had been beaten with an iron pipe and a square shaped wooden rod. A shopping bag filled with gasoline is said

to have been put on his head in order to make his breathing difficult.<sup>40</sup>

(UN SPECIAL RAPPOREUR ON TORTURE)

**JANUARY 1999:** Shivaramanan Danister, aged 21, was arrested on 5th January 1999 by the Criminal Investigation Department (CID) and taken to Joseph Camp in Vavuniya, but never returned.<sup>41</sup>

(INTERNATIONAL HUMAN RIGHTS ASSOCIATION BREMEN)

**AUGUST 1999:** Report that a man referred to as KJ was held in Joseph Camp for three days, but escaped on 2 August 1999, by climbing over a barbed wire fence. He was caught when entering Government controlled territory and was identified by a masked man as a member of the



LTTE. He was transferred to another camp to act as an informant. He did not identify anyone as a LTTE member, but another informant reported that he had failed to identify a member who was known to him. As a result, KJ was beaten so heavily that he had to be transferred for treatment to a civilian hospital and was treated for a ruptured stomach.<sup>42</sup>

(UK IMMIGRATION PROCEEDINGS)

**2001:** In the UK High Court, Mr Justice Bennett refers to the case of a Mr. Sinnathuri who experienced detention, ill-treatment and torture, especially after his arrest and detention in Joseph Camp where he was subjected to cruel methods of torture and lengthy detention.<sup>43</sup>

(UK IMMIGRATION PROCEEDINGS)

**DECEMBER 2006:** Report that a large group of military personnel, including some men in civilian clothes, arrived at the victim's home in Vavuniya. The victim was forcibly taken to the Joseph Camp where he was detained in a toilet for 28 days and tortured and sexually abused.<sup>44</sup>

(HUMAN RIGHTS WATCH)

**2008:** A Canadian immigration case refers to an applicant who alleged that in 2008, he along with others was rounded up for identification of the Liberation Tamil Tigers of Eelam. The applicant alleged torture and said he was interrogated about his connection to the LTTE and subsequently released. He alleged that two days later, his friend Rajan were abducted by the Eelam People's Democratic Party [EPDP] and disappeared. A few hours later, he and his friends were arrested by army intelligence, taken to the Joseph Camp and detained as LTTE supporters. He was tortured and interrogated about his friend Rajan's connections to the LTTE.<sup>45</sup>

(CANADIAN IMMIGRATION PROCEEDINGS)

**2008:** Report of a man caught crossing into government controlled territory from the Vanni in 2008 who was taken to Joseph Camp. "I was taken to an interrogation room. I could see black stains on the wall, and objects such as metal bars and wooden poles. I was locked inside the room, alone, for one hour. Three people then entered the room, wearing army trousers and t-shirts. They told that if I told lies, I would be killed. They asked me questions about why I had left the LTTE areas. They made me sign documents in Sinhalese that I did

not understand. After two hours they left the room and four different men came in, also wearing army trousers and white t-shirts. They told me that I had told lies. I experienced severe torture - there are no words to describe what happened. I was beaten with metal rods, suspended upside down, sometimes with my head submerged in a bucket of water. I was in such pain.<sup>46</sup>

(OHCHR)

**MAY 2008:** The case of a man who says on 7 May 2008 he was arrested by the army and taken to Joseph Camp in Vavuniya, where he was held for 18 days and tortured during interrogation and released only after his father had paid a bribe to the army. He was arrested again in December 2009 and taken to Joseph Camp, brutally beaten and detained for one week, released on payment of a bribe.<sup>47</sup>

(SUBMISSION TO UN HUMAN RIGHTS COMMITTEE)

**JULY 2008:** The victim was abducted and taken to Joseph Camp, detained in a small dark cell, taken to another room where she was interrogated about her involvement with the LTTE, beaten, kicked, punched, burned me with cigarettes and raped by three men. The victim was photographed and fingerprinted, forced to

sign various documents, and released only on payment of a large bribe to army officials.<sup>48</sup>

(HUMAN RIGHTS WATCH)

**DECEMBER 2008:** Eighteen-year old Ramesh was arrested in the East in December 2008, and kept in Joseph camp for 5 months and then in Poonthottam rehabilitation Camp. He was subjected to intensive interrogation. After release, the police and the Army kept him under surveillance with regular visits to his house."<sup>49</sup>

(MEDIA REPORT)

**2009:** A media report cites an LTTE doctor stating he was taken to Joseph detention camp which and forced to admit that he was an LTTE fighter. "It was the darkest days of my life at the Joseph camp," he said.<sup>50</sup>

(MEDIA REPORT)

**2009:** The victim was taken to a small room where he was photographed and fingerprinted. His hands were tied behind his back and he was taken to a smaller room. The smaller room was dark except during interrogations, the floor was bare, and there was no bedding. The toilet was a hole in the floor. After a few more weeks, he was moved to a cell that he shared with four other inmates. He was later informed that he was in

Joseph camp.<sup>51</sup>

(HUMAN RIGHTS WATCH)

**JANUARY 2009:** The victim was arrested by the Sri Lankan army and taken to Joseph camp. He was accused of working with the LTTE and was slapped, kicked with boots, burned with cigarettes, had a petrol-infused plastic bag put over head, pushed, head banged against wall, and raped.<sup>52</sup>

(HUMAN RIGHTS WATCH)

**MAY 2009:** After crossing to the Government-controlled area in May 2009, another victim was taken away from an IDP camp, and driven to Joseph Camp where he was subjected to severe torture and sexual violence. "They beat me with whatever they could find: boots, poles, sticks. He was beaten everywhere on my body".<sup>53</sup>

(OHCHR)

**MAY 2009:** The victim was dragged to a jeep and driven to Joseph Camp. He was taken to a small room where they tied my hands behind his back to a gas cylinder. He was beaten up with hot metal rods. They forced a petrol-infused plastic bag on his head and tried to asphyxiate him. He was kept naked during detention. During the night, two women police officials who were on duty raped him; they

threatened to torture him if he didn't cooperate. They took their clothes off and got on top off me. They grabbed my penis and took pictures of it on their mobile phone. They would not let me sleep. They sprayed my wounds with a chilli powder that made them burn. I was fingerprinted and photographed and the officials took all my details. They produced some photographs and asked me to identify the people in the photograph.<sup>54</sup>

(HUMAN RIGHTS WATCH)

**MID 2009:** Report describes one of many young Tamil men to have survived Joseph Camp who is fretful about family he was forced to leave behind when he fled Sri Lanka. He was detained by the military during one of many sweeps that the authorities made of Tamil Tiger controlled areas, picking up young people regardless of whether they had any active involvement with the LTTE.<sup>55</sup>

(FREEDOM FROM TORTURE)

**NOVEMBER 2009:** On November 14 the victim was taken to Joseph Camp, stripped, photographed and put

in a dark room. He was interrogated, beaten, hung upside down and beaten, burned with cigarettes, a petrol-infused plastic bag put over his head, his head forced into a bucket of ice water. Perpetrators pushed his penis into a wooden pipe. At night-time, two or three officials would come to the room. They would be in civilian clothing, smelling of alcohol. They forced him to have oral sex with them. In the beginning one official would hold him down while the other raped him.

(HUMAN RIGHTS WATCH AND ALSO REPORTED BY SRI LANKA CAMPAIGN<sup>56</sup>)

**2010:** A woman was arrested in 2010 and taken to Joseph Camp for interrogation. She said she was stripped, beaten, raped and forced to perform oral sex on one of her interrogators. She suspected the interrogation was not really about intelligence gathering: “He just wanted to rape us and do everything to us as much as possible, for his satisfaction, sadism, whatever ... They said they were taking us for questioning but we were half dead by then.”<sup>57</sup>

(AMNESTY INTERNATIONAL/ ITJP)

**JANUARY 2010:** The victim was picked up by CID officials at Colombo’s international airport and taken to the fourth floor before being transferred to Joseph Camp in Vavuniya. He was beaten with batons and metal rods. The officials poured kerosene on the floor and threatened to set it alight. In another instance, they held a gun to his head and threatened to pull the trigger. He was hung upside down and beaten with truncheons and hot metal rods. He was stripped naked in both detention sites. He was sexually abused by being forced to have oral sex on two or three occasions.<sup>58</sup>

(HUMAN RIGHTS WATCH)

**MARCH 2010:** The victim was taken to Joseph Camp, to a dark room and asked to admit her was in the LTTE. “They kicked my knees and hung me upside down and beat me. They forced a petrol-infused plastic bag on my head and tried to asphyxiate me and burned me with cigarette butts. I was kept in my underwear during my entire detention. During interrogation, I was stripped naked. At one point, one of the interrogators squeezed my penis very hard and I was in unbearable pain. I was raped at night. Different people came to rape me either singly or in groups of two. One of them held

me down, while the other raped me.”<sup>59</sup>

(HUMAN RIGHTS WATCH)

**APRIL 2010:** The victim was taken to Joseph Camp where he was detained in a small, dark room. He was repeatedly questioned by a mixed group of army officials in uniform and civilian clothes, and some members of the EPDP. They forced a petrol-infused plastic bag on his head and tried to asphyxiate him while beating him. They hung him upside down and beat him with wires and sand- filled pipes. He was raped with small, glass Coke bottles. The officials inserted an iron rod in his penis.<sup>60</sup>

(HUMAN RIGHTS WATCH AND SRI LANKA CAMPAIGN)

**NOVEMBER 2010:** In November 2010, a Tamil woman in her early twenties was arrested by soldiers in her house and taken to Jacob Camp (sic). She was stripped naked during questioning. She was tortured and raped by vaginal penetration several times and fell unconscious.<sup>61</sup>

(SRI LANKA CAMPAIGN)

**MAY 2011:** A victim described being taken to the fourth floor of the CID headquarters in Colombo. He was stripped and photographed and previous scars were identified. The victim

told the officials he had previously (November 2009) been tortured in Joseph Camp. An official went out and then returned and confirmed he had been detained in Vavuniya. The victim was beaten with wires, hung upside down and two officials came and put a pistol in her mouth. He was released from detention following payment of a bribe in June 2011.<sup>62</sup>

(HUMAN RIGHTS WATCH)

**NOVEMBER 2011** Freedom From Torture reports name Joseph Camp as the detention facility where torture took place. The methods of torture cited in Joseph: Camp include: blunt trauma, burns from cigarettes, suspension, sexual violence, threats to cut off fingers forced nakedness during interrogations, forced alcohol consumption. Detention conditions involved solitary confinement, bloodstained dark cells with no windows, limited food and water, tied wrists and ankles, inability to lie down.<sup>63</sup>

(FREEDOM FROM TORTURE)

**DECEMBER 2011:** On 29 December the victim was picked up by a white van by men in civilian clothes, who took him to an army camp, which they said was Joseph camp. The victim was hung upside

down for over half an hour and beaten on his thighs and back with plastic pipes and batons. They tried to asphyxiate him in a barrel of dirty water. They whipped him with electric wires.<sup>64</sup>

(HUMAN RIGHTS WATCH)

**JUNE 2013:** On 5th June the victim was stopped and placed in a van and taken to Joseph Camp. He was told he had been named as LTTE and he knew where the arms were buried. He showed the 3 places where he thought the arms were buried, but they had been moved. He was regularly beaten on his back, legs and heels with a stick, wire and a pipe containing sand. Released after paying a bribe.<sup>65</sup>

(UK IMMIGRATION PROCEEDINGS)

**JUNE 2013:** - A case where the victim was transferred to Joseph Camp for many months and tortured on a regular basis being kept in a single cell in detention.<sup>66</sup>

(UK IMMIGRATION PROCEEDINGS)

**JANUARY 2015:** Freedom from Torture said two survivors tortured in 2015 identified Joseph Camp as the site of their most recent torture.<sup>67</sup>

(FREEDOM FROM TORTURE)

**SEPTEMBER 2015:** A UN report cites a witness describing the torture he

was subjected to in Joseph Camp who said: “They would tell me to remove my clothes. They would tell me to put my genitals on top of the table and then beat my private parts with sticks”.<sup>68</sup>

(OHCHR)

**SEPTEMBER 2015:** The UN report describes the insertion of barbed wire through a pipe inserted into the anus. The pipe was pulled out first and then the barbed wire, causing “unbearable pain and bleeding”. One witness described being subjected to this treatment when he tried to refuse to have sex with his captors. “He pushed the pipe in again with the barbed wire inside. He pulled the pipe out and left the barbed wire in me. I had a lot of heavy pain and bleeding.” He said he was forced to have oral sex and gang-raped several times while in detention. OISL was also informed of a similar case by a credible source, which allegedly occurred in Joseph Camp.<sup>69</sup>

(OHCHR)

# ANNEXURE 2: UN REPORT REFERENCES TO IMPUNITY FOR TORTURE AND SEXUAL VIOLENCE

## **2011: THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN'S CONCLUDING OBSERVATIONS ON THE FIFTH, SIXTH AND SEVENTH PERIODIC REPORTS ON SRI LANKA**

This said, "While noting the State party's explanation that women were not subjected to violence and discrimination during the last stages of the conflict and in the post conflict phase, the Committee remains deeply concerned about reports of gross violations of the human rights of women on both sides, particularly the Tamil minority group,

the internally displaced women and the female ex-combatants. The Committee is particularly concerned about reports of sexual violence allegedly perpetrated also by the armed forces, the police and militant groups." It called on the authorities inter-alia to "promptly investigate, prosecute and punish" acts of sexual violence.<sup>70</sup>

## **2011: THE UN COMMITTEE AGAINST TORTURE'S CONCLUDING OBSERVATIONS**

This called on the Government to "provide the committee with information on the investigations of cases of war-time rape and other acts of sexual violence that occurred during

the last stages of the conflict and in the post-conflict phase, and the outcome of such trials, including information on the punishments meted out and the redress and compensation offered to the victims."<sup>71</sup>

## **2015: REPORT OF THE UN SECRETARY GENERAL ON CONFLICT-RELATED SEXUAL VIOLENCE**

This called on the new Government of Sri Lanka "to investigate allegations of sexual violence, including against national armed and security forces, and to provide multi-sectorial services for survivors, including reparations and economic empowerment programmes for women

at risk, including war widows and female heads of household."<sup>72</sup>

## **2015 OHCHR INVESTIGATION INTO SRI LANKA**

A government report to the Human Rights Committee in September 2014 referred to 39 cases of sexual violence by the security forces before the courts. Subsequent information obtained by OISL showed that most of these cases involved the sexual abuse of children. While it is positive that such cases are followed up in some way, even in these cases, not one member of the security forces had been convicted.<sup>73</sup>

OISL also reported that 19 cases were before courts in the Northern Province, and 20 in the Eastern Province as of May 2015. Fifty-eight alleged perpetrators were accused in the 39 cases, five cases having multiple accused. Thirty-two were members of the Sri Lankan Army; 13 were Police (five of whom were subsequently discharged and acquitted); one was from the police Special Task Force; one was SLN; 11 were Civil Defence Force members (of whom nine were discharged and acquitted). Only one of the 58 accused was at the time on remand, the rest having either been discharged and acquitted or allowed bail. Only eight out of 39 cases

were recorded as being at the trial stage, all of them in the Northern Province. None of the 20 cases in the Eastern Province was recorded as being at the trial stage. Ten cases, four of them in the Eastern Province, had resulted in the acquittal of the accused (all CDF or police). Others were either reported as unsolved, pending, warranted or at the level of the Attorney General's Office.<sup>74</sup>

## **2016: THE UN COMMITTEE AGAINST TORTURE'S CONCLUDING OBSERVATIONS**

This urged "the State party to ensure that all allegations of unlawful detention, torture and sexual violence by security forces are promptly, impartially and effectively investigated by an independent body". It also recommended that Sri Lanka publish a full list of all gazetted detention centres, close down any unofficial ones still in existence and ensure that no one is detained in unofficial detention facilities.<sup>75</sup>

UNCAT also noted with regret that the State party had not yet concluded its ongoing investigations into certain emblematic cases of violations committed in 2006. Though it noted that severe punishments had been imposed in the Vishwamadu rape case in October 2015, UNCAT regretted Sri Lanka's failure to provide requested information on the progress of the 39 investigations it has reportedly initiated with regard to the acts of rape and sexual violence allegedly committed by security forces in the aftermath of the conflict.<sup>76</sup>

#### 2016 THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Visiting Sri Lanka, the rapporteur interviewed current and former suspects detained under the Prevention of Terrorism Act and received well-documented accounts of extremely brutal methods of torture, including burns; beatings with sticks or wires on the soles of the feet (falanga); stress positions,

including suspension for hours while handcuffed; asphyxiation using plastic bags drenched in kerosene and hanging of the person upside down; application of chili powder to the face and eyes; and sexual torture, including rape and sexual molestation, and mutilation of the genital area and rubbing of chili paste or onions on the genital area. In some cases, these practices occurred over a period of days or even weeks, starting upon arrest and continuing throughout the investigation.<sup>77</sup>

The Special Rapporteur said in his report that he was "extremely alarmed" that investigations into allegations of torture and ill treatment are not initiated. He discerned "a worrying lack of will" within the Office of the Attorney-General and the judiciary to investigate and prosecute allegations. The Special Rapporteur stated that there were a "vast number of documented cases, and the failure to prosecute them clearly indicated a lack of will on the part of the judiciary. He went on to say, "Impunity for past crimes continues to be an obstacle to reconciliation and sustains mistrust between the communities, especially in the North and East, breeding impunity for present instances of abuse."<sup>78</sup>

## ENDNOTES:

<sup>1</sup> OHCHR Investigation into Sri Lanka (OISL), A/HRC/30/CRP.2, 2015, Paragraph 553.

<sup>2</sup> Others include: the 4th and 6th floors, Boosa, Omanthai School in 2009, Plantain Point etc.

<sup>3</sup> (a) "An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009 - 2014", Yasmin Sooka, The Bar Human Rights Committee of England and Wales and the International Truth & Justice Project, Sri Lanka, March 2014.

(b) "A Still Unfinished War: Torture and Sexual Violence in Sri Lanka 2009 - 2015", International Truth and Justice Project Project, July 2015.

(c) "Silenced: Survivors of Torture and Sexual Violence in 2015", ", International Truth and Justice Project Project, January 2016.

(d) "UNCAT Submission", November 2016.

(e) "CEDAW Submission", February 2017.

All reports are online at [www.itjpsl.com](http://www.itjpsl.com).

<sup>4</sup> "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka", 22 December 2016, A/HRC/34/54/Add.2, para 22 and Committee Against Torture Concluding Observations on the fifth periodic report of Sri Lanka, CAT/C/LKA/CO/5, 27 January 2017.

<sup>5</sup> References have not been included to cases that might duplicate ITJP cases, including many cases cited in the OHCHR Investigation Report.

<sup>6</sup> For more on this see ITJP's white flag report at <http://white-flags.org>, and portions of A Still Unfinished War (2015) available at [www.itjpsl.com](http://www.itjpsl.com).

<sup>7</sup> One witness said the National Intelligence Bureau and Naval intelligence also operated in 2009 from Joseph Camp.

<sup>8</sup> <http://www.army.lk/sfhqwanni>

<sup>9</sup> OISL, Paragraphs 546 and 589.

<sup>10</sup> OISL, Paragraph 589.

<sup>11</sup> This was particularly the case during the height of the post-conflict phase of June 2009 to 2011.

<sup>12</sup> These especially tiny cells appear to be a hallmark of some of the Joseph Camp detention facilities, not heard of elsewhere.

<sup>13</sup> Male Witness held in 2014: "To go to the toilet I had to knock on the door, I had to knock many times and for a long time before they came to take me. The toilet was also underground; there were two cells between my cell and the toilet. There was no door to the squat toilet."

<sup>14</sup> Male Witness held in 2011: "We were provided with about one and half litres of water and one meal a day, rice and vegetables that was on a plate slid under the door. We sensed it was about lunchtime when we were fed, but the food was cold and it was always the same. Every day in the morning time, we were taken to a place outside the cell to empty our toilet bucket. Every morning, I was blindfolded and taken to wash. This was about 50 metres away. For a few minutes while we washed the blindfold was removed.

Only one person was taken at a time. There was a wall with a tap that we used."

<sup>15</sup> Male Witness held in 2009: "There was a doctor who put some gel on my knees and bandages on my hands and legs. He was a military doctor wearing fatigues. He never spoke with me. I was taken back to the cell. I saw the doctor again another couple of times during this period, and was given some painkillers."

<sup>16</sup> Female Witness held in 2013: "Both from my cell and when I was being interrogated I could hear crying and wailing every day, especially from women." Male Witness held in 2009: "I heard screams of torture in Joseph Camp, mostly at night. The screams were coming from a building where interrogations took place."

<sup>17</sup> Male Witness held in 2009: "They kept asking the same questions again and again, asking about high ranking LTTE people, their families and where they were. They beat me with batons and sticks while asking questions and they burned the side and under my feet with a lighter and with cigarettes. All four men participated in beating. After some time, they brought the stool back and released me to the floor. This went on for a few hours. Then I was taken to another room. I was also subjected to petrol bagging. I was also made to lie face down on the bench and they beat me on the soles of my feet."

**18** Female Witness held in 2013: “When I had no clothes on during the interrogation sessions, the male interrogators would come and rub their body on me. They would rub parts of their body into my breasts and their legs against my legs and they would stand in front of me and rub their bodies with my body. Sometimes they would have their trousers on but not their top on.”

**19** However victims say while some interrogators spoke fluent Tamil, several spoke it so poorly that they struggled to understand.

**20** “A Still Unfinished War”, Op cit, 2015, “We will Teach You a Lesson”, Sexual Violence against Tamils by Sri Lankan Security Forces, Human Rights Watch, 2013.

**21** Sometimes this was done while in a stress position: “They told me to kneel but I couldn’t due to pain from the previous days of beatings. I could barely stand. I was handcuffed with my hands in front of me and they put a pole between my hands. The two interrogators lifted me up, holding each end of the pole, which was a bit more than a meter long. My feet were still on the ground but my hands were up over my head. The interpreter put a polythene bag sprayed with petrol over my head. I had to breathe but the smell was strong and I started coughing and found it difficult to breathe. I was struggling to free myself. When they took it off they asked questions and when I failed to provide satisfactory answers they put the bag over my head again.” (Male Witness held in 2014)

**22** Male Witness held in 2016: “On four or five occasions they put a bag on my head which had chilli powder in it. This created an intense burning sensation. They have also heated chilli using a device that is like the one used for incense. The smoke from the chilli would be put under my face and this was excruciatingly painful, even more than when they used the chilli bag. They did this five or six times.”

**23** This included burning genitals with lighters, squeezing genitals, beating genitals, placing the penis in a drawer and slamming it shut, and forcing the victim to touch the genitals of the perpetrators or put their penises in their mouth.

**24** “A Still Unfinished War”, Op Cit.,pp.66-67.

**25** The same alleged perpetrator was identified by another witness who said, referring to an incident in 2009, “He is the man who was the high officer who kicked me and hit me when I was on the floor in the big hut.”

**26** International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; and, most recently, the International Convention for the Protection of all Persons from Enforced Disappearance.

**27** This prohibition is made absolute by article 15, which prohibits any limitation on article 11 under any circumstance, even for reasons of national security and public order.

**28** A/HRC/34/20 Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka to 34th Session of the Human Rights Council, Paragraph 23 says this. Also Paragraph 67 in the Recommendations states: “Enact legislation to criminalize war crimes, crimes against humanity, genocide and enforced disappearances without statutes of limitation, and enact modes of criminal liability, in particular command or superior responsibility”.

**29** Statement by Foreign Minister Mangala Samaraweera at the High Level Segment of the 34th Session of the Human Rights Council, 28 February 2017, MFA website, <http://www.mfa.gov.lk/index.php/en/media/ministers-statements/6861-fm-34hrc>

**30** “President Sirisena joins march themed “Stop Torture”, 30 June 2016, Lanka News First at <http://newsfirst.lk/english/2016/06/president-sirisena-joins-march-themed-stop-torture/140271>

**31** The Case Against Sisira Mendis, November 2016, ITJP, <http://www.itjpsl.com/assets/press/The-case-against-Sisira-Mendis-final.pdf>

**32** A/HRC/34/54/Add.2 Paragraph 118a says: “Immediately shut down any unofficial detention facilities that may still be in existence.”

**33** OISL states this at Paragraphs 116 and 287.

**34** Indeed OISL points out the official website of the security forces, admitted Isaipriya was killed on 18 May by soldiers of the 53rd Division. The UN’s forensic examination of photographs of Isaipriya’s corpse and video footage of her surrendering indicated she had been shot in the head.

**35** OISL, Paragraph 544.

**36** OISL, Paragraph 840.

**37** A Shameful Strategy for Survival, Tamil Information News Bulletin of The Tamil Information Centre, Tamil Information Centre, August 1992, No.13, Page 2, at [http://www.ticonline.org/images/publicationpddfiles/Tamil-Information\\_-\\_Issue\\_No\\_76.pdf](http://www.ticonline.org/images/publicationpddfiles/Tamil-Information_-_Issue_No_76.pdf)

**38** Ibid, FN2, Page 1-2.

**39** British Refugee Council Publication, Sri Lanka Monitor, July 1997 reproduced at: INDICTMENT AGAINST SRI LANKA, Sri Lanka’s Genocidal War - ‘95 to ‘01, Arrests & torture of Tamils - continuing impunity, <http://tamilnation.co/indictment/genocide95/gen9551e.htm>

**40** Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1999/32, CIVIL AND POLITICAL RIGHTS INCLUDING QUESTIONS OF TORTURE AND DETENTION, COMMISSION ON HUMAN RIGHTS Fifty-sixth session, Item 11 (a) of the provisional agenda, E/CN.4/2000/9, 2 February 2000, Economic and Social Council, Paragraph No. 966, at <http://antitorture.org/wp-content/uploads/2012/07/C3-Interim-Report-“Misc.-3”-Mandate-and-Methods-Activities-Information-Reviewed..pdf>

**41** Humanity displaced, Internal displacement in Sri Lanka,

International Human Rights Association Bremen, [http://www.humanrights.de/doc\\_en/archiv/h/huract/displacement.htm?act=closearchivinfo](http://www.humanrights.de/doc_en/archiv/h/huract/displacement.htm?act=closearchivinfo)

**42** [2009] EWCA Civ 292; [2009] Imm. A.R. 674.

**43** The Queen on the Application of Sinnathuri v Secretary of State for the Home Department [2008] EWHC 2917 (Admin), Paragraph No. 21, at <http://www.refworld.org/pdfid/4933b6f42.pdf>

**44** “We Will Teach You a Lesson,” Sexual Violence against Tamils by Sri Lankan Security Forces, Human Rights Watch, Appendix: Cases of Rape and Sexual Violence by Sri Lankan Security Forces, 2006-2012 presented in reverse chronological order, Page 138, February 2013, at [https://www.hrw.org/sites/default/files/reports/srilanka0213webcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/srilanka0213webcover_0.pdf)

**45** B296 v Canada (The Minister of Citizenship and Immigration) 2015 FC 761, at <http://caselaw.canada.globe24h.com/0/0/federal/federal-court-of-canada/2015/06/2015fc761.shtml>

**46** OISL, Paragraph No. 563, Page115.

**47** United Nations, CCPR/C114/D/2280/2013, International Covenant on Civil and Political Rights, 7 August 2015, Human Rights Committee Communication No. 2280/2013, at <https://goo.gl/ZvUj2N>

**48** “We Will Teach You a Lesson,” HRW, Page 124-125.

**49** PTA detainees – Ignored under “Yahapalanaya?” Inhumane detention conditions, torture while in detention, façade of rehabilitation and re-arrest after released from almost 3 years of detention, at <http://groundviews.org/2015/09/05/pta-detainees-ignored-under-yahapalanaya/>

**50** Ex-LTTE ‘Doctor’ Reveals Horrifying Last Two Days in Mulliwaikkal By Sulochana Ramiah Mohan, ‘Ceylon Today,’ May 8, 2016, at <http://sangam.org/ex-ltte-doctor-reveals-horrifying-days-mulliwaikkal/>

**51** We Will Teach You a Lesson,” HRW, FN 15, Page 112-113.

**52** Ibid, FN 15, Page 111.

**53** OISL, Page 114.

**54** “We Will Teach You a Lesson,” HRW, FN15, Page 97

**55** SRI LANKA: THE URGENCY OF BEARING WITNESS, 27 July 2009, Freedom From Torture, at <https://www.freedomfromtorture.org/news-blogs/2589>

**56** CRIMES AGAINST HUMANITY IN SRILANKA’S NORTHERN PROVINCE, A Legal Analysis of Post-War Human Rights Violations, Sri Lanka Campaign for Peace and Justice, Paragraph 119, Page 39, March 4, 2014, at [http://cja.org/downloads/Crimes%20Against%20Humanity%20in%20Sri%20Lanka\\_s%20Northern%20Province.pdf](http://cja.org/downloads/Crimes%20Against%20Humanity%20in%20Sri%20Lanka_s%20Northern%20Province.pdf)

**57** Sri Lanka Submission to the United Nations Human Rights Committee, 112th Session, 7-31 October 2014, Violence Against Women (Arts.2.1, 3, 6, 7), Amnesty International, at <https://www.amnesty.ch/de/laender/asien-pazifik/sri-lanka/dok/2014/uno-ueberpruefung-bringt-leere-versprechen-ans-licht/bericht-sri-lanka-submission-to-the-united-nations-human-rights-committee.-oktober-2014.-42-seiten>

**58** “We Will Teach You a Lesson,” HRW, FN15, Page 86,

**59** Ibid, FN 15, Page 80

**60** Ibid, FN15, Page 79

**61** CRIMES AGAINST HUMANITY IN SRILANKA’S NORTHERN PROVINCE ,Sri Lanka Campaign, FN 37, Paragraph 112, Page 37

**62** We Will Teach You a Lesson,” FN 15, Page 64

**63** Freedom from Torture submission to the Committee against Torture for its examination on Sri Lanka in November 2011, Page 6, at [https://www.freedomfromtorture.org/sites/default/files/documents/freedom\\_from\\_torture\\_submission\\_to\\_cat\\_for\\_its\\_2011\\_examination\\_of\\_sri\\_lanka\\_-\\_redacted.pdf](https://www.freedomfromtorture.org/sites/default/files/documents/freedom_from_torture_submission_to_cat_for_its_2011_examination_of_sri_lanka_-_redacted.pdf)

**64** Case 10, BM, United Kingdom: Document containing cases of Sri Lankan deportees allegedly tortured on return, 15 September 2012, HRW at <https://www.hrw.org/news/2012/09/15/united-kingdom-document-containing-cases-sri-lankan-deportees-allegedly-tortured>.

**65** The Secretary of State for the Home Department v TP, UK GOV Tribunal Decision AA/10591/2013, at <https://tribunalsdecisions.service.gov.uk/utiac/aa-10591-2013>

**66** MR VA v The Secretary of State for the Home Department, UK GOV Tribunal Decision, AA/10351/2013 at <https://tribunalsdecisions.service.gov.uk/utiac/39068>

**67** TORTURE CASTS A SHADOW OVER SIRISENA’S FIRST YEAR AS PRESIDENT OF SRI LANKA, Freedom from Torture, January 5, 2016, at <https://www.freedomfromtorture.org/news-blogs/8786>

**68** OISL, FN61, Paragraph 595, Page 122.

**69** OISL, FN61, Paragraph 597, Page 120.

**70** CEDAW/C/LKA/CO/7, paras. 40 and 41,

**71** CAT/C/LKA/CO/3-4, 8 December 2011.

**72** S/2015/203.

**73** OISL references CCPR/C/LKA/Q/5/ Add.1, 2 September 2014.

**74** A/HRC/30/CRP.2, 16 September 2016.

**75** CAT/C/LKA/CO/5, 30 November 2016.

**76** Ibid.

**77** A/HRC/34/54/Add.2, 22 December 2016.

**78** Ibid.



“I still wake up screaming. Sometimes I feel so angry I hit the wall with my fists. I also feel very alone and sad. I don’t want to eat. I don’t want to come out of my room.”

**MALE SURVIVOR TORTURED IN 2013 IN JOSEPH CAMP**

