

INTERNATIONAL
TRUTH
AND JUSTICE
PROJECT

**Unpublished Ceylon Today Interview with ITJP's Yasmin Sooka
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Q: ITJP have played a major part in investigating the torture and rape of ethnic Tamil men and women. Sri Lanka has this notion that many who seek asylum do come out with such claims in order to get asylum in the Europe. How will you authenticate these claims to be genuine and also that it occurred from 2015-17?

At least 12 of the 71 men and women tortured between 2015-17 whom the ITJP has interviewed, tried to kill themselves once they escaped Sri Lanka arriving in the UK - that's hardly the action of an economic migrant who just wanted a better life. One woman tried twice to kill herself despite having a husband and child and a long term student visa. These are desperate people being rushed to hospital in ambulances to have their stomachs pumped - not crafty cheats who want to exploit the refugee system.

The ITJP's team of investigators are a diverse group, with enormous experience documenting and investigating torture and sexual violence for criminal accountability - having worked for the ICTY, ICTR, the ICC, the Preventing Sexual Violence Initiative in the UK, Truth Commissions and Courts in South Africa and Sierra Leone, as well SLMM, OHCHR, OISL and IIGEP. ITJP investigators spend many days with a witness recording testimony regarding crimes about which they have never spoken in detail because of fear and stigma. The ITJP has a database of 290 statements on Sri Lanka, against which to cross check and triangulate data. 51 of the 71 case files documenting violations under the period of the Sirisena Government are supported by expert medico legal reports done by forensic experts who are required to give independent opinions to the UK asylum tribunals. The remaining twenty cases don't have these reports yet, because they only just arrived in

the UK and are on a waiting list to be examined. These cases have been authenticated by legal and medical experts as well as the Associated Press journalist who interviewed the ITJP victims. Since the Associated Press report was published, several doctors have written to U.N. Human Rights chief Zeid Ra'ad al-Hussein and called for an independent investigation." As forensic experts, we have collectively seen many hundreds of Sri Lankans who have fled their country following torture over the years," the physicians' letter said. "We continue to receive a worrying number of cases from Sri Lanka despite the change of government."

What we witness is the ongoing denial of these crimes not only by the Sri Lankan government but also some Sri Lankans, who refuse to admit that these crimes continue to be perpetrated on this scale. It is easier to blame it on the war, or on the Rajapaksa regime, but much harder to admit it is still endemic and is structural. Unless there is an acknowledgement that this is a structural problem that has become entrenched in the security forces, it will continue.

Q: Were their cases taken in record (news on print or tv or Tamil stream media) that between last year and July this year that some have been taken for question to begin with? Any families members lodged complaints in Sri Lanka?

I think you are asking whether the incidents were reported in the media in Sri Lanka. Yes in a few cases that happened - in the Tamil press. A proportion of the families also filed complaints of enforced disappearance with the Human Rights Commission in Sri Lanka and the police, and some go to their local political representatives too for help. But the majority - whether it's under the Rajapaksa government or this one - do not even go home to say goodbye to wives, mothers, children but hide and flee immediately. They don't hang around to talk to NGOs or journalists - they are bruised and burnt and bleeding, crushed and traumatised. The criminal justice system in Sri Lanka is the subject of critique by the international community including Special Procedures Mandate holders. In this context, it is hardly likely that either the victims or their families will lodge their complaints with the police in Sri Lanka. What expectation do they have of justice?

Q: Can you quote one particular incident where someone was taken by the armed forces, where and when it took place between last year and this year July?

Within the last 6 months a young Tamil man was abducted off the street in the north of Sri Lanka by men in plain clothes who checked his name and asked if still worked for a Tamil politician and attended disappearance protests. He was pushed inside the van, his hands tied behind his back, and blindfolded, lying face down on the floor with the feet of his captors on top of him, periodically kicking him while they talked in Sinhala. He felt the van slow down to go over two speed bumps and drive on for a few minutes. Taken out of the vehicle he was led over a smooth surface and then down 10 to 12 steps on to a flat surface and then into a room where he was pushed on the floor. Untied, he was told to strip to his underpants. The tiny cell was pitch dark

and stank of urine. As is usual, on the first night they softened him up: someone banged on the cell door every half an hour to prevent sleep.

"About 3 or 4 times during the night someone walked in and urinated on me. That night someone also threw a few times buckets water on the floor to prevent me from sleeping. I was very scared and felt powerless," he recalled.

The officer who took him to the toilet in the morning was wearing a military uniform and carrying what he thought looked like an AK47. He heard helicopters taking off and landing and people speaking loudly in Sinhala. Interrogation occurred in another larger room, with blood stains on the wall and a large framed picture of President Sirisena wearing a long sleeved white shirt. After being photographed and fingerprinted, the victim was moved to another room with even more blood spatters but no furniture.

"In the corner of the room I saw wooden batons, nylon ropes, plastic wires, plastic pipes, three short cricket wickets and barbed wire. There were also empty Coca-Cola bottles on the floor. There was one plastic barrel full of water in one of the corners. There were chains hanging down from the ceiling. I cannot remember how many but there were more than two. There were also handcuffs and shackles lying on the floor as well as 2-3 pairs of pliers. I was terrified when I saw all that torture equipment," said the victim.

Beaten with thick plastic wires and a baton, the torturers kept saying: "You are a Tamil dog" and "The Tamils are the slaves of the Sinhalese". He was beaten on the soles of the feet and his head repeatedly submerged in a barrel of water.

"My whole body was in pain. I touched my back and felt that there was blood coming out of my wounds. My head felt very heavy and tight. The pain was excruciating. I was struggling to breath and felt like I was suffocating".

Two days later he was removed from the cell by a guard to the torture room and two men, who were drunk, burned him on the arms with their cigarettes while calling him a "Tamil dog". A plastic bag soaked in petrol was put over his head and he lost consciousness. A few hours after being returned to his cell a guard came and orally and anally raped him. This happened on five more occasions.

"After being raped for the 6th time, I decided that if I were taken for interrogation again I would admit and sign anything because my captors would then either release me or kill me, and at least the sexual abuses would stop".

This is an accurate account and typical of what we see.

Q Secretary to the Ministry of Foreign Affairs, Prasad Kariyawasam responded to the allegations on seeing the AP article titled 'Dozens of Men Describe Rape, Torture by Sri Lanka Government' published in The New York Times (NYT) on 8November. Kariyawasam noted that "the

government condemns any act of torture and will ensure that allegations of torture committed in the country will be investigated and prosecuted to the full extent of the law." SL government is urging the relevant parties to assist the government to conduct investigations into those claims. How can that be implemented in your opinion?

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I find it difficult to believe that anyone really believes the government any more when it says that it condemns torture. I would like to see these words matched by real action. Has anyone been charged and prosecuted for the crime of torture or sexual violence in Sri Lanka since this government came to power?

If President Sirisena and Prime Minister Wickremesinghe were genuine about investigating torture they would not have brought out of retirement the former DIG of the "fourth floor", Sisira Mendis. They would not have had the gall to send him as part of the government delegation to Geneva for the meeting of the Committee Against Torture. They would not have renewed his contract after all the controversy around his visit. This man is named in the OISL report, which should merit an indictment.

If the government was genuinely committed to accountability, Jagath Jayasuriya should be indicted for the crimes perpetrated during the final phase of the conflict as well as for torture and sexual violence during his tenure at Joseph camp. The recent allegations made by Field Marshal Fonseka, as well as the evidence in the OISL report, warrant this.

Or let's go back to the Haiti peacekeepers. The UN investigation, in which Sri Lanka participated, only investigated the 6th battalion but why not the 1st to 5th as well - the sordid story of the sexual exploitation and abuse of children in Haiti began in 2004 and continued right through to 2007. Have any of the other contingent commanders ever been investigated? And who would investigate them - Jegath Dias or now Shavendra Silva - the Adjutant Generals against whom there are credible allegations of war crimes. These incidents do not constitute cases of a few rotten apples - but are the result of the endemic impunity for system crimes in Sri Lanka, as the UN High Commissioner for Human Rights himself has said. You don't resolve this kind of rot with capacity building programmes and a bit of downsizing. The Sri Lankan military claimed it fired the 6th contingent commander after convicting him of what was essentially child rape in Haiti¹. Clearly firing someone for such a serious crime is wholly inadequate - a jail sentence is required.

But is this actually true, was he fired at all? A great deal of material has been removed off line to hide the trail but as far as we can see this man may have been promoted to a very senior level in

¹ Army Accused Of Turning Blind Eye On Haiti Rape, Easwaran Rutnam, 23 April 2017, The Sunday Leader, <http://www.thesundayleader.lk/2017/04/23/army-accused-of-turning-blind-eye-on-haiti-rape/> and <http://www.bbc.com/sinhala/sri-lanka-39601074> and <http://www.bbc.com/sinhala/sri-lanka-41870227> which says: "A high level delegation had been sent by the Army to Haiti and an investigation was conducted and those found guilty were dealt with," Seneviratne said. He said that the contingent commander was sent on compulsory retirement following the investigations and eight others were dismissed."

2011. And his two Lieutenant Colonels from that trip are also still in the army and now very senior.

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I think this shows beyond all doubt victims can't trust the Sri Lankan establishment to investigate itself. The ITJP intends to call upon Jane Connors, the recently appointed Victims' Rights Advocate to take up the cases of the Haitian child victims. It is utterly shocking that neither the government of Sri Lanka nor the United Nations has taken steps to hold these alleged sexual predators and paedophiles to account.

Q: SL denies all these charges no matter the attempt taken by anyone. Will the denial impact on the government?

Well, you can only pull the wool over the international community's eyes so long.

Q : What can be expected at the next Geneva session in March when Sri Lanka is at a cross road enjoying the benefits from the EU and tightening its relationship with the US and its allies. US too had warned it would withdraw from the UNHR Council?

Sri Lanka is already facing a series of questions from member states at the UPR all about measures and action taken to promote accountability. I want the victims to know, that however long it takes, eventually Sri Lanka will be held accountable whether it's in Geneva or New York or in court cases brought under universal jurisdiction. These are international crimes and we outside have an obligation to see justice done. Too often their voices are not heard.

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The International Truth and Justice Project, a legal documentation group administered by the Foundation for Human Rights, has gathered testimony from more than 70 Sri Lankan Tamils across Europe tortured between 2015-17, 52 of whom were part of the AP's investigation. The ITJP has been lobbying the United Nations, governments and international organizations to stop the ongoing torture and obtain justice for victims.

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