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Query Response [a-12075-3]

17 February 2023



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Non-English language information is summarised in English. Original language quotations are provided for reference.

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1 GBV against Tamil women by state authorities in every-day life

A December 2021 report by the Australian Department of Foreign Affairs and Trade (DFAT) lists several situations in which Tamil women are at risk of GBV, and particularly sexual assault, by state authorities, such as the soliciting of sexual favours by the police when reporting GBV complaints or requesting information on missing family members. The risk is said to be especially high for women connected to the LTTE [Liberation Tigers of Tamil Eelam], either through their own past membership or that of family members:

“Local sources report that female former LTTE [Liberation Tigers of Tamil Eelam] members face additional hardships, including the risk of sexual harassment and difficulties finding marriage partners owing to their LTTE past. Women who were forcibly recruited by the LTTE are more likely to be accepted back into their communities than those who joined voluntarily.” (DFAT, 23 December 2021, p.28)

“Local sources told DFAT that police and judicial responses to gender-based violence were inadequate and, where instances of domestic violence were reported, women were often told to return to their partners and resolve the matter within the family unit.” (DFAT, 23 December 2021, p.33)

“In 2017, the UN Special Rapporteur on minority issues reported a decrease in the incidence of sexual assault by the military as it drew down in the north and east, but some Tamil women continue to fear sexual assault in locations where the military presence remains. [...]

For Tamil-speaking women in the north and east, language is an added barrier to state protection against domestic violence. Most police officers in the north and east are not proficient in Tamil. According to local sources, there are few Tamil-speaking female police officers trained to respond to gender-based violence, and women’s and children’s desks at police stations in the north are often attended by Sinhala speaking male officers. One source told DFAT that police sometimes solicit sexual favours from women who report complaints. Few cases of gender-based crimes involving a member of the security forces have resulted in convictions.” (DFAT, 23 December 2021, p.33)

“One source told DFAT that all widows face social stigma but that widows of Sri Lankan Army servicemen were much better looked after financially than widows of LTTE cadres. Female-headed households are vulnerable to poverty, gender-based violence and sexual exploitation, and face obstacles to accessing services and employment opportunities. [...]

The social stigma of widowhood also reportedly impedes access to government and nongovernment services. The UN Special Rapporteur on minority issues assessed that war widows, female family members of the disappeared and female activists who advocate on behalf of other women faced particular risks. Some women reported requests for money or sexual services from officials in exchange for information on missing family members or, in the case of Sinhalese war widows, government benefits for their deceased husbands’ military service. The UN Special Rapporteur cited allegations that members of the Police

Criminal Investigation Department intimidated and harassed these groups of women, particularly those connected to former LTTE members.” (DFAT, 23 December 2021, p. 35)

According to an Associate Professor interviewed in April 2022 by the Immigration and Refugee Board of Canada (IRB), Tamil women continue to experience sexual harassment by security forces on a daily basis, with the situation being particularly precarious for single women:

“The Associate Professor [Santa Clara University, US. 1 April 2022. Correspondence with the Research Directorate] stated that ‘[o]n a day-to-day level, Tamil women specifically experience discrimination, sexual harassment, and unwanted attention and surveillance from Sri Lankan authorities, including from the police, army, navy, and special task force’ (Associate Professor 1 Apr. 2022). MRG [Minority Rights Group International] notes that the conflict between the Sri Lankan military and the LTTE [Liberation Tigers of Tamil Eelam] and its ‘aftermath’ put Tamil women at risk of ‘economic insecurity and sexual violence,’ and ‘many’ were impacted by the ‘unsolved disappearances’ of men in their families (MRG Dec. 2020, 28). The Associate Professor indicated that, because they are seen as ‘unattached,’ single Tamil women ‘often’ experience ‘sexual harassment,’ due to the ‘history of gendered violence’ against Tamil women (Associate Professor 1 Apr. 2022).” (IRB, 2 May 2022)

An August 2022 report by People for Equality and Relief in Lanka (PEARL), a US-based non-profit organization advocating on behalf of the Tamil people in the North-East of Sri Lanka, describes continuous impunity for acts of sexual violence committed during the war. According to PEARL, Tamil women in the North-East of the country continue to face sexual violence as a result of the strong military presence in the area:

“The 26-year-long war, which ended on May 18, 2009, was marked by war crimes and crimes against humanity, but only the Sri Lankan government perpetrated violations with the specific intent to destroy an ethnic group, or genocide. The government was also the only party to the conflict that used sexual violence as a weapon of war. Sri Lankan security forces raped Tamil women and girls while conducting military and police ‘operations’ and systematically tortured both Tamil male and female detainees, particularly those with actual or suspected ties to the LTTE [Liberation Tigers of Tamil Eelam], with rape and other forms of sexual violence.

Female rape victim-survivors and the families of murdered rape victims rarely, if ever, saw justice in Sri Lanka’s highly politicized courts, which took their cue from successive presidents who almost exclusively protected the security forces rather than Tamil victims and victim-survivors” (PEARL, August 2022, p. 4)

“Approximately 284,000 Tamils became internally displaced, held in detention-like camps, including Menik Farm, for years; Tamils suspected of being part of the LTTE were outright detained. In the internally displaced persons camps, women and girls were sexually humiliated and raped; in the detention centers, both men and women were sexually tortured, including with rapes. The security forces’ sexual torture of detainees, which occurred throughout the war, continues to date.” (PEARL, August 2022, p. 5)

“Militarization has plagued the North-East since 2009, as the government took control of former LTTE territory in the final months of the war. Although the situation improved somewhat under President Sirisena, who came between Mahinda and Gotabaya’s presidencies, it re-escalated after Gotabaya came to power. The high presence of security forces and military checkpoints made Tamil women and girls more vulnerable to sexual violence. Even in the relative lull during the Sirisena era, militarization and impunity for CRSV [Conflict Related Sexual Violence] went mostly unaddressed. All this recalls Krishanthi, Ida, Vijikala, and Sivamany, whose rapes resulted from the presence of security forces and their easy access to vulnerable young women.

Mullaitivu district, where the final phase of the armed conflict was fought, has experienced staggering rates of postwar military occupation: at its peak, there was one SLA [Sri Lankan Army] soldier for every two civilians.

Because of the soldiers near their homes and the impunity they act with, Tamil women and girls are at high risk for sexual violence, exploitation, and harassment. One woman from Vishvamadu captured the prevalence of military harassment: ‘Ask any woman in the north and she’ll tell you she got a call from a soldier on some pretext.’ Tamil women and girls’ post-war fear of sexual harassment, even violence, starkly contrasts with the feelings of safety they had while walking or cycling alone at night under the LTTE.

The 89,000 war widows in the North-East, of whom half became single parents and heads of households following the killing, enforced disappearance, or arrest of their husbands, are particularly vulnerable to stigmatization and subsequent sexual exploitation by the security forces.” (PEARL, August 2022, p. 44-45)

Additional information about sexual violence conducted by state forces against women during and after the conflict in Sri Lanka (up until 2013) can be found in the following 2022 report by Shyamika Jayasundara-Smits, Assistant Professor in Conflict and Peace Studies at the International Institute of Social Studies, Erasmus University, Rotterdam:

- Jayasundara-Smits, Shyamika: Politico-Religious Extremism and Violence against Women in Sri Lanka, 2022

<https://beyondbordershub.org/wp-content/uploads/2022/11/EGV%20Sri%20Lanka%20JayasundaraSmits.pdf>

2 GBV in detention, including against Tamil men

PEARL publishes the following public announcement about rape as a tool of political repression and reprisal and sexual torture of Tamils in detention in June 2019:

“On the International Day for the Elimination of Sexual Violence in Conflict, PEARL condemns Sri Lanka’s ongoing conflict-related sexual violence against Tamil women and men and demands justice and accountability for its egregious crimes. In addition, during the final phase of the armed conflict, hundreds of Tamil women and girls were raped, gang-raped, subject to forced nudity, and otherwise sexually abused and extra judicially executed. Rape, in particular, remains a tool of political repression and reprisal by the Sri Lankan state.

Ten years after the end of the armed conflict, sexual violence continues to affect Tamil victim-survivors and political prisoners detained under the Prevention of Terrorism Act (PTA). As of 2018, Tamil men are as likely as Tamil women to be sexually tortured in detention.” (PEARL, 19 June 2019, p.1)

The Tamil Guardian states in an article from 2020 that Tamils continue to be tortured, including through sexual violence, by state security forces:

“Torture remains endemic on the island, with state security forces accused of systematically torturing Tamil men and women including through sexual violence.” (Tamil Guardian, 20 January 2020)

Freedom House confirms that custodial rape of Tamils continued in Sri Lanka in 2021:

“Police and security forces have engaged in extrajudicial executions, forced disappearances, custodial rape, and torture, all of which disproportionately affect Tamils.” (Freedom House, 24 February 2022, F3)

According to the Tamil Guardian, the Prevention of Terrorism Act (PTA) is linked to cases of sexual violence in 2022:

“Despite domestic and international calls for the PTA [Prevention of Terrorism Act] to be repealed, the Rajapaksa regime have continued to use it to arrest Tamils and Muslims. The draconian legislation which has been linked to cases of enforced disappearances, sexual violence and torture.” (Tamil Guardian, 26 April 2022)

A 2019 report by the British charity Freedom from Torture describes the experiences of 16 members of the Tamil community who were detained and tortured between 2015 and 2017, 13 of whom disclosed sexual torture:

“Freedom from Torture finds that torture has continued in a context of ongoing security operations in post-conflict Sri Lanka, despite the new government’s promise of a ‘zero tolerance’ policy on torture.

This briefing examines 16 medico-legal reports prepared by Freedom from Torture for Sri Lankan nationals who were detained and tortured between 2015 and 2017.

All of the people detained and tortured in our case set were Tamil. Most of those targeted and detained were accused by state authorities of ongoing involvement with the Liberation Tigers of Tamil Eelam (LTTE) - as part of a so-called 'revival' or failing to surrender after the war, even though none disclosed any current affiliation. Those alleged to have been involved in anti-government activity were also targeted. None were formally charged, under the Prevention of Terrorism Act or any other legislation.

The majority of people were arrested and detained in districts of the Northern Province, though four were arrested in Colombo. In all cases, state officials used torture to extract information or confessions about alleged LTTE or anti-government activities. All experienced physical and psychological torture including beating with various instruments, burning, positional torture and asphyxiation, as well as threats and humiliation. Over half were raped and most disclosed sexual torture." (Freedom from Torture, February 2019, p. 1)

"Thirteen people (nine men, all four women) disclosed sexual torture, of whom nine were raped (six men, three women). [...]

The majority disclosed sexual torture, most of whom experienced some form of rape (anal, vaginal, oral and/or penetration with instruments including bottles and plastic objects). Three reported multiple rapes and five people were gang raped.

Twelve people were held naked or partially naked during detention, nine of whom were also raped. Others were sexually assaulted and forced to perform sexual acts. Seven men experienced genital trauma, including kicking, punching, beating, squeezing, and/or twisting of the genitals, or use of a ligature tied around the penis. Chilli powder was also used around the genitals to induce a burning sensation in one case. One person was subjected to sexual torture in front of witnesses and the assault was filmed." (Freedom from Torture, February 2019, p. 12)

A 2018 report by the International Truth and Justice Project (ITJP), an international NGO, which pursues justice and accountability for victims in Sri Lanka, presents the findings of a content analysis of 121 testimonies by Tamil male survivors of sexual violence inflicted upon them during the post conflict period (from 2009 until 2017):

"This report is based on a content analysis of 121 testimonies of Sri Lankan male victims, all Tamils. [...]

The violations cited in the testimonies took place in the post-conflict period, ranging from 2009 until 2017, under the different post-conflict governments of Sri Lanka." (ITJP, September 2018, p. 16)

"1. VICTIMS

All of the victims in the testimonies are Tamil men who were abducted or arrested after the conflict ended in 2009. Their ages vary, with the youngest victim 14 at the time of the violations, and the oldest in his late forties. The period of confinement ranges from a

couple of days to several years. Some of the men were LTTE [Liberation Tigers of Tamil Eelam] cadres during the war. Others were not cadres, but were forcibly recruited to the LTTE and performed tasks such as for example getting the injured to the hospital. There seems to be a tendency in recent years however, to arrest or abduct men who have only tenuous links with the LTTE (such as for instance the fact that their uncle or brother was a member) or none at all. Some men were detained because they had been seen at a protest for the disappeared, or because they had campaigned for a political party or worked for an NGO. In all but one case, victims' families paid bribes to end the torture. A large number of victims were forced to sign 'confessions' in Sinhala, a language most of them do not speak.

2. PERPETRATORS

The perpetrators belong to the various branches of the security services in the country: The testimonies mention the Terrorist Investigation Division (TID), the Criminal Investigation Department (CID) (both divisions of the Sri Lanka police), and different branches of the military. The victims are not always able to identify to which force the perpetrators belong, as they are sometimes dressed in civilian attire. Apart from the interrogators, the detainees are also abused by those who come to bring them food or the people who guard their cells. The perpetrators are often drunk and smell of cigarettes and alcohol. [...] Two male victims described sexual torture by female perpetrators. In a number of other cases, victims describe that female officers are present during the sexual torture, they laugh at the victims and enjoy watching the torture." (ITJP, September 2018, p. 20)

"The sexual violence that is described in the testimonies can be subsumed under five broader categories: 1. Forced nudity 2. Genital mutilation (the various ways of mutilating the testicles and/or penis of the victim) 3. Rape and 4. Forced masturbation 5. Coerced sexual acts and 6. Enforced prostitution." (ITJP, September 2018, p. 34)

"Genital mutilation was the most commonly reported form of sexual torture and occurred in more than half of the cases (78 of the 121 or 64 percent), with several individuals being subjected to several types of genital mutilation and some at multiple points in time.

In this report the overarching term genital mutilation groups several types of sexual violence. This includes squeezing the testicles (forty two cases), putting the testicles in drawers and slamming them shut (nine cases), kicking the genitals with heavy boots (17 cases), burning the genitals (e.g. with cigarettes or a lighter, three cases), putting chili on the genitals (one case), electric shock to the genitals (one case) and putting a nylon rope or wire around the testicles and pulling it (four cases) and forced circumcision (one case)." (ITJP, September 2018, p. 36)

"Rape is a very common form of sexual torture in the testimonies, with both oral, anal and rape with objects occurring frequently. Oral rape occurred in 55 cases while anal rape was described by 42 witnesses (35 percent), and anal rape with objects by 21 (17,5 percent). Seven men described unsuccessful rape attempts. In most cases, this type of sexual violence is accompanied by unwanted touching or forcing the victim to touch the perpetrator." (ITJP, September 2018, p. 39)

The same source published a report about torture and sexual violence by security forces in Sri Lanka against members of the Tamil community between 2020 and 2021, describing the profiles of the victims, possible triggers for detention, the responsible units and the type of sexual violence committed:

“Victim Profile

All but one of the Tamil victims in this report is male, which may reflect the profile of those active in politics in Sri Lanka, as well as the willingness of families to send their children on long dangerous trips across the globe with smugglers. The youngest victim interviewed by the ITJP was 19 years old and the eldest 46 years old. Almost half of the victims were under 25, which means they were pre-teen children when the civil war ended in 2009 and could not have been members of an armed group. They give descriptions of growing up post-conflict against a backdrop of militarisation and surveillance. Only three of the victims interviewed were ex-LTTE [Liberation Tigers of Tamil Eelam] members.” (ITJP, September 2021, p. 24)

“Possible Trigger for Detention

As none of these victims was formally charged and officially informed of the reasons for their detention, the triggers are deduced from the history of events leading up to the abduction.

PROTESTS

All but five victims had been involved in peaceful protests in the north east of the island, standing up for their democratic rights. [...]

ELECTIONS

Five of the victims interviewed were also involved in electioneering against Gotabaya Rajapaksa during the 2019 Presidential elections. [...]

REMITTANCES

In four cases, the trigger for detention appears to have been receiving money from abroad as a conduit on behalf of someone else inside Sri Lanka who was under surveillance.” (ITJP, September 2021, p. 28-29)

“UNITS RESPONSIBLE [...]

Four victims describe being tortured by the Terrorism Investigation Division or TID in 2020 and 2021. [...]

Five male victims knew they were detained by the army.” (ITJP, September 2021, p. 41)

“SEXUAL VIOLENCE

Overall, all but 3 of the victims were subjected to sexual violence in detention. Of these three who were not sexually violated in 2020-21, two had previously been anally raped by the security forces during past detentions. Witness W339 was filmed while being sexually violated which, apart from anything else, indicates the extreme level of impunity. One recent victim from 2021 didn't want to give details of the sexual violence he had experienced but confirmed it had occurred.

Sexual violence continued to be perpetrated against detainees held in army camps, typically at night in the cell and in groups of two men. W342 was held semi-naked and had his groin kicked and his testicles squeezed by officers in uniform, causing him extreme pain. On another occasion, after signing a confession, two men came into his cell at night and asked him to strip naked and kneel in front of them; they then orally raped him one by one. Another witness W359 was also orally raped by two men while in detention, in a place where he was held by a mixture of plain clothes and uniformed army officers.

W341 was orally and anally raped by two men in army camouflage trousers and green T shirts and gave a detailed account of his ordeal, an excerpt of which is reproduced below. [...]

Two men recently detained by the counter terrorism police, the TID, were anally raped with a metal rod. [...]

Witness W347, who was held by the TID, describes having his private parts painfully squeezed and then being orally raped by a group of four men while forced to kneel in front of them.

After this ordeal was over, they also anally raped him with a metal rod and called him a Tiger. Not long after the first instance of sexual abuse, the exact same thing happened to him, again with the same four perpetrators – oral rape and then anal rape with a metal rod.

Another victim, who believes he was detained by the Criminal Investigation Department (CID), describes having his testicles and penis squeezed in detention" (ITJP, September 2021, p.48)

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