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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Sri Lanka's Rehabilitation of the Liberation Tigers of Tamil Eelam

Introduction

Figures vary, but approximately 12,000 former Liberation Tigers of Tamil Eelam (LTTE) members have been 'rehabilitated' since the end of the war and 'reintegrated' back into society. Relative to such numbers little is known of the 'Rehabilitation Programme' beyond the Government of Sri Lanka's (GoSL) own pronouncements. In this report we explore the who, what, when, where and why of the rehabilitation programme: we present fresh testimony from seven different sources, five of who were 'rehabilitated' and a further two who had privileged access to the camps.

The Who, What, When, Where and Why of Rehabilitation:

May 18th 2009 witnessed the comprehensive defeat of the LTTE. The military victory was vaunted as a successful humanitarian operation that had rescued the Tamil people held hostage by the Tigers.

Who?

'Rehabilitation' is for the 'diehard ruthless terrorists' of the LTTE only. It is a programme set out and administered by the victors for the defeated. The Bureau of the Commissioner General of Rehabilitation (BCGR) claims,

> "*a statement and letter of consent were obtained from the surrendered ex-combatants to follow the rehabilitation programme"*.

But the vast majority of those put through the programme were neither 'diehard' nor had they volunteered themselves to be rehabilitated. Of TAG's five witnesses who went to rehabilitation only one could be described as hardcore LTTE. Even the GoSL's own classification system notes that 8,000 were either forcibly employed by the LTTE or had not taken any part in LTTE operations but only performed support functions. Those whom the GoSL considers fit for and in need of rehabilitation, from the outset already a broad group, continues to expand, to include students celebrating Maaveerar Naal (Heroes' Day) in November 2012, and potentially outspoken Northern Provincial Council Members.

What?

The legal framework of Rehabilitation in Sri Lanka has been thoroughly criticised in an International Commission of Jurists (ICJ) report that describes the programme as a "*legal black hole*".

The treatment of those forcibly detained in the 'PARC's – Protective Accommodation & Rehabilitation Centres – also amounts to systematic violations of human rights. TAG's seven witnesses detail torture at the hands of Sri Lankan military and civilian personnel, from the moment of surrender.

> ""*I was tortured with whatever the officers had at their disposal, wires, batons, their bare hands and feet. Sometimes I was forced to drink, smoke and take drugs…. I was made to swallow cigarette butts, and burnt by cigarettes. On one occasion my head was submerged under a bowl of water."*

The torture came in many forms, beyond pure physical torment. It was in the anticipation of more, in the corrosion of trust through fear.

> *"My detention in various rehabilitation centers completely destroyed my opportunities to cope with the society as a normal person."*

According to Sri Lankan Defence Minister, Gotabaya Rajapaksa,

> "*NGOs, diplomats, media personnel, lawyers and family members of the beneficiaries were given free and unfettered access to the rehabilitation centres"*.

TAG's witnesses tell of limited access by INGOs where there was any access at all, and describe how they were prepped and intimidated by the Sri Lankan PARC officials prior to ICRC visits.

> *"Before the ICRC came the commander of the camp had threatened us not to tell the ICRC of any of the torture that had happened"*

The BCGR website is replete with good news stories from the camps, of former LTTE ready to return, trained and counseled to their communities. TAG's witnesses dispute this official account.

> *"Rehabilitation comprised both physical and mental torture. There were some rehabilitation courses available, for example in IT and other vocational training plus some counselling and sport, but these courses were put on only for the benefit of visiting media, and were not available when there was no media presence…."*

When?

Rehabilitation began with the identification and segregation of all LTTE members from the end of the civil war. According to the establishment page of the Bureau's website, of the initially 22 camps, three are still in operation today. The framework within which the GoSL appears to be acting allows it (unlawfully) to detain a person for as long as two years. TAG's five witnesses spent between 15 and 23 months in the camps.

Where?

The BCGR website sets out its 'establishment', that is, the number and the location of the camps, or PARCs. The three centres at Poonthottam (Coordinating Office Vavuniya) and Kankady and Senapura (Coordinating Office East) are still operating. According to TAG's witnesses the conditions in the camps were poor,

> *"Food was insufficient; we ate only twice a day, and there was also a shortage of water. Since there were only 5 or possibly 6 toilets for all of us, there was always a line to use them... Sanitation was poor."*

Security was tight.

> "*Two sets of barbed wire fence circled the camp. There were sentry posts along the fence to ensure there was no chance of escape"*

The camps are thus cut off from the outside community, the 'threat' – as defined by the Sri Lankan state - isolated from wider society, and separated, by a fence, from the Tamil majority lands.

Why?

Brigadier D, Hettiarrachchi, the Rehabilitation Commissioner from the 2nd February 2012 to the 28th June 2013, in a lecture at the 2012 Sri Lankan Defence Seminar, asserted,

> "*Sustainable, social and economic reintegration of ex-combatants was the ultimate objective of the Sri Lankan government on completion of the humanitarian operations in May 2009*"

He described former LTTE as "*potential spoilers of peace*", and spoke of the need to break militant behaviour. But the testimonies of those who have undergone rehabilitation undermine the official 'mission' and 'vision' of Rehabilitation and support the notion that the programme acts as an intelligence collection platform,

> "*The whole centre was designed in a way to derive information from the detainees through immense psychological pressure"*

But collecting intelligence on the 'LTTE insurgent threat' is just one function of rehabilitation, and it is necessary to be clear about what it is the GoSL understands to be the threat – upon what it is collecting intelligence. As we have seen, those who underwent rehabilitation were not the hard-core cadres, one day's forced service was sufficient to qualify someone as in need of rehabilitation, not even that in the case of the Jaffna students.

Furthermore, the torture in the camps was not solely a method to extract information, it was a punishment calculated to demonstrate to its victims their powerlessness and to terrorise them into submission.

> "*Regardless of my admission they continued to beat me".*
> *"I think the violence stemmed from a hatred of the LTTE and a desire to show who had power."*

Rehabilitation in Sri Lanka is a regime imposed forcibly upon the defeated only. Far from being aimed at hard-core LTTE elements, it targets those with sometimes the barest of LTTE affiliations. For up to 2 years per person, over the past 4 years and 8 months, rehabilitation has isolated former LTTE members (in the broadest sense) from their wider communities, from Tamil majority lands. In its framework in theory and in its execution it amounts to a systemic abuse of human rights.

The Bigger Picture

Post Rehabilitation: The torture and abuse does not cease upon release from the PARCs. Media reports abound of the intimidation of the rehabilitated and their families. The threat of re-arrest is pervasive. TAG's witnesses all spoke of the strict conditions imposed upon release, the curbs on their basic freedoms and the limits to opportunities. Of the five who 'completed' rehabilitation, two were subsequently abducted by State agents, interrogated and tortured.

Wider GoSL Policies: State policies and actions, directed at the wider Tamil community, compliment and held shed light upon the State's conduct with regards Rehabilitation. These include, the repression of a free press, and Land Grabs,

> "*Systematic state-funded colonisation of the Sinhalese of the South is changing the demography of the Tamil areas so that in course of time the Tamil community will become a minority in their homeland,*"

Historical Backdrop: The abuses committed in Rehabilitation since the war are a continuation of past crimes and policies. With regards to abuses committed in the PARCs state officials are protected from the courts by regulations in the Emergency Regulations 2005 and within the Prevention of Terrorism Act.

The Nature of the Sri Lankan State: In the UK Country Guidance Asylum Case, "GJ', the Tribunal recognised,

> "*President Rajapaksa has stated that these areas should not now be described as "Tamil areas": the government's intention appears to be to dilute the Tamil population of those areas by Sinhalisation"*

Cognisant of the nature of the Sri Lankan state, and having assembled together the jigsaw of past and present state policies towards the Tamil people, Rehabilitation is revealed as part and parcel of a systematic plan that targets the Tamil people on the basis of their ethnicity. The abuses in the Rehabilitation camps are not accidental.