

UN agency says government torture and abductions continue in Sri Lanka

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19 December 2016

The Committee Against Torture (CAT), a UN panel that monitors the international implementation of the UN Convention against Torture, has revealed that torture and abductions are ongoing under the Sri Lankan government. The allegations are contained in a report released by CAT early this month.

Contrary to the insistence of President Sirisena and Prime Minister Wickremesinghe that their administration represents “good governance,” CAT makes clear that seven years after the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE) in 2009, Colombo’s police-state apparatus is still being used against the working class and oppressed masses.

The report highlights the comments of UN Special Rapporteur Juan E. Mendez who declared in May 2016 that torture in Sri Lanka is “a common practice [and] carried out in relation to regular criminal investigations in a large majority of cases by the Criminal Investigation Department [CID] of the police,” irrespective of the nature of suspected offences.

CAT noted that Sri Lankan police have wide-ranging powers to arrest suspects without court warrants, to hold them without even registering the dates and times of detention, and to conduct investigations “as a means to obtain information under duress.”

The report said that these anti-democratic methods were covered up by the judiciary and that “neither the Attorney General nor the judiciary exert sufficient supervision over the legality of the detention or the conduct of police investigations to prevent this practise.”

CAT quoted UN Special Rapporteur Mendez, who noted that “magistrates often do not inquire into potential ill-treatment during pre-trial hearings, and accept the requests of police officers to keep suspects in remand custody without further scrutiny.”

The UN panel said that recent allegations of “white van” abductions and the brutal torture of numerous individuals in “unacknowledged places of detention” by the police and the military had not been investigated by the Sri Lankan government.

CAT rejected government claims that there were “no secret torture camps or detention centres” in Sri Lanka and said that torture was occurring at law enforcement headquarters, army camps and IDP (Internally Displaced Person) camps and “rehabilitation centres.” Individuals, it continued were held on suspicion of “having a link, even remote, with the LTTE.”

While it claims to be fostering “reconciliation” with Sri Lanka’s minority Tamil population, the government continues its communal oppression, maintaining the military occupation in the war-ravaged North and East provinces.

CAT referred to a report by the Office of the UN High Commissioner for Human Rights Investigation on Sri Lanka (OISL) which noted “allegations of widespread torture, including sexual violence, perpetrated against individuals detained at the Manik Farm camp and elsewhere in the aftermath of the conflict [war] by personnel of the CID and the TID [Terrorism Investigation Division].”

Colombo, moreover, had not concluded investigations into high-profile cases, such as the alleged execution-style killing of five high school students by the Special Task Forces personnel in Trincomalee and the murder of 17 *Action Contra la Faim* aid workers in Muttur. The students were killed in January 2006 as the Rajapakse government Colombo’s intensified military provocations in the lead-up to resumption of the war; the aid workers were murdered in August 2006, a month after Colombo restarted the bloody conflict.

CAT said that it had not been provided with requested information about the progress of 39 cases of rape and sexual violence since the war ended in 2009. It also voiced concern about the lack of legal action over allegations of torture against state forces.

CAT reported that the government-appointed Human Rights Commission of Sri Lanka (HRCSL) had received 2,259 torture allegations since 2012. The allegations had been presented to the Attorney General's office which simply referred them to police without opening any independent investigations. In 2015, the HRCSL received 425 such accusations and 208 in the first eight months this year.

The HRCSL provided CAT with a detailed report on common methods of torture use by police. These practices included, "undressing the person and assaulting using the hand, foot, poles, wires, belts and iron bars, beating with poles on the soles of the feet (phalanga), denial of water following beating, forcing the person to do degrading acts, trampling and kicking, applying chilli juice to eyes, face and genitals, hanging the person by the hands and rotating/and or beating on the soles of the feet, crushing the person's nails and handcuffing the person for hours to a window or cell bar."

A medical examination of one person arrested by police for possessing illegal drugs in March 2016 at Kalutara in western Sri Lanka revealed that the suspect had "twelve wounds, including the loss of a front tooth, an abrasion wound on wrist, and abrasion and contusion wounds on the body." The CAT report noted that "increasingly, physical torture is perpetrated using methods that cannot be easily detected by medical personnel."

The HRCSL information indicated that torture was used, "not only during the process of interrogation but during the process of arrest" and that "usually, complainants are from low-income groups." In a number of instances, the arrests were the result of mistaken identity.

CAT also said that Sri Lankan prisons were overcrowded and noted an instance where three prisoners were incarcerated in a seven-foot by five-foot cell, sleeping on the floor without bedding and forced to use a plastic bucket for sanitation during night-time.

The UN panel pointed out that most victims of torture cannot seek legal redress or compensation through the

Supreme Court because of the high financial costs. It also referred to the large backlog of fundamental rights applications in the court.

Under Sri Lanka's Prevention of Terrorism Act (PTA) detainees can be held without trial for up to 15 years. They can be detained without charge for 72 hours and up to 18 months before their case is even presented to a magistrate.

The report said that the government had not provided any information on the proposed new Counter Terrorism Act, which is to replace the PTA. The planned new law includes wider police powers and a broadened definition of terrorism that could be used to suppress any political activity, targeting the working class and socialists in particular.

CAT also expressed concerns about the presence of Sisira Mendis, Chief of National Intelligence and former the Deputy Inspector General of the Criminal Investigation Department (CID), as a government representative at its meeting in Geneva in November. Mendis exercised supervisory authority over Terrorism Investigation Department (TID) until June 2009.

The government sent Mendis to the CAT meeting to ensure that a lid would be kept on the widespread use of torture and abuses of democratic rights. It is determined to whitewash Colombo's war crimes and other human rights violations and to continue to use the police and military forces to suppress working-class resistance its austerity agenda.



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