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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Tournier la page, 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.

[14 February 2017]

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

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Torture in Sri Lanka*

We urge Human Rights Council Members, as global citizens concerned with War crimes, Crimes against Humanity, Crime of Genocide and the deteriorating situation in the island, to investigate militarization, settlements, and the systematic rape of Tamil prisoners of war.

These issues, the most immediate threats to peace and justice today, lay new seeds of dispossession, inequality and bitterness. Ultimately, an international investigation cannot delink the 2009 massacres from the ongoing suffering of the Tamil people in the here and now.

The Sri Lankan army is building military bases throughout the Tamil peoples' lands. The Sri Lankan army presence of 85,000-86,000 in the North and East is contrary to peace building and amounts to a Tamil civil society under occupation. According to ground reports, armed soldiers control every area of civilian life from schooling to public meetings; soldiers even place restrictions on humanitarian, developmental and psychiatric work for the war ravaged Tamil people.

Through the occupation, the Sri Lankan Armed Forces seize land from Tamil civilians while settlers from the South are brought in to colonize the land. From the Jaffna Peninsula in the North to the Trincomalee harbour and beyond in the East, the traditional homeland of the Tamil Nation is subjected to occupation and settlements. This situation exacerbates socio-economic deprivation, for Tamil people are denied the ability to cultivate their appropriated lands and must compete for fishing with the superior technology of Sinhalese settlers.

We believe that these matters must be addressed to ensure peace and stability, and urge you to investigate them in Sri Lanka. We -- the undersigned organizations and individuals -- hope to hear about these urgent issues at your oral report to the UNHRC in September.

Effective investigations into allegations of human rights violations, including torture and other cruel, inhuman or degrading treatment are hindered by the lack of an effective investigation mechanism; Sri Lanka's Convention against Torture Act is not an effective tool to prevent and punish instances of torture. This has been evidenced in Report of the Special Rapporteur on Torture². This contravenes Article 12 of the Convention against Torture, which states that each State party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is a reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Notwithstanding that a new government came into force on January 2015 that was a welcome improvement from the old government, this has not put an end to ongoing human rights violations against Tamil civilians in the North-East of Sri Lanka.³ Further, certain steps towards transitional justice by the state, concrete issues facing Tamils in the North-East have yet to be addressed. This includes harassment by members of armed forces, occupation of traditional Tamil lands acquired illegally, torture and sexual violence, illegal arrest, forced disappearances of Tamils and continued detention and torture of Tamil prisoners without proper charge. Additionally, armed forces have been heavily involved with civilian activities such as conducting businesses and running pre-schools, particularly in the Vanni and in the East.

Despite the right to be free from torture that has been guaranteed under Article 11 of the Constitution, arbitrary arrest, detention and torture continue to be inflicted on the Tamil people under the purview of the Prevention of Terrorism Act No 48 of 1979. This Act has permitted on-going serious breaches of the Convention.

(a) Take all the necessary measures to ensure that enforced disappearance is established as an offence in its domestic law;

(b) Ensure that the cases of enforced disappearances are thoroughly and effectively investigated, that suspects are prosecuted and that those found guilty are punished proportionate to the gravity of their crimes;

(c) Ensure that the any individual who has suffered harm as the direct result of an enforced disappearance has access to information about the fate of the disappeared person, as well as to fair and adequate compensation;

(d) Adopt measures to clarify the outstanding cases of enforced disappearances and comply with the request to visit by the Working Group on Enforced or Involuntary Disappearances (A/HRC/16/48, para. 450).

It has been observed during these past five years that there were a number of arrests under the PTA that have been recorded and over 20 PTA arrests reported in April 2016 alone with families complaining that detaining officers in civilian clothes failed to identify themselves. While on 10 December 2015, Sri Lanka signed the International Convention for the Protection of All Persons from Enforced Disappearance, it has failed to comply with its requirements. Namely there have been no step taken to ensure that enforced disappearance is established as an offence in Sri Lanka's Penal Code.

1. Political prisoners are detained under the PTA (Prevention of Terrorism act) section 15 (a), they would like to inform and make a complain to you regarding our hardships and ill treatments by the TID (Terrorism Investigation Division, Sri Lanka) officers.
2. Keeping at Boossa detention Camp, Galle on violation of Sri Lanka. Constitution 13 (3) as guaranteed a free and fair trial for an accused before any verdict given and also violating the ICCPR (International Convention on Civil and political rights) 14 "g".
3. they are keeping 22 hours per day at inside the cells. The cells are 13 feet long, 08 feet high and not available fans or toilet facility inside the cells and the heat inside the cells are intolerable. they urine in to a plastic bottle during day and night.
4. They are not received enough foods and meals. The foods are not hygienic and condition of the meals are provide here is very poor and low. they are getting rice and one curry only for one meal. they are not allowed outside foods more than 04 years. they are fear that TID (Terrorism Investigation Division, Sri Lanka) ti mix some of poisoned item with our meals which would be long time effected to our body as they need to get nervous from us..
5. The cells after the closing is very dark. The light coming from outside is very weak and not sufficient to read books ect.
6. haven't a proper time to do physical excises even such a time receiving to the death sentenced person in prisoner. they are still suspect under the law suspect is innocent until found guilty.
7. The magistrate who visit monthly to Boossa detention Camp never listen to our situation and problems. they have no way to report in case of any violation because our high court trail days also given with very long intervals.
8. they say there is no free and fair trial for our cases where they are in custody of TID (Terrorism Investigation Division, Sri Lanka) who arrested us, who indicated us who tortured to us, and keeping us while our cases are in process. they are very very difficult to meet our lawyers.
9. As they targeting killing and attacks of political prisoners normal practice in Sri Lanka they afraid of being targeted us at any time what they want and they can fabricate any case some days in mid night they bind our eyes take somewhere and having heavy torture us putting as in to a underground bunker. They force to us. Plead guilty in court and not to fight with them at court. They are not provided proper medicine facility to us.
10. they are tortured mentally and physically by TID (Terrorism Investigation Division, Sri Lanka) officers and being recorded false statement and asked to sign in documents what they need to file false cases our all cases are not in evidence base, but according to the Sri Lanka.

11. Judicial process TID (Terrorism Investigation Division, Sri Lanka) can keep us long time us of custody disturbing to our life. The judicial process is directly supporting to TID without shame.
12. they are taken to the court in hand cuffed condition throughout the journey which is more than 200 miles long they are packed inside the vehicle with low ventilation and not allowed to answer the call of nature while traveling. TID (Terrorism Investigation Division, Sri Lanka) is forces to plead guilty during traveling and try to fabricate more cases when they have any chance to be acquitted.
13. The statement which were taken force fully are published in medias without our consent for government media propaganda. It would trrnish our image in the society and endanger our lives and our families too.
14. they are isolated from the world by not providing any electronic media, proper print medias. Our visits also restricted to a short time at once a weeks only that also only for very close blood relatives at the visit time some police officers are present inbetween us to monitor the conversation.
15. they beg you to look into our grievances said above, take necessary steps to ensure the free and fair trail and expenditure the legal process by monitoring our cases thanking for you.

*Collectif La Paix au Sri Lanka, Swiss Council of Eelam Tamil (SCET), NGOs without consultative status, also share the views expressed in this statement.