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Sri Lanka: Torture prevails, despite reforms

Despite several positive steps in recent years, torture continues to mar Sri Lanka's human rights record, Amnesty International said in a report released today.

Torture by the security forces is reported almost daily in the context of their ongoing armed conflict with the Liberation Tigers of Tamil Eelam (LTTE), who are fighting for an independent state, Eelam, in the north and east. The LTTE has also been responsible for torture. But the problem extends to routine policing, with police officers regularly torturing criminal suspects and people detained in relation to local disputes.

"Sri Lanka has shown some commitment to eradicating torture -- a real achievement given the country's ongoing conflict," Amnesty International said. "However, the fact that torture continues to be reported frequently means there is still a long way to go before changes in the law lead to changes on the ground."

In spite of existing legal safeguards, torture continues to be committed with relative impunity. Only a handful of cases against police officers are reportedly pending in the courts, and so far no one has been convicted for torture.

"The recent landmark judgment which sentenced members of Sri Lanka's security forces to long prison terms for 'disappearances' and political killings sent an important signal that nobody can expect to get away with these crimes anymore," Amnesty International said.

"The time has now come for Sri Lanka to bring the torturers to justice. Showing that torture will no longer be tolerated could have a major impact on the lives of many ordinary people who are currently in danger of suffering appalling treatment in custody."

In May 1998, Sri Lanka appeared for the first time before the United Nations (UN) Committee against Torture. The government acknowledged that torture was a problem in the country and pledged that "every effort would be made" to put into effect the conclusions and recommendations of the Committee. But this commitment has yet to be put into practice.

Routine torture methods outlined in the report include near-suffocation by either "dry submarino" -- pulling a shopping bag containing chillies and/or petrol over the head and tying it to the base of the neck, or "wet submarino" -- lowering someone into a water tub or well. Many detainees report being beaten with cricket bats, PVC pipes filled with sand or concrete, being burnt with lighted cigarettes and given electric shock treatment. Extreme forms of torture include burning with melted polythene, drilling into feet, inserting nails into feet or other parts of the body and rape of female detainees.

In northern Sri Lanka, most torture allegations are directed against members of the army, while the navy has also been implicated. In the east, members of the army, Special Task Force (STF) and police have been responsible for torture. Members of several armed groups fighting alongside the security forces against the LTTE, including the People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organization (TELO), and "Razeek group", have also been named as perpetrators.

Likewise, the LTTE have been responsible for torturing prisoners, including by inserting pins and nails under fingernails and burning people with heated rods. Amnesty International has also received reports that children as young as 14 have been ill-treated after being forcibly recruited by the LTTE.

The arrest and torture of children by security forces is not common, but several chilling reports have emerged of young Tamil children being tortured in custody on suspicion of being LTTE members or to force family members to hand themselves over.

Rape committed during armed conflict constitutes an act of torture and is clearly prohibited by the rules of war and by international human rights law. However, despite Sri Lanka's legal provisions designed to protect women in custody, a number of rapes by members of the security forces are reported every year, particularly in the north and east. Given the cultural and religious context, it is thought that many cases of rape go unreported.

Apart from the current impunity for torturers, other reasons for its prevalence include the security forces' wide powers to detain people long-term without having to bring them before a judicial authority, Sri Lanka's lack of legal standards setting out minimum detention conditions, the failure to enforce existing legal safeguards, the lack of an investigative body independent of the police, as well as the continuing use of unauthorized places of detention.

The torture of people detained in a non-political context is often due to the nexus between local police and local politicians, widespread corruption within the police force and a general lack of independence on the part of the police.

In its report, Amnesty International again welcomes Sri Lanka's ratification of the UN Convention against Torture and the passing of the Torture Act. However, these steps are clearly not enough.

The organization is therefore calling on the government of Sri Lanka to fully implement the recommendations of the Committee against Torture. It also proposes a program of action for the prevention of torture. Individuals and organizations, including legal and medical professionals, are invited to join in promoting the program.

The report also calls on the LTTE to bring an immediate halt to torture and other violations of international humanitarian law.

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To receive a copy of the report, or to arrange an interview, please call Amnesty International in London, UK, on +44 171 413 5566.

