

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

A Programme of Physical and Mental Pacification

Tamils Against Genocide



ABSTRACT

This report looks beyond the Government of Sri Lanka's rhetoric and pieces together first hand accounts of the reality of Sri Lanka's 'rehabilitation' programme. It concludes that 'rehabilitation' in Sri Lanka is a physical and mental pacification programme that forms a cornerstone of the Sinhala-Buddhist nationalist state-building project.

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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.¹ 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 enable the voices of the 'rehabilitated' to speak out. We present fresh testimony from seven different sources, five of who were 'rehabilitated' and a further two who had privileged access to the camps. Care has been taken to preserve the anonymity of these witnesses for their own and their extended family's security.

The report begins by briefly setting the scene, namely the end of the civil war, for the analysis on rehabilitation that follows. The analysis explores the who, what, when, where and why of the rehabilitation programme: who qualifies for rehabilitation, what does the programme consist of, what are its timelines, where is it conducted and finally, what are the objectives of the programme, what are the motivations of those who established it, and those who carry it out?

Having focused on the details of the programme, on what the GoSL claims it to be, and what TAG's sources report of it, we look beyond the programme itself, to wider government policies, to historical events including the conduct of the war and to consideration of the nature of the Sri Lankan state. In light of this we contend that rehabilitation is one aspect of a coordinated plan of different actions aimed at the destruction of essential foundations of the life of the Tamil people of Sri Lanka.²

¹ According to the website of the Bureau of the Commissioner General for Rehabilitation (BCGR), "*Out of approximately twelve thousand surrendered willingly and who opted for rehabilitation, over 11600 have been rehabilitated and reintegrated to the society*". <http://www.bcgr.gov.lk/history.php#bookmark8>

² Raphael Lemkin, "Axis Rule in Occupied Europe" (1943) defined genocide as, "*Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.*"

From Civil War to 'Peace'

May 18th 2009 witnessed the comprehensive defeat of the LTTE. The military victory was hailed by the triumphant GoSL, headed by President Mahinda Rajapaksa, as a successful humanitarian operation to rescue the Tamil people held hostage by the Tigers. The Sri Lankan State paraded their armed forces before the world as the saviours of the Tamil people.

This could barely have been further from the truth. With the exception of the GoSL's fierce refutations, there is today, near total acceptance that Sri Lanka was responsible for the commission of atrocities against the Tamil people of Sri Lanka. The United Nations Internal Review Panel Report, the Petrie Report, references "credible reports" that civilian casualties were as many as 70,000.³ The report recognised the failures of the International Community, documenting the extent of knowledge of the Sri Lankan state crimes, and the lack of international action in the face of that knowledge. Sri Lanka is a recognised example of a failure of the "Responsibility to Protect".⁴

The GoSL however sticks relentlessly to its self-characterisation, as humanitarian, altruistic actors, led by a President "*who is guided by the Buddhist principles of forgiveness and compassion*".⁵ And it is as such that Sri Lanka presents its Rehabilitation Programme:

*"This is the success story of rehabilitating the diehard ruthless terrorists of the Liberation Tigers of Tamil Eelam (LTTE) by the Government of Sri Lanka with the assistance of the Security Forces led by the Sri Lanka Army and to re-amalgamate them to the society as useful and productive citizens."*⁶

Bolstered by the record of the International Community's past and continued passivity, the GoSL has established a Rehabilitation Regime that in both framework and in the execution defies international laws.

³ The Report of the Secretary General's Panel of Experts (PoE) on Accountability in Sri Lanka, 31 March 2012, put the civilian death toll at a minimum of 40,000. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

⁴ Madeleine K. Albright and Richard S. Williamson 'The United States and R2P: From Words to Action' 2013, <http://www.usip.org/sites/default/files/PW-UnitedStates-And-R2P-Words-To-Action.pdf>

⁵ Introduction to BCGR report "Rehabilitation of Ex Combatants"
"[http://www.bcgr.gov.lk/docs/Rehabilitation%20of%20Ex-Combatants%20\(Compiler%20-%20Brigadier%20Dharshana%20Hettiarrachchi\).pdf](http://www.bcgr.gov.lk/docs/Rehabilitation%20of%20Ex-Combatants%20(Compiler%20-%20Brigadier%20Dharshana%20Hettiarrachchi).pdf)

⁶ Ibid.

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

Who?

The GoSL is inordinately proud of its 'Rehabilitation Programme', boasting of its magnanimity, and its generosity towards its vanquished enemy.⁷ On the contrary, the rehabilitation programme in theory, and in practice, exposes the shallowness of that peace. It is a programme set out and administered by the victors for the defeated.⁸ Disarmament, demobilization and reintegration are entirely one sided in Sri Lanka: 'rehabilitation' is for the 'diehard ruthless terrorists' of the LTTE only.⁹

In the archives of the website of the Bureau of the Commissioner General of Rehabilitation (BCGR) one finds the claim that *"a statement and letter of consent were obtained from the surrendered ex-combatants to follow the rehabilitation programme"*.¹⁰ But the evidence reveals that the vast majority of those put through the programme were neither "diehard" nor had they volunteered themselves to be rehabilitated.¹¹ There was a lack of correlation between time served with the LTTE and time assigned to rehabilitation.¹² This is borne out by TAG's witnesses. Of the five who went to rehabilitation only one could be described as hardcore LTTE.¹³

"We were told that all LTTE, even those who had served for only a day, must register themselves as LTTE. We were to stand up and go over to one side. We were threatened that

⁷ The introduction to a BCGR report on "Rehabilitation of Ex Combatants" begins *"The government of Sri Lanka headed by HE the President who is guided by the Buddhist principles of forgiveness and compassion knowing the value of human life, thought that, as the terrorists are human beings whose minds were distorted, and hence misguided, could be reformed and could be rehabilitated to enlist their services as useful citizens of the country. For this purpose, he sought the assistance of the very Security Forces which led a humanitarian war against the terrorists."*

[http://www.bcgr.gov.lk/docs/Rehabilitation%20of%20Ex-Combatants%20\(Compiler%20-%20Brigadier%20Dharshana%20Hettiarrachchi\).pdf](http://www.bcgr.gov.lk/docs/Rehabilitation%20of%20Ex-Combatants%20(Compiler%20-%20Brigadier%20Dharshana%20Hettiarrachchi).pdf)

⁸ Tamilnet, 25th Oct 2013, "Wigneswaran attempts bailing out genocidal military of Sri Lanka"

<http://www.tamilnet.com/art.html?catid=13&artid=36770> "NPC will give full support for Colombo getting international assistance for the rehabilitation of the SL military into civilian life, he further said, linking the process with the rehabilitation of the LTTE cadres".

⁹ UN Peace-keeping page on disarmament, demobilisation and reintegration DDR provides links to documents detailing best practice, <http://www.un.org/en/peacekeeping/issues/ddr.shtml>

¹⁰ Dhaneshi Yatawara "Rehabilitation of ex LTTE cadre, a success story" <http://www.bcgr.gov.lk/news.php?id=218>

¹¹ ICJ, September 2010 "Beyond lawful constraints: Sri Lanka's mass detention of LTTE suspects"

<http://www.wsws.org/en/articles/2010/10/sril-o07.html> and

http://reliefweb.int/sites/reliefweb.int/files/resources/28738E40D73D48AB492577AF000B5BD6-Full_Report.pdf?bcsi_scan_76859af71b923077=0&bcsi_scan_filename=28738E40D73D48AB492577AF000B5BD6-Full_Report.pdf

pg 29, "The ICJ's experience is that the notions of voluntariness...is often not realised in the practice of preventable detention"

¹² Calleigh McRaith, 14 February 2012 for Groundviews "Arbitrary Detention in Sri Lanka: Internment, Rehabilitation, and Surrendered in the Prison System" <http://groundviews.org/2012/02/14/arbitrary-detention-in-sri-lanka-internment-rehabilitation-and-surrendered-in-the-prison-system/>

¹³ Namely: two were forcibly recruited into the LTTE towards the end of the war, and one of those fled the LTTE in early 2009, to return to his family; the third was a civilian who was suspected of having historically supported the LTTE; the fourth was member of the political wing of the LTTE.

if it were found out later that we were LTTE and had not admitted it, we would be jailed for 15-20 years. They said it was better to admit to it then, to be up front. At this point a lot of LTTE surrendered as such. I felt that I had no other option.”¹⁴

Indeed the government's own classification system notes that 8000 were either forcibly employed by the LTTE or had not taken any part in LTTE operations but only performed support functions.¹⁵ Those whom the GoSL considers fit for and in need of rehabilitation, from the outset a broad group, continues to expand. Jaffna students who commemorated Maaveerar Naal (Heroes' Day), November 2012, were sent to rehabilitation.¹⁶ More recently the government broadcast that it was contemplating insisting that Ananthi Sasitharan, a member of the Northern Provincial Council, undergo rehabilitation, reportedly because the government was “*of the opinion that Ananthi would continue to undermine post-war reconciliation process*” unless she did so.¹⁷

What?

The Legal Framework: The Sri Lankan State presents a veneer of legality to the world. Minister Samarasinghe, at the 18th session of the UN Human Rights Council (UNHRC) in Geneva, asserted that there was a “*proper legal and institutional framework*” for the Rehabilitation Programme. The BCHR cursorily declares on its website, the “*Legal Framework for the rehabilitation and reintegration of ex-combatants was sanctioned by the Attorney General's Department on 21st December 2009 by a special Gazette Notification*”.¹⁸

The legal framework for rehabilitation, relied upon by the GoSL, has been comprehensively dealt with in the International Commission of Jurists (ICJ) report of September 2010.¹⁹ The report describes the Rehabilitation Programme as perhaps the, “*largest mass administrative detention anywhere in the world*”, “*A legal black hole*”. The reader is reminded of the prescription of Article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sri Lanka in 1980 and 1997, “*no-one shall be subjected to arbitrary arrest or detention*” and anybody

¹⁴ TAGRefRB2. See also, United Nations Mission Report, Visit of Major General (ret.) Patrick Cammaert, UN Special Envoy of the Special Representative for Children & Armed Conflict to Sri Lanka, 05-11 December 2009, p. 7.

<http://js.static.reliefweb.int/report/sri-lanka/mission-report-visit-major-general-ret-patrick-cammaert-special-envoy-special>

¹⁵ C.McRaith, Groundviews (2012)

¹⁶ Tamilnet, 15th Mar 2013, “Colombo executing structural genocide, not reconciliation – Gajendrakumar”
<http://www.tamilnet.com/art.html?catid=13&artid=36135> and ICG Report “Sri Lanka's Authoritarian Turn” (Feb 2013)

¹⁷ TamilGuardian, 14th Jan 2014, “Ananthi Sasitharan may be rehabilitated to prevent separatist tendencies”
http://www.tamilguardian.com/article.asp?articleid=9732&utm_source=twitterfeed&utm_medium=twitter and The Island, 14th January 2014, “MOD ponders rehabilitating NPC member Ananthi”
http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=95913

¹⁸ <http://www.bcgr.gov.lk/history.php#bookmark9>

¹⁹ ICJ (2010) “Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects”
<http://www.wsws.org/en/articles/2010/10/sril-o07.html> and
http://reliefweb.int/sites/reliefweb.int/files/resources/28738E40D73D48AB492577AF000B5BD6-Full_Report.pdf?bcsi_scan_76859af71b923077=0&bcsi_scan_filename=28738E40D73D48AB492577AF000B5BD6-Full_Report.pdf

who has "*shall have an enforceable right to compensation*". The ICJ dismissed the argument of emergency exceptions, since only temporary derogations of the ICCPR are permitted in the case of an emergency, and that even then those derogations must adhere to certain principle, notably non-discrimination.²⁰

As a general rule, for rehabilitation to be legal, consent is required. "*First, under international law, if rehabilitation is not genuinely voluntary, it may only be imposed by a judge as part of a fixed sentence for a criminal conviction after a fair trial.*"²¹ Tellingly, none of TAG's witnesses gave their consent – at least not willingly or knowingly. Likewise, Calleigh McRaith reported "*no surrenderee that I spoke with was aware that they had any choice about being in rehabilitation*".²²

The Rehabilitation Programme devised by the Sri Lankan state, is, in its very set up, illegal, let alone in its implementation. "*The formal terms of the rehabilitation regime appear to amount to an unlawful and arbitrary deprivation of liberty*".²³ Indeed, Article 7 of the Rome Statute, "*Imprisonment or severe deprivation of physical liberty in violation of fundamental rights of international law*" when committed "*as part of a widespread or systematic attack directed against any civilian population*" is a crime against humanity.

Treatment in Rehabilitation: According to the Bureau's website, the Sri Lankan forces,

"fed the hungry, nursed the wounded, carried the elders and the disabled, traced the relatives of people who had undergone untold suffering" ²⁴

In sharp contrast a former rehabilitation inmate recalls,

"On one occasion...in 2010, the military called eight cadres forward into open land. They made the eight roll in the sand. About 15 to 20 officials, a mix of police, army and intelligence, beat them. They were made to roll down on the floor, outside, and were

²⁰ NB the ICJ at time of writing its report was forced to counter what it considered (rather than what it knew to be) to be the Sri Lankan legal grounds for rehabilitation, since pg. 13, "*the Government has never fully and publicly clarified their legal status*" and the "Action Plan for the Re-integration of Ex-Combatants" had an incomplete legal framework. The ICJ thus relied upon a document with no legal status, a two page letter from the Attorney General to the Commissioner General for Rehabilitation, dated 21 December 2009, entitled "Legal Frame Work for the Rehabilitation and Re Integration of Ex Combatants".

²¹ Ibid.

²² Calleigh McRaith, Groundviews (2012)

²³ ICJ (2010) pg.30

²⁴ Introduction to BCGR website, <http://www.bcgr.gov.lk/history.php>:

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*continuously kicked by the officials, who tramped upon them with the shoes and beat them with long wires. The eight bled. The officials poured water on them - you know when they pour water on the sand and make them lie down it increases the pain. All this was in view of the other detainees. The officials were giving punishment for something, I don't know what. They didn't say anything, didn't give a reason why.*²⁵

It has taken considerable time for first-hand accounts of the torture and abuse in the camps to emerge. When they do, they are met by a line of defence that denies that the abuses are indicative of a policy. For example, Dharmawardhana, in a recent article published in the Journal "Perspectives on Terrorism", only concedes "*isolated cases of atrocities by government forces are likely to have occurred in Sri Lanka as well*".²⁶ The Sri Lankan High Commissioner in London was quick to dismiss the allegations of torture presented in the BBC's "Unfinished War", on the basis that "*allegations of systematic abuse are travesty of truth for they suggest that this is the policy of the Sri Lankan government*".²⁷

But the above quotation is not an account of an isolated event. The witness had seen and experienced many other similar abuses. Others have spoken out about their experiences in rehabilitation centres, their accounts reinforce each other's and beg the conclusion that torture in rehabilitation is indeed systematic, and intended. Francis Harrison declared in the BBC documentary, "*Sri Lanka's unfinished war*", she had found a further six Tamils in the UK, in addition to Ravi who features in the documentary, who claim to have been tortured in rehabilitation.²⁸ In that documentary Dr Frank Arnold, a leading British expert on torture, voiced his fear that "*its an organised activity*".²⁹ Charu Hogg, an associate fellow at Chatham House and South Asia researcher for Human Rights Watch, warned of "*systematic...patterns of abuse*".

In the most recent UK Country Guidance Asylum Case on Sri Lanka, "GJ", in which TAG was an interested party, the Secretary of State in her submissions accepted that in general "*individuals in custody in Sri Lanka continue to be at risk of physical abuse, including sexual violence, and that such risk is persecutory*" and "*to the extent that "rehabilitation" was based on the detention powers in the PTA, even without any evidence of physical or sexual abuse.....detention without judicial supervision for such lengthy periods amounted to persecution*".³⁰

²⁵ TAGRefRB1

²⁶ Dharmawardhana (2013) Perspectives on Terrorism Vol 7, no 6 "Sri Lanka's post conflict strategy: Restorative Justice for Rehabilitation and Rebuilding of conflict affected communities"

<http://www.terrorismanalysts.com/pt/index.php/pot/article/view/310/html>

²⁷ Tamil Guardian, "*Tamils still face rape and torture in Sri Lanka's 'Unfinished War' - BBC reports*" 9th November 2012, <http://www.tamilguardian.com/article.asp?articleid=9134>

²⁸ http://www.dailymotion.com/video/x16z8t2_sri-lanka-s-unfinished-war-by-bbc-aired-on-20-30gmt-8th-november-2013_news

²⁹ Dr. Arnold, an independent medical practitioner, helped to found and was clinical lead for the Medical Justice Network. He has examined and written medical reports about over 500 asylum seekers who describe being tortured in more than 20 countries

³⁰ GJ and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 00319 (IAC) Para 168, <http://www.refworld.org/pdfid/51da951c4.pdf>.

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That torture in rehabilitation is systematic is reinforced in the testimonies of TAG's seven witnesses. They detail torture at the hands of Sri Lankan military and civilian personnel from the very moment of surrender:

Despite denying he was LTTE, "I was taken to dark room where my hands and feet were tied with my shirt. I was beaten and kicked. They hit me on my face and head with a rifle butt that resulted in breaking my teeth and upper lip. My head was banged against a wall hurting my head. I could not bear their torture; I gave up and admitted the truth. I told them my LTTE name and the number. Regardless of my admission they continued to beat me."³¹

"On arrival in Rambaikulam, I was taken aside and interrogated. I was beaten with wire and batons, with plastic pipes filled with sand. I was beaten on my back and the soles of my feet. I, and the others, registered basic details with the Sri Lankan officers, and gave details of our LTTE units. From that moment on the aim of the Sri Lankan military and civilian personnel was to torture us, to treat us inhumanely".³²

The accounts of torture described by those who have survived rehabilitation are all too familiar: strikingly similar to the accounts of torture given by those who, prior, during and since the war, have been seized by government officials or pro government militias, illegally detained and tortured.³³ Of the five witnesses who were put through rehabilitation, four are known to have medical legal reports, seen by TAG, that strongly support their accounts of torture.

"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. I suffocated and became unconscious."³⁴

"When they had forced me to sign papers they threatened me to kill or abduct my wife."³⁵

³¹ TAGRefRB3

³² TAGRefRB5

³³ A sample of such reports include TAG report "Returnees at Risk: Detention and Torture in Sri Lanka", 16 September 2012, <http://www.tamilsgainstgenocide.org/Data/Docs/TAG-Report-16-Sep-2012-Returnees-at-Risk.pdf>, and Freedom from Torture, "Sri Lankan Tamils tortured on return from the UK", 13 September 2012 <http://www.unhcr.org/refworld/docid/505321402.html> (via UNHCR Refworld), inter alia.

³⁴ TAGRefRB5

³⁵ TAGRefRB4

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

*"In Zone 1 and other rehabilitation centres I continuously faced sleep deprivation and I had frequently started to behave as a mentally retarded person. It was one of their deliberate ways of inducing sleep deprivation among detainees. I was here for six months. I still remember some incidents when some inmates in the rehabilitation centre had been disappeared in overnight. No one knew their fate."*³⁶

*"My detention in various rehabilitation centers completely destroyed my opportunities to cope with the society as a normal person. It was mainly because of serious psychologically dehumanizing treatment I had undergone."*³⁷

*"I did not talk to the others there with me, nor did they to me, about the torture, for fear of receiving more. We did not know who were informants, who we could or could not trust. We could not comfort one another."*³⁸

INGO Access: According to the Sri Lankan Defence Minister, brother to the President, Gotabaya Rajapakse,

"NGOs, diplomats, media personnel, lawyers and family members of the beneficiaries were given free and unfettered access to the rehabilitation centres".³⁹

The International Committee of the Red Cross' (ICRC) Annual Report for 2012, in contradiction to the GoSL's assertions, states that the ICRC's personnel were unable to have private meetings with former combatants in rehabilitation camps.⁴⁰ TAG's witnesses tell of limited access by INGOs where there was any access at all, and describe how they were prepped and intimidated prior to ICRC visits by the Sri Lankan state officials of the rehabilitation camps.

³⁶ TAGRefRB4

³⁷ TAGRefRB4

³⁸ TAGRefRB5

³⁹ TamilGuardian, 23rd August 2012, "Sri Lanka's 'glorious' revival"

<http://www.tamilguardian.com/article.asp?articleid=5610>

⁴⁰ 2012 ICRC Annual report. Additionally see "ICRC seeks access to all Sri Lanka camps, Agence France-Presse, May 27, 2009 <http://reliefweb.int/node/310692> and "ICRC demands full access to Sri Lanka camps, June 4, 2009, http://www.swissinfo.ch/eng/specials/red_cross/news/ICRC_demands_full_access_to_Sri_Lanka_camps.html?cid=22537

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*"After one month the ICRC came. They registered our details and took photos of us. After that the torture reduced. 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...."*⁴¹

*"The ICRC visited me twice...The Sri Lankan authorities permitted the ICRC and the NGOs to visit few of the detention centres just for the purpose of satisfying the international world. Although they claimed that they were sending all the LTTE members to rehabilitant centre, they did not actually send all of the LTTE members. Many of them are still kept in secret camps....I think the authorities were careful when beating me and avoided causing any permanent injuries as I was on the record of the ICRC and if anything happened to me they would be in trouble"*⁴²

*"Both in camp, and after release, although we could not speak about the truth of the conditions in which we were kept, and the treatment received, we were encouraged to say that we were looked after properly, with good care, and provided with good food. When non-governmental organisations and the media did visit, the authorities would select a detainee to speak with them, and prepare him for that interview, with exactly what to say...While I was in Rambaikulam the ICRC visited twice. The Army Officer in charge of the camp warned us all before the visit that we were not to speak out about the treatment – the torture - we received, that if we did we would face severe consequences. The ICRC Officer registered the details of all the detainees and provided us each with a card confirming the registration. During the registration the officers asked whether we were experiencing torture or mistreatment but we could not tell them the truth as we were being monitored by the authorities. A Sri Lankan army officer was in earshot of the registrations."*⁴³

*"Zone 1 rehabilitation centre was not under any international organisation's observation or monitoring...Personnel from various military divisions such as air force, navy, Military Intelligence, Terrorism Investigation Division (TID), Criminal Investigation Division (CID) frequently visited the centre. But I didn't see any international presence such as ICRC or any other aid agencies."*⁴⁴

A former INGO worker who worked at the IDP camps post war spoke to TAG of the restrictions in the IDP camps, let alone rehabilitation.⁴⁵ *"our access into Manik Farm was restricted. Checkpoints on entry searched personnel and vehicles."* The staff was *"not able to take food inside,*

⁴¹ TAGRefRB2

⁴² TAGRefRB3

⁴³ TAGRefRB5

⁴⁴ TAGRefRB4. Zone 1 = Pompaimadu Camp.

⁴⁵ TAGRefRB7

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let alone mobiles or cameras." The checkpoint guards would also take away the our identification on entry, they were only allowed in the camps at set times, any infringements were investigated.

Training: In addition to vaunting the legal and institutional framework that purportedly supports the Rehabilitation Programme, Minister Samarasinghe at the UNHRC declared that there was "*vocational training and counseling*" taking place in the camps, to make "*useful and productive citizens*". The BCGR website is replete with good news stories from the camps, of trained former LTTE, ready to be returned to their communities.

Once again, the testimony of the witnesses who spoke to TAG, defies the official account. Calleigh McRaith likewise reported that the vocational opportunities within the camps were minimal and did not correspond to the GoSL' claims.⁴⁶

*"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...."*⁴⁷

*"I received no training whilst in the camps. Occasionally detainees were selected for training, but only those who had agreed to work for the army or CID. They were sent away for vocational training."*⁴⁸

When?

The official account reads,

"In keeping with international norms and regulations, separation of ex-combatants from the civilians was mandatory. Hence, the Security Forces requested all ex-combatants to report to designated centers in the presence of the ICRC. Thereafter a large number of ex-

⁴⁶ Calleigh McRaith, Groundviews, (2012) *'if each person is doing only one or maybe no trainings, one wonders what the surrenderees spent all of their time doing in rehabilitation. Their answers to this are perhaps not surprising – surrenderees I spoke with reported doing manual labor such as clearing jungle or working in gardens for the majority of the day. Some created handicrafts, which they said the government sold along with the produce from the gardens where they worked. They also reported that at the center a group of twenty surrenderees would be assigned each day to doing all of the cooking for the center. Some women were also sent to garment factories to work, but they were not fairly compensated for this (5000 rupees per month, which barely covered the living expenses they had during that time) and also reported sexual harassment during their time at the factory.'*

⁴⁷ TAGRefRB2

⁴⁸ TAGRefRB5

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combatants willingly reported for rehabilitation placing complete confidence in the Security Forces."⁴⁹

The first stage of rehabilitation was identification and segregation of those to be rehabilitated. This began from the point of surrender, at the end of the conflict. According to the establishment page of the Bureau's website, of the initially 22 camps, three are still in operation today. The "Rehabilitation of Ex Combatants" document however gives a different initial figure, of 24.⁵⁰ The Rehabilitation Programme, nearly five years on from the end of the war, is still in operation.

Page six of the ICJ report, "Beyond lawful constraint", details the timeframes for rehabilitation supported by state regulations (which as we have seen defy international laws), namely:

"preventive detention without trial on security grounds for up to one year is authorized under ER 2005, Regulation 19." In May 2010, "the maximum detention period was reduced to 3 months and the appearance before the Magistrate required within 72 hours (1651/42, 2 May 2010)"

And,

"Administrative detention without charge or trial is also permitted for purposes of the rehabilitation of 'surrendeers' under Regulation 22 of the Emergency Regulations 2005 (ER 2005 as amended by ER 1462/8, 2006). Administrative detention of a 'rehabilitee' may continue without judicial review or access to legal representation for up to two years."

Thus the framework within which the GoSL appears to be acting, allows it (unlawfully) to detain a person for as long as two years. Indeed, the five witnesses who had been through rehabilitation, each spent between 15 months and 23 months in the camps. Furthermore, *"In addition to this disguised form of punishment for alleged criminal offences, 'rehabilitees' face the prospect of a second punishment upon conviction for crimes if criminal prosecutions are eventually initiated."*⁵¹

⁴⁹ ICJ (2010) "Beyond Lawful Constraints" pg. 8

⁵⁰ [http://www.bcgr.gov.lk/docs/Rehabilitation%20of%20Ex-Combatants%20\(Compiler%20-%20Brigadier%20Dharshana%20Hettiarrachchi\).pdf](http://www.bcgr.gov.lk/docs/Rehabilitation%20of%20Ex-Combatants%20(Compiler%20-%20Brigadier%20Dharshana%20Hettiarrachchi).pdf) pg. 11.

⁵¹ Page 7 ICJ (2010) "Beyond Lawful Constraints"

Where?

The BCGR website sets out its 'establishment', that is, the number and the location of the camps, or PARCS – "Protective Accommodation & Rehabilitation Centres".⁵² According to that establishment webpage, three centres at Poonthottam (Coordinating Office Vavuniya) and Kankady and Senapura (Coordinating Office East) are still operating.

TAG's witnesses spoke of the poor conditions in the camps:

*"We slept squashed alongside one another, there was little space to walk or move around. 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; sometimes we were beaten while we waited in line. Sanitation was poor. In all three of the "rehabilitation" camps that I was held in the conditions were equally bad."*⁵³

And,

*"There was insufficient facilities to wash and toilet. There were long queues for food and the guards hit us as we queued..."*⁵⁴

They spoke too, of the security arrangements. All the camps that the witnesses were held in were fenced and guarded.

*"Two sets of barbed wire fence circled the camp. There were sentry posts along the fence to ensure there was no chance of escape."*⁵⁵

*"The centre was heavily guarded. It was fenced with barbed wire. There were manned sentry points every 10 metres"*⁵⁶

⁵² <http://www.bcgr.gov.lk/establishment.php>.

⁵³ TAGRefRB5

⁵⁴ TAGRefRB2

⁵⁵ TAGRefRB1

⁵⁶ TAGRefRB2

The camps, or PARCs were 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?

The purpose of rehabilitation:⁵⁷ The title of the 2012 Sri Lankan state Defence Seminar was "Towards lasting peace and stability", rehabilitation and subsequent reintegration featured heavily. Brigadier D, Hettiarachchi, the Rehabilitation Commissioner from the 2nd February 2012 to the 28th June 2013, gave the opening introductory lecture.⁵⁸ Expressing his pride in the Bureau's work, he described former combatants in the LTTE as "*potential spoilers of peace*", and of the need to break militant behaviour. "*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 stated, noting that a failure to successfully reintegrate the former combatants would undermine the achievements of the Sri Lankan military in the conflict and the reconstruction programmes in the north and east. Malkanthi Hettiarachchi, in a fulsome appraisal of the rehabilitation programme in Sri Lanka, mirrored this sentiment; "*offenders must move away from violent extremist thinking*".⁵⁹

The experiences of former combatants in the rehabilitation camps undermine the official accounts of the Sri Lankan state objectives and the purpose of the camps, leading analysts and observers to suggest rather different objectives. Valkyrie, for example, questions whether perhaps interrogation was the real motivation behind the rehabilitation programme. Similarly, although the evidence presented in Human Rights Watch's report published February 2012 was from Sri Lankan detention centres, not rehabilitation camps, the objective behind the "*politically motivated sexual assaults*" by Sri Lankan military and civilian authorities, was concluded to be "*to obtain "confessions" of involvement in LTTE activities, information on others including spouses and relatives, and, it appears, to instill terror in the broader Tamil population to discourage involvement with the LTTE*".⁶⁰

⁵⁷ BCGR, "Vision", taken from the Bureau's website reads "*Ex-combatants and children formally associated with armed groups in Sri Lanka should enhance their self-esteem, integrity, knowledge, employability and the ability to participate actively in life to meet the interest of their families and the community, in a post re-integrated scenario, thus contributing towards national reconciliation, long lasting peace, prosperity and development of the country.*" And the Mission "*To disengage, de-radicalize, rehabilitate and reintegrate the misguided men/women and children, who were radicalized by the protracted armed conflict, in to the community following a center and community based comprehensive rehabilitation process to be useful citizens and productive members to the country*". <http://www.bcgr.gov.lk/history.php>

⁵⁸ Brigadier D. Hettiarachchi speech "*Re-integration of ex-combatants and challenges*"

<http://www.bcgr.gov.lk/news.php?id=209>

⁵⁹ Malkanthi Hettiarachchi, "Sri Lanka's Rehabilitation Program: A New Frontier in Counter Terrorism and Counter Insurgency," *PRISM: Journal of the Center for Complex Operations* 4, no. 2 (2013), 105 – 119

⁶⁰ Human Rights Watch' (February 2013), "We will teach you a lesson" <http://www.hrw.org/news/2013/02/26/sri-lanka-rape-tamil-detainees>

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The testimony of TAG's witnesses supports the notion that rehabilitation acts as an intelligence collection platform:

*"The whole centre was designed in a way to derive information from the detainees through immense psychological pressure."*⁶¹

"Interrogation under torture included the following questions:

- *When did you join the LTTE?*
- *What did you do in the LTTE?*
- *How much fighting were you engaged in?*
- *What other activities were you involved with?*
- *Where are the LTTE leaders?"*⁶²

But collecting intelligence on the LTTE insurgent threat is just one function of rehabilitation. 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. A TAG source noted that only on the one occasion was he interrogated *"properly...the rest of the time it did not matter what I said under interrogation"*, in other words, with one exception, his answers under interrogation did not increase or lessen his torture.⁶³ Likewise a second source noted, *"Regardless of my admission they continued to beat me"*.⁶⁴

*"Zone 1 rehabilitation centre was not under any international organisation's observation or monitoring and virtually functioned as a terrorising and psychologically traumatising institution....It made me feel less than I am."*⁶⁵

*"Torture was used as a punishment, a tool to punish me for being in the LTTE. The army and police wanted to punish and torture us for our involvement. Sometimes they tortured for entertainment: they would burn me with cigarettes and laugh as I suffered."*⁶⁶

*"I think the violence stemmed from a hatred of the LTTE and a desire to show who had power. It was a display of power."*⁶⁷

⁶¹ TAGRefRB4

⁶² TAGRefRB2

⁶³ TAGRefRB5

⁶⁴ TAGRefRB3

⁶⁵ TAGRefRB4

⁶⁶ TAGRefRB5

⁶⁷ TAGRefRB2

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Additionally the fear of torture, and of betrayal leading to torture, also had the effect of breaking down ties between the ex-combatants:

*"I did not talk to the others there with me, nor did they to me, about the torture, for fear of receiving more. We did not know who were informants, who we could or could not trust. We could not comfort one another. The officers would not even let us leave the interrogation room if we were crying."*⁶⁸

*"I did not stay in contact with the others who had been released with me, I did not feel safe to do so."*⁶⁹

Furthermore we must be clear about what the nature of this 'LTTE' 'terrorist' threat is on which the government of Sri Lanka is collecting intelligence. It is not an armed threat: it is a political and ideological one. The government of Sri Lanka rails against the LTTE, but its definition of the LTTE is broad. It is a definition that extends to the UN High Commissioner, UK Members of Parliament who call for Sri Lanka to be held to account, International well-reputed NGOs, British newspapers and news broadcasters, asylum seekers, war crimes witnesses.⁷⁰ Indeed militarily, the LTTE was decisively defeated - annihilated. Since 2009 there have been no recorded "terrorist attacks" by the LTTE. There is no LTTE, as a military entity, upon which to collect. 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. It is the assertion of a separate and independent Tamil identity that is the threat.

The true objectives of rehabilitation have been obscured. Through a deft use of language and effective propaganda, the Sri Lankan state has presented itself as the picture of benevolence, of altruistic magnanimity. The ex-combatants in rehabilitation are referred to as "surrendeers" and "beneficiaries", masking the reality of their condition.

Asking questions of rehabilitation, the who, what, when, where and why reveals its true colours, and illuminates the nature of the Sri Lankan state responsible for it. Rehabilitation is a regime imposed forcibly upon the defeated only. Far from being aimed at hard-core LTTE elements, it

⁶⁸ TAGRefRB5

⁶⁹ TAGRefRB1

⁷⁰ The Upper Tribunal of the UK Immigration and Asylum Chamber in its most recent Country Guidance Case on Sri Lankan "GJ" found to be at risk, "*Individuals who are, or are perceived to be, a threat to the integrity of Sri Lanka as a single state because they are, or are perceived to have a significant role in relation to post- conflict Tamil separatism within the diaspora and/or a renewal of hostilities within Sri Lanka*" as well as journalists and witnesses. <http://www.refworld.org/pdfid/51da951c4.pdf>. Additionally an "LTTE Agents" website, whose affiliations to the GoSL are not known, lists all of the above in its database. <http://ltteagents.wordpress.com/database-tamil-tiger-ltte-agents/>

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targets those with sometimes the barest of LTTE affiliations.⁷¹ For up to 2 years a person, over the past 4 years, 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 scale of which has been masked by GoSL propaganda, the checks on independent access, and the fear, inculcated into those who have been put through rehabilitation – not to defy the State by speaking out.

“Torture was not perpetrated by rogue individuals or elements within the Sri Lankan military guarding and present on the camp. It was planned. Commanders and soldiers alike tortured. Interrogations were normally done in a separate room. Sometimes we were questioned in a group. The same methods of torture, the same process, the same questions were used.”⁷²

There was little real training because the objectives are of pacification: pacification of all opposition, political as well as military.

The Bigger Picture

So far we have asked questions of the Sri Lankan rehabilitation programme with little mention of the broader context within which it exists, and our analysis and conclusions have been correspondingly limited.

Post Rehabilitation: The focus of the report to this point has been on the treatment in the camps, but the torture and abuse do not cease upon release. If we seek to understand rehabilitation, we must look beyond it. Media reports abound of the intimidation of the rehabilitated and their families, after ‘successful completion’ of rehabilitation. The threat of re-arrest is pervasive.

“Some say they are being kept in Boosa, but we are not allowed to visit them,” a mother of two children said complaining that there have been no response for their complaints with the SL Human Rights Commission, the ICRC and the Sri Lankan Police.”⁷³

⁷¹ Note the extreme vagueness of what constitutes terrorism in the 2005 Emergency Regulations, “any unlawful conduct. ...that disrupts or threatens public order” Regulation 8.

⁷² TAGRefRB2

⁷³ Tamilnet, 27 May 2013, “SL military arrests husbands, sexually harasses wives in Trinco” <http://www.tamilnet.com/art.html?catid=13&artid=36354>

A Tamil Net article, 21st February 2013, reported that *"Tension and fear continues to prevail among the families of former LTTE members, who have rejoined their families in the East...as the SL military thinks any resistance coming from the uprooted families that demand resettlement originates from people who were associated with the LTTE in the past."*⁷⁴ The Tamil Guardian, 21st July 2012, summarized *"Suspected LTTE members, who were taken into Sri Lankan government's arbitrary arrest in 2009 and released after 'rehabilitation', continue to be harassed by Sri Lanka's intelligence services – the CID, reports Uthayan and TamilNet."*⁷⁵

The experience after rehabilitation of the 5 witnesses who spoke to TAG confirms the above newspaper cuttings. The witnesses spoke of the conditions of their release:

*"Before I was released I was clearly instructed that release was only valid for 6 months. Within 6 months I should inform on LTTE cadres who had yet to surrender, and I was strictly commanded not to contact NGOs."*⁷⁶

*"Upon release I was told that it was only valid for six months. After that time I must register with a local government servant and intelligence personnel. I was ordered not to speak with the media or to leave the country without informing locally. The penalty of doing either was re-arrest, and charges pressed. My life was also threatened."*⁷⁷

*"I was freed with 100 other former cadres, who had also been 'rehabilitated'. Before the release, the Army Officer in charge of the camp briefed us. He instructed us to report on a weekly basis to the local army base. He warned us that if we were to become involved with LTTE activities we would face severe consequences, just as the JVP had suffered in the past – burned and killed. We were forbidden from disclosing anything to the media about our time in rehabilitation, and warned that if we breached this condition, our safety would be at risk."*⁷⁸

They told of the restrictions they faced, the curbs upon their basic freedoms and the limits to opportunities:

⁷⁴ Tamilnet, 21st Feb 2013, "Sri Lankan TID harasses ex-LTTE members in East"
<http://www.tamilnet.com/art.html?catid=13&artid=36069>

⁷⁵ Tamil Guardian, 21st July 2012, "former LTTE members subjected to interrogation"
<http://www.tamilguardian.com/article.asp?articleid=5330>

⁷⁶ TAGRefRB1

⁷⁷ TAGRefRB2

⁷⁸ TAGRefRB5

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*"After my release various divisions of the armed forces continuously visited my home in Killinochi for interrogation and to ensure that I was not in contact with anyone outside my village in Killinochi....Due to the continuous visit of security forces to my house after my release my neighbours prevented their interactions with me. The society viewed me with fear and suspicion. It had made the life of those released persons enormously difficult to integrate into the society and lead normal family life."..." While we had been in detention in the rehabilitation centers security forces frequently visited inmate's houses and sexually harassed female members of the family. Various sections of the security forces already knew our family details and residence address from our database. When I had been released I was issued an ID card by IOM for employment opportunities. However, it wasn't useful as the people, because of suspicion that we might be part of a Tamil paramilitary group or informers, deliberately isolated us. In most cases released persons from the rehabilitation centers were denied all opportunities."*⁷⁹

The former NGO worker told TAG of the difficulties that those released from rehabilitation faced,

"The freedoms of former combatants who have been through "rehabilitation" are few. The military commander for an area will regularly call former rehabilitees together, to re-issue threats. The frequency of such meetings depends upon the situation - if anything happens, for example a remembrance event, then the GoSL officials look to blame the former LTTE cadres."

Speaking of an former combatant employee,

*"It was upon trying to pay his wage I discovered he had not been allowed an ID. Without official identification documents, he was unable to travel within Sri Lanka, let alone beyond Sri Lanka. His family and he lived in the Vanni and although he would have been able to leave he would not have been able to return through the numerous CheckPoints. Without an ID he was unable to open up a bank account and thus unable to cash his pay cheque."*⁸⁰

Of TAG's five witnesses who had experienced rehabilitation, two were abducted by the Sri Lankan state after their release; they were interrogated and tortured.

Other policies: State policies and actions, directed at the wider Tamil community, compliment and held shed light upon the State's conduct with regards Rehabilitation. For example:

⁷⁹ TAGRefRB4

⁸⁰ TAGRefRB7

- Media Freedoms. A comprehensive account of the State's treatment of the Media, has been provided in TAG's report, "Silencing the Press: An Analysis of Violence Against the Media in Sri Lanka", November 2013.⁸¹ The repression of a free press helps account for the state's success in limiting the promulgation of negative stories from rehabilitation.
- 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,"* wrote the Commission for Justice and Peace of The Catholic Diocese of Jaffna.⁸² The Commission's list of "long-term issues" included the occupation of lands by the security forces – it was noted that *"In some places the original inhabitants have been told that their lands will not be returned to them and that they will have to settle down in areas indicated by the Security Forces"* – and the *"allocation of the lands in the North to the Southerners"*.
 - The President of the Tamil National People's Front, Gajendrakumar Ponnambalam speaking at a conference on "Land Grabs" in London, February 2014, stated, *"There is a clear state transformational process of establishing a Sinhala Buddhist ethnocracy"*.⁸³ Kumaravadivel Guruparan Jaffna University Lecturer and civil society activist in a video recording before the conference, explained that the Sri Lankan state *"wants to redesign and reclaim the Northeast, to make it part of its Sinhala Buddhist state"*.
 - Whilst all those with LTTE affiliations were held in rehabilitation camps, and large swathes in IDP camps, the State worked and still works to undermine the very basis of Tamil claims for an independent homeland. Para 327 of "GJ" summarised *"At the end of the civil war, Tamils were relocated to camps, pending reconstruction of the conflict-damaged north and east, and also to allow for identification of persons requiring "rehabilitation" before they could rejoin the Sri Lankan community. The camps are only now being closed, some four years later, but many Tamils have lost their businesses and farms to occupying Sinhalese soldiers and others find that their homes, farms and businesses are in high security zones (HSZs), where there is said to be high levels of unexploded ordnance, and inaccessible."*⁸⁴
- The pacification of the Tamil people is not restricted to those in rehabilitation. Tamil Net, for instance recently reported the Sri Lankan practice of putting university students

⁸¹ <http://f.hypotheses.org/wp-content/blogs.dir/846/files/2013/11/Silencing-The-Press-Nov.06.2013.pdf>

⁸² Tamilnet, 13th Jan 2013, *"Jaffna Catholic organization urges Bishops to see illusion of development, reconciliation"* <http://www.tamilnet.com/art.html?catid=13&artid=35936> and http://www.tamilnet.com/img/publish/2013/01/Jaffna_Diocese_Justice_and_Peace_Commission_letter_2013.pdf

⁸³ TamilGuardian, 2 February 2014, *"This is an ongoing genocide" Landgrabs conference concludes"* <http://www.tamilguardian.com/article.asp?articleid=9852>

⁸⁴ "GJ" (2013) Para 327 <http://www.refworld.org/pdfid/51da951c4.pdf>

through military led instruction.⁸⁵ Countless reports attest to the intimidation of Tamil women, left vulnerable in the absence of male family members.⁸⁶

Historical Backdrop

The abuses committed in Rehabilitation since the war are a continuation of past crimes and policies. Particularly when there has been no meaningful accountability provided, the one cannot be divorced from the other. Impunity and triumphalism paves the way for continued Tamil suffering. A recent asylum case in the UK, "AS" referring to the period from 2003 through to December 2009, stated

*"it is our view that the country evidence shows overwhelmingly that the Sri Lankan authorities were specifically attacking the Tamil population, the police force being agents in that attack, certainly by the way of torture and kidnapping. The US State Department refers to "numerous reports that the army, police, and progovernment paramilitary groups participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity" and to the use of torture by police to extract confessions being "endemic"*⁸⁷

Impunity for crimes committed during the war and before it is compounded by continued impunity for abuses perpetrated in the 'peace': Sri Lankan State officials are protected from the courts by the 2005 Emergency Regulations, namely regulation 73, "No action or other legal proceeding, whether civil or criminal, shall be instituted in any court of law in respect of any matter or thing done or purported to be done in good faith, under any provisions of any emergency regulation or of any order or direction made or given thereunder, except by, or with the written consent of, the Attorney-General." Similarly the Prevention of Terrorism Act No. 48 (1979) (PTA), which, with the lifting of the State of emergency in August 2011 was invested with greater powers, reverses the burden of proof with regards to confessions, namely confessions are admissible, and the onus is on the detainee to prove their confessions were made under duress.

The Nature of the Sri Lankan state

⁸⁵ Tamilnet, 21st Dec 2013, "Colombo seeks genocidal subordination through military indoctrination of students" <http://www.tamilnet.com/art.html?catid=13&artid=36908>.

⁸⁶ Tamil Guardian, 13 December 2012, "Sri Lankan Army coerces women into joining" <http://tamilguardian.com/article.asp?articleid=6549>, TamilNet, 15th August 2013, "Sinhala soldiers brutally rape Tamil mother in Poonakari, Killinochchi" <http://www.tamilnet.com/art.html?catid=13&artid=36558>, TamilNet, 18th March 2013, "Rape and murder of Tamil women by Sri Lankan forces aims at genocide: NZ Tamils" <http://www.tamilnet.com/art.html?catid=13&artid=36143>

⁸⁷ AS (s.55 "exclusion" certificate - process) Sri Lanka [2013] UKUT 571 (IAC), September 2013, http://www.bailii.org/uk/cases/UKUT/IAC/2013/%5B2013%5D_UKUT_571_iac.html

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A recent article in the Sri Lankan Daily News, dated 22nd January 2014, exemplifies the Sri Lankan state mind-set and the depth of the Sinhala Buddhist nationalist project. The article begins,

"If there is a genocide in this country, by the closest approximation of the word, it must be against the community of majority Sinhalese"

And expands,

"the Sinhala people are being told that they should revise or entirely rewrite their history, and that they were wrong to defend the territorial integrity of their country".⁸⁸

Indeed, although self determination is protected under international law, in the United Nations Charter and the International Covenant on Civil and Political Rights as a right of "all peoples", the 6th amendment to the Sri Lankan Constitution prohibits violation of the territorial integrity of the island nation, outlawing any avocation of Tamil Eelam as a separate nation.⁸⁹ The island of Sri Lanka, to the mind of the state and its majority, belongs first and foremost to the Sinhalese people and to the Buddhist faith. In the aforementioned UK Country Guidance 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 Sinhalese".⁹⁰

The rhetoric surrounding rehabilitation is reflective of the Sri Lankan state's chauvinism. For example, in an interview with the Sunday Observer, Commissioner General of Rehabilitation, Brigadier Darshana Hettiarachchi declared that *"During these programs we made efforts to inculcate human qualities in them"*.⁹¹

When Rehabilitation is analysed in broader context – in the light of other policies, history, and in recognition of the nature of the Sri Lankan state, we can recognise it for what it is; namely one of

⁸⁸ Daily News, 22 January 2014, "The Ongoing Genocide Against the Sinhalese" <http://cl.ly/image/3q3w2i042k1k/o>

⁸⁹ The Sixth Amendment, certified on the 8th August 1983, included the insertion of Article 157 A - the prohibition against violation of the territorial integrity of Sri Lanka.

<http://www.priu.gov.lk/Cons/1978Constitution/AMENDMENTS.html#Sixth%20Amendment>

⁹⁰ "GJ" (2013) Para 329 <http://www.refworld.org/pdfid/51da951c4.pdf>

⁹¹ Sunday Observer. 3 June 2012, "Sri Lanka's success story on rehabilitation" <http://www.sundayobserver.lk/2012/06/03/fea01.asp>

many mechanisms of pacification, a method of reinforcing a sense of powerlessness in the minds of the Tamil people, a continuation of the policies in the war - policies that resulted in the deaths of thousands of civilians.

Thus the Organisation of Relatives of Surrendeers and the Disappeared (ORSD) stressed,

“that the violations of Human Rights that our members face should not be seen as mere violations of individual Human rights, but a far deeper systematic plan that targets the national identity”

And

“We would like to emphasize that the above [violations] should not be merely seen as a lack of reconciliation and accountability”, but as a program of Sinhalization with the intent to destroy the identity of the Tamils existing as a distinct Nation.”⁹²

Conclusion

At the last two reviews of Sri Lanka at the UNHRC, calls from states to give Sri Lanka more time and support to recover from a long civil war, from the ravages of terrorism, were all too frequent. Narratives of a potential liberal space in Sri Lanka, of a period of transition from war to peace that need run its course, deny history's lessons and mask the current reality – a reality exemplified by the programme of rehabilitation. Such narratives are blind to the depth of the Sinhala-Buddhist nationalist project.⁹³

The 'liberal peace' failed in Sri Lanka, arguably because it was too transfixed by its own universal prescriptions and desire to 'solve', to look to the actual situation in Sri Lanka. This hubristic tendency remains all too apparent. One can see it at work in analysis of torture in rehabilitation for example. In both the otherwise excellent ICJ report the prevalence of torture is rather reduced to being the result of institutional deficiencies (in need of correction), leaving the question of intent unexplored. The ICJ report expresses the ICJ concern that *“detainees are vulnerable to the violation of other rights...including torture”*, that *“preventative detention as a general matter, is a practice anathema to respect for Human Rights under the rule of law, creating*

⁹² TamilGuardian, 1 Nov 2013. *“ORSD calls on UK to take leading role in preventing genocide of the Tamil nation”*
<http://www.tamilguardian.com/article.asp?articleid=9228> and

<http://www.tamilguardian.com/files/File/ananth%20ORSD%20statement.pdf>

⁹³ See Guruparan quotation <http://www.tamilguardian.com/article.asp?articleid=9852>

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conditions not only for arbitrary detention but related human rights violations". Similarly Amnesty International, "Torture, enforced disappearances and extrajudicial executions continue in Sri Lanka in part because of these arbitrary detention practices".⁹⁴

But questions of motivation and of intent are vital.

Surely it is deeply problematic to give more time and money to a state that has intentionally committed atrocities against its own populace?

⁹⁴ Amnesty International "Locked Away" (Mar 2012) <http://files.amnesty.org/archives/asa370032012eng.pdf>