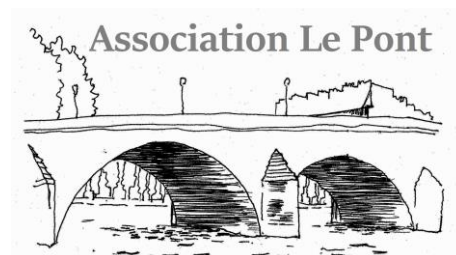


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Joint Stakeholders Submission for the Universal Periodic Review of Sri Lanka

In special consultative status with UN ECOSOC

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Systematic Sexual Abuse against Eelam Tamil Women by the Sri Lankan State

Eelam Tamil women are being subjected to a wide range of sexual abuses as part of a systematic campaign of extermination against their nation by the Sri Lankan state. This report analyses pattern of sexual violence since end of the armed conflict in May 2009 to demonstrate need for international action to halt the tamil extermination.

Eelam Tamil nation with their historic homeland to the north and east of the island now considered as part of Sri Lanka have been subjected to a systematic campaign of genocide by the neighbouring Sinhala nation since British colonial power departed in 1948.

Armed Conflict

From 1978 to 2009 Eelam Tamils waged a campaign of armed resistance to Sinhala military occupation of their homeland. Sri Lanka crushed Tamil resistance in May 2009. During the final phase of the armed conflict, from September 2008 to May 2009, UN, ICRC and other international representatives were barred from the Tamil region by the GoSL. Within that time, again, a whole host of war crimes and crimes against humanity, including rape as weapon of war, are alleged to have occurred, according to UN reports. More than 147, 000 Tamil civilians were killed or disappeared during the eight months.

Intent to Exterminate

Eelam Tamil women across the Tamil homeland, irrespective of age or any other strata, have been subjected to sexual abuse. Ex members of the LTTE are subjected to additional abuse. These are not crimes committed by a few depraved soldiers acting in isolation. The pattern of sexual abuse points to a systematic campaign aimed at preventing births within a national group.

Genocidal acts of sex abuse against Eelam Tamil women since 2009

Despite the advancement in education, Eelam Tamil society remains conservative in its social outlook and bound by ancient gender roles. Protecting the naked body (not exposing to anyone) and virginity for her husband is seen as the most primary duty of a female.

Humiliation

Intimate, inappropriate and sexually suggestive questioning and forced exposure of females brought up in a strict patriarchal society causes irreparable mental harm. Such acts taking place in public, often in view of family members further adds to the torture of humiliation.

Mutilations

Mutilation of body as a consequence of torture during routine questioning of suspects is common in the island. Both men and women across the Tamil homeland can be found with various genital mutilations as a result of torture. Eelam Tamil women, however, are also targeted for disfigurement with aim of preventing normal life.

During late 2011 the phenomenon of 'grease devils' was unleashed in the Tamil homeland. These were men, acting alone, covered in grease, who would appear at night time in military controlled villages. They targeted homes without adult males. The activities of the 'grease devils' were limited to sexual attacks and random slicing of Tamil women's breasts. The homes were rarely robbed. On occasions when the householder raised alarm and villagers chased the attackers the 'devils' fled into military camps.

Many women injured in the final months of the armed conflict were admitted to military controlled hospitals out of bounds for media or any other independent persons. Direct orders were issued by the Sri Lankan military administration carry out unnecessary operations leading to permanent disfigurement. In many cases, women in particular, needing immediate surgery were denied medical access until their condition deteriorated to the point at which body parts had to be removed.

Rapes

Several video footages from the final days of the armed conflict and its immediate aftermath show that women who were captured were subjected to gross sexual abuse, mass raped and then shot dead. Much of it was captured on video by Sri Lankan soldiers.

Rape of women in military occupied areas, especially in their own homes in front of family members, is regular. In January 2013, for example, there were two cases of a four year old infant girl raped and dumped near a military checkpoint and a 27 year-old mentally unwell Tamil woman raped and dumped in a well near a military camp.

Forced Birth Control

Despite sparse population density across the Tamil homeland, relative to rest of island, and the slow population growth in the region, many Eelam Tamil women are coerced into permanent birth control measures at hospitals under strict orders from GoSL authorities. Women giving birth to their first or second child have been forced to accept permanent birth control operations.

Sexual abuse against female ex-cadres of the LTTE

The LTTE, while primarily waging a campaign for right to secession from the modern Sri Lanka state, also led a social revolution within the Eelam Tamil society. Women were involved in every sphere of LTTE's activities. They were at the highest level of its civil administration as well as on the front line, ranked equally among their male counterparts.

Since 2009 ex LTTE cadres have been subjected to abuse in addition to those carried out against all Eelam Tamil women. From the minute of cross over from LTTE administered areas, they were interned in special camps away from civilian settlements for several years, are only released to 'host' families, are called for regular interrogation and are forbidden from interacting with any other ex LTTE cadres.

Impregnation

Several ex LTTE cadres were systematically raped while interned in special camps. The abuse was not part of a campaign to 'extract' any information: victims were not questioned. Many were not murdered post abuse. Most victims were released from the camps during late stage of their pregnancy.

In Jaffna district there has been an increase in the number of babies born post 2009 and abandoned in the streets. These are babies conceived after May 2009. Heavily pregnant ex LTTE women committing suicide and being admitted to the hospital after attempting abortion at home are also reported.

Separation

Ex female cadres are either kept interned in special camps or are in de-facto isolation in the homes of 'hosts'. The hosts are registered families, often close relatives of the individual, who have agreed to take charge of the released ex-cadre and promise to ensure that they report back for routine interrogation and are kept in isolation from males.

In 2012, in the name of implementing ‘constructive recommendations’ of the Sri Lankan President’s LLRC, dozens of women, most of them ex-LTTE cadres, were forcefully recruited into the SLA and condemned isolation. Many were later admitted to hospital with psychological trauma. State media reported the new recruits were possessed by demons.

Sterilization

Majority of married ex-LTTE cadres were sterilized against their will enmass at the Vavuniya Hospital and at secret detention facilities soon after their surrender to the Sri Lankan military in 2009. Post 2009 unsuspecting Tamil civilians have been forced and coerced into sterilisation without their consent.

Children of women who gave birth immediately after their surrender were taken away without consent.

Social Problems Post-Armed Conflict

Wide range of challenges, are expected in any immediate post armed conflict situation. With breakdown in existing justice mechanisms and the large loss of life, mainly of men of working age, a number of socio-economic problems are expected. A mainly female population without basic livelihood dominated by a victorious male army of occupation has historically created an environment for extensive sexual abuse.

Criminal Acts of Individuals

Individuals from the Sri Lankan military and other official organs have been accused of rape and other sexual abuse of war widows, orphan girls and other vulnerable women of the Eelam Tamil nation.

Millions of properties were destroyed during the armed conflict. There are more than 85 000 widows and several thousands of orphaned girls in the Tamil homeland. Several hundreds have been psychologically affected by the trauma of the war. There are many state officials taking advantage of the socio-economic hardships to exploit women and coerce them into prostitution.

State Facilitates Individual Criminal Acts

Every single individual accused of a sex crime in the Tamil homeland since May 2009 has been a Sinhala soldier or individual associated with the occupying forces. Not a single person has been found guilty in any rape case in the entire north and east of the island in more than three and a half years.

On February 26th 2013, Human Rights Watch (HRW) released a report on sexual violence perpetrated on Tamil detainees by Sri Lankan security forces. The 140 page report, titled “We will teach you a lesson – Sexual Violence against Tamils by Sri Lankan Security Forces”, contains 75 cases of Tamil men and women who were tortured and sexually abused repeatedly by Sri Lankan forces. The HRW report further indicates that these cases are but examples of a much broader pattern in the abuses perpetrated by Sri Lanka’s security apparatus.

“The sexual violence that we are talking about in this report, it is not random, it is not some criminal element engaging in violence. There is method in it. It’s deliberate, it’s premeditated. This is coercive, designed to intimidate, to instil fear, to extract information, sometimes to extract confessions... This is a deliberate policy,” David Mepham, UK director of HRW.

He further stated an independent international investigation needs to take place in Sri Lanka to probe allegations of such abuses. Mr. Mepham said that while HRW was of the view that “systematic human rights abuses have been perpetrated by the Government of Sri Lanka against elements of the Tamil population” [1].

Before 2009, the prominent organizations like HRW that were carrying out the public discourses were focussing more on blaming the LTTE on ‘child soldiers’, ‘forcible recruitment’ etc and had little or no focus on the systematic rapes committed by the Sri Lankan army. With the recent admission of a UN official to HRW that “a large number of women fleeing from the conflict areas during the peak of fighting were sexually assaulted” and that “The abuse was extensive, causing a large number of civilians to flee back to the theatre of conflict to escape the abuse,” [2] even the allegation that the Tigers were using civilians as ‘human shields’ falls on weak grounds.

Rapes against Eelam Tamils have been used by the Sinhalese in riots, pogroms, police and military operations ever since the Sinhalese took to power and gained a constitutionally sanctioned monopoly over violence in the colonially created unitary state. After the onset of the Eelam Tamil liberation struggle, if there was one period where the rapes dropped to the lowest levels, it was after Pirapaharan’s LTTE crippled the Sri Lankan military in the Unceasing Waves operations and effectively challenged the Sinhala monopoly over violence through its de facto state. After the internationally aided counterinsurgency operation against the LTTE which led to its military defeat in May 2009, along with a massacre of epic proportions in Tamil history, the Sinhala army went on an orgy of rape of the remaining Tamils, civilians and LTTE cadres alike. The abuses in the IDP camps, aptly described by some as “Concentration Camps”, have been well documented by numerous sources.

A cruel logic for the rapes can be that they were war time ‘excess’ as has known to happen in many wars across the world. But facts on the ground show that it is precisely in the ‘stabilized’, ‘post-conflict’ Sri Lanka that the vulnerability of Eelam Tamil women to sexual abuse has reached levels hitherto unheard of in their history [3]. Indeed, many of the cases in the HRW report are post-2009 and HRW personnel claim that these are but samples of a much larger problem.

One of the authors had already written about the ideology behind rape in united Sri Lanka. [4] The ideology of a ‘united Sri Lanka’, Sinhala colonization and militarization of the Tamil homeland, requires rape of Eelam Tamils as a practice for it to sustain itself. Rape of Tamils is ingrained both in the neurotic-pathological desire of Sinhala nationalism to penetrate and possess the Tamil homeland and in the political economy of the Sinhala military apparatus that colonizes it. HRW is right to note that rape of Tamils was deliberate and methodical. However, HRW would have been closer to the ground reality had it recognized this systematic rape as a weapon of genocide.

Tamils knew of the strategy of sexual violence used by the Sri Lankan military, its extent and its nature. Several Tamil activists, in the island, from Tamil Nadu, and in the diaspora, have been stating much before the so-called end of the war in 2009 that rape was used as a weapon of genocidal war by the Sri Lankan state forces. This author has in possession 60 handwritten affidavits made in 2006 by Tamil political detainees describing in detail the very violent sexual assaults on them by both male and female Sri Lankan armed forces. Another commentator in the video clip, Dr Elumathy Karikalan, was disappeared by the Sri Lankan military after she walked out of the war zone.

While the three Tamil women noted above were able to document and describe the sexual violence in the safety of Vanni under the LTTE in 2006, today no Tamil living in the island has the safety to record them. After marginalising the Tamil women activist through the genocide of the Tamils, organizations like HRW, however, through their vast resources are able to gather and record these thus monopolising the human rights reporting of the Tamils.

The latest attention to the sexual violence against Tamils by the organizations like HRW after neglecting this issue for years is a good example of how these organizations remain loyal to the power centres and selectively focus on the discourses of the masses in their service to the power centres. In this case, the need of the power centres to change the regime in Sri Lanka.

Carolyn Nordstrom who had carried out extensive field work in war zones writes, “Rape stands as a powerful example of physical assaults that are intended to carry deeper, supraphysical, impacts. I have listened to hundreds of accounts of rape, and few focus primarily on the physical pain. It is the emotional trauma, the social shame, and the violation of humanity that is conveyed most strongly in these accounts. What makes rape so grievous an act isn’t just the assault against the body, but the attacks against family, dignity, self-worth, and future. I have seen women suffer tremendously, even die, in difficult childbirths. I have seen devastating vaginal infections women have carried for months, even years, on front lines devoid of medicines. The physical pain involved in these is often as severe as that suffered in rape, and the grief over the deceased and the infirm as great as any war casualty. But these don’t invoke the horror of rape and the intent that underlies such aggression.” [5]

Kevin Gerard Neill also commenting on sexual violence perpetrated against women during war writes “Like any rifle or shell, rape in war assumes the level of being a weapon. It serves a specific military purpose. Putting aside for a moment the unforgivable defiling of an individual woman, rape in war achieves the goal of demoralizing and intimidating the side of the victim. It wounds identity and pride. And, in a traditional society, rape will likely be internalized by the victim, her family and, in the end, by the community in which she lives. In this manner, raping the women of a defeated people or nation becomes part of the effort to destroy them.” [6]

Abjectness, in effect, is worse than being objectified because the person is made to feel that they are a polluted object or a despicable thing. The women rape survivors know that they were raped not just because they were women, but because they were Tamil women. Unlike other rape victims, the appearance of PTSD in such women is marked by anxiety about their sense of identity as well because they were defiled by an enemy whom their kith and kin are fighting to preserve their identity. The individual trauma is experienced by those subject to abuse also as cultural trauma, leaving psychological scars on the subject, their families and the community, thus preventing them from creative political participation. The climate of Sinhala omnipresence and dominance perpetuated by the Sri Lankan state in the occupied Tamil homeland only accentuates this trauma. Which is why the argument that the abuses committed by the SL state apparatus should not be seen as individual human rights violations or as ‘sad stories’, as is the fashion with some liberal bleeding hearts, but rather as part and parcel of an intended genocide of a protracted nature.

As noted by the disappeared Dr Elumathy Karikalan in the video clip noted above, on the part of the Tamils at large too, a substantive social change is expected. Vietnamese resistance led by the Vietminh, noticing the stigma that the women raped by American troops faced from their society, declared rape survivors as national heroines. Considering the extent of sexual violence perpetrated in the occupied homeland of Eelam Tamils both during the war and after, Tamils world over should also consider dramatic changes to their social approaches to rape and torture survivors.

Recommendations

- a. Recognise the obvious pattern of sexual abuse against Eelam Tamil women as being carried out with genocidal intent.

- b. We request you to take measures to judicially address the Genocide against the Tamil people as called upon by the unanimous resolution adopted by the Northern Provincial Council of Sri Lanka in February 2015.
- c. Initiate an independent international investigation into the genocide of Eelam Tamils on the island to bring perpetrators of the crime of genocide to justice.
- d. Application of international criminal law, including war crimes, crimes against humanity, and genocide;
- e. Take immediate measures to end continued militarisation of the Tamil homeland, which is exacerbating sexual violence, and force withdrawal of the large number of Sri Lankan forces already occupying the Tamil homeland.
- f. Ensure all Tamils held in internment camps and special secret camps are allowed immediate access to international agencies and are released to lead normal lives at the earliest.
- g. Initiate an independent international investigation into the genocide of Eelam Tamils on the island to bring perpetrators of the crime of genocide to justice.
- h. Conduct a UN sponsored referendum to ascertain the political aspiration of Eelam Tamils, both in the homeland and the diaspora, with a free and sovereign state of Tamil Eelam as an explicit option, as it is the democratic mean to bring about a lasting solution to the conflict on the island.

References

[1] ‘Sexual violence against Tamils is premeditated, deliberate’: HRW UK Director

[2] “We Will Teach You a Lesson: Sexual Violence against Tamils by Sri Lankan Security Forces”, Human Rights Watch Report, 2013, p7

[3] Former LTTE cadres are in a particularly vulnerable position. See [“Genocidal sex abuse of ex-LTTE female cadres becomes routine in North and East”](#)

[4] [“Ideology behind military rape in ‘United Sri Lanka’”](#) by Karthick RM

[5] Carolyn Nordstrom, “Shadows of War: Violence, Power, and International Profiteering in the Twenty-First Century”, University of California Press, 2004, p63

[6] Kevin Gerard Neill, “Duty, Honor, Rape: Sexual Assault Against Women During War” in Journal of International Women Studies, Vol. 2, Issue 1, Nov-2000, p47

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