

Seemingly innocent

Boarding a crowded bus in greater Colombo, as I did one mid-afternoon in 1991, is a relatively commonplace affair. As I moved towards the back of the bus in search of a vacant seat I recognised a familiar figure - a man in his thirties, of dark brown complexion, wearing stubble beard - seated at its far end. A gale force of panic unsettled my mind and I was overwhelmed by a feeling of unease. I was standing just meters away from a man I had met about a year and a half prior at Point-K, a notorious military-run interrogation facility in southern Sri Lanka. This particular man had a habit of digging his left thumbnail, which was grown to over an inch long, and which was now in full view as he rested his hand on the seat-rail before him, into the eye sockets of detainees when interrogating them. Not only could I see his thumbnail, I could feel its pressure too.

The history of post-independence Sri Lanka is marred by mass state-sponsored violence, frequently involving torture and death in custody. In 1971, the government launched a ruthless military campaign to suppress the first uprising of the People's Liberation Front (JVP) which sought to establish socialist rule on the island. The JVP's second uprising and the socialist-nationalist fervour it inspired loomed large over Sri Lankan politics between the years of 1987 to 1990. The JVP garnered popular support in the majority-Sinhalese south of the island. The Sri Lankan state once again responded with a forceful military counter-campaign. The vast majority of the Sri Lankan military had been deployed to the majority-Tamil north and east of the island up to this point. It was engaged in suppressing the burgeoning liberation struggle for an independent Tamil state which was led by the Liberation Tigers of Tamil Eelam (LTTE). As they were redeployed to the south, the Indian military took their place in the north and east in accordance with the Indo-Lanka Peace Accord of 1987.

The military counter-campaign in the south was targeted at all forms of political dissent, including opposition to human rights violations. Even human rights lawyers were not spared from being subject to State violence in this atmosphere. The majority of individuals who were detained at military-run interrogation facilities, such as Point-K, did not survive to tell their stories. Many of those who did survive are silent about their experiences, both as a means of managing their trauma on their own and due to fear of retaliation. These facilities were largely housed in structures originally built to advance societal progress; school buildings, public theatres, community centres, gymnasiums, factory halls and such were commandeered by the military to be used as detention centres and interrogation sites during this period. Today, a large number of these establishments have returned to their original purpose. I began my survey of military-run torture sites upon returning to Sri Lanka in the mid-1990s following a period of exile abroad. In 2015, I began visiting these sites, starting with Point-K which has now been partly demolished. My daughter sometimes accompanied me, but I usually went by myself. I made a point of filming my visits. For me, these were moments of paying tribute to those, known and unknown to me, who had at one time endured unimaginable violence and died in these places, moments of resisting the erasure of their memory, our memory and my memory.

Various methods of torture were commonly applied during the interrogation of persons in detention. Among the tools used during such interrogations were a range of ordinary household objects – screwdrivers, scissors, electric irons, ballpoint pens, plastic bags, hardcover books and so on - which in everyday circumstances seem harmless and innocent. As Amnesty International's September 1990 *Sri Lanka: Extrajudicial Executions, 'Disappearances' and Torture, 1987 to 1990*

report notes, “[r]eports of torture by members of the security forces in the south have been widespread. Torture has sometimes been so severe that it has resulted in prisoners’ deaths.”¹

Detainees who were killed in custody and whose bodies were disposed of by the military unbeknownst to their families and without coronial inquest were simply classified as “disappeared”. The European Parliament’s mission to Sri Lanka in 1990, which three members of Students for Human Rights² including myself met with in clandestine, reported that “[v]arious estimates we have received suggest that at least 60,000 people disappeared in the south of Sri Lanka since 1987. This represents about one in every 250 of the [southern] population.”³ In October 1991, by which time I was in exile, the United Nations Working Group on Enforced and Involuntary Disappearances visited Sri Lanka. Despite the severe risks, Students for Human Rights met with the UN delegation. Its report stated that the disappearances which had occurred in Sri Lanka between 1983 and 1991 amounted to “by far the highest number ever recorded by the Working Group for any single country.”⁴

Having crushed the JVP’s second uprising, the Sri Lankan state turned its full attention to defeating the LTTE-led Tamil liberation struggle and Sri Lankan military forces were once again deployed to the north and east of Sri Lanka in 1991. The Sri Lankan state was apporioned a costly victory at the conclusion of this military counter-campaign in 2009. The conflict, and particularly the behaviour of the Sri Lankan military, has left deep scars on the soul of Tamil society. The *Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka* noted the Sri Lankan government’s extensive use of heavy weapons and intentional disregard of human casualties during this conflict.⁵ In reference to the number of civilian deaths that occurred during the final stage of the conflict, another probe by the UN concluded that there exists “credible information indicating that over 70,000 people are unaccounted for.”⁶

Men in uniform, like the one I encountered at Point-K, who tortured detainees often times to death and those who held positions of higher command during this period remain free to go about their daily lives. They, along with the political leadership of the time, have been generally unaffected by repercussions for their conduct. Four Presidential Commissions were appointed over the years of 1994 and 1998 to investigate the “disappearances” that occurred across the island between 1988 and 1994. As has been noted by the United States Institute of Peace, the result of

¹ Amnesty International 1990, *Sri Lanka: Extrajudicial Executions, ‘Disappearances’ and Torture, 1987 to 1990*.

² Founded in 1988, Students for Human Rights was a grassroots student organisation which was a part of the broader student movement of the time. Its primary focus was resisting state sponsored terror.

³ Subcommittee on Human Rights of the European Parliament 1990, *Report of Investigative Mission into Alleged Violation of Human Rights in Sri Lanka 27 October - 4 November 1990*.

⁴ The Asia Watch Committee of Human Rights Watch 1992, *Human Rights Accountability in Sri Lanka*.

⁵ United Nations Security Council 2011, *Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka*.

⁶ Internal Review Panel of the United Nations Secretary-General 2012, *Report of the Secretary-General’s Internal Review Panel on United Nations Actions in Sri Lanka*.

these Commissions was that “[o]f the several thousand suspected perpetrators that the commissions identified, less than 500 were indicted and even fewer were convicted.”⁷

Access to international mechanisms for holding the Sri Lankan state and military accountable for its record of routine human rights violations has time and again been impeded by the strategic and geopolitical interests of world powers. While attending the 2013 Commonwealth Heads of Government Meeting in Colombo, Tony Abbott, the former Prime Minister of Australia, reflected the laissez-faire attitude that such world powers take towards the Sri Lankan State. Upon being asked about the war crime allegations leveled at the Sri Lankan military, Abbott responded, “we accept that sometimes in difficult circumstances difficult things happen.”⁸

Tens of thousands of families, from the south and the north, are still seeking justice for their lost loved ones. The Sri Lankan state refuses to bring about any mechanisms of transitional justice by which torture survivors and the families of the dead and disappeared may seek redress. In doing so, the State forces the erasure of the memories of individual survivors and families, as well as the collective memory of the communities that it targeted.

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⁷ United States Institute of Peace 1995, *Commissions of Inquiry: Sri Lanka*, viewed 21.01.21, <https://www.usip.org/publications/1995/01/commissions-inquiry-sri-lanka>.

⁸ Sydney Morning Herald 2013, *Abbott's Torture Comment Sparks Response*, viewed 21.01.21 <https://www.smh.com.au/national/abbotts-torture-comment-sparks-response-20131116-2xnl.html>.