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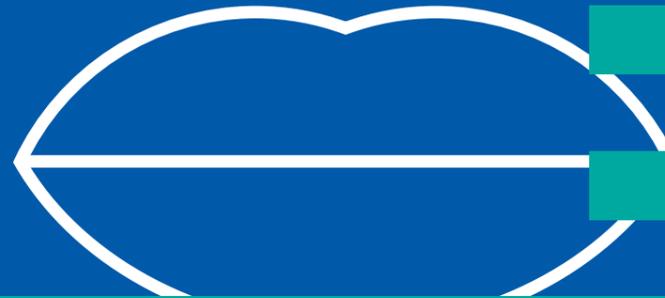
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UNSILENCED: MALE SURVIVORS SPEAK

OF CONFLICT-RELATED

SEXUAL VIOLENCE IN SRI LANKA

SEPTEMBER 2018



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“It is an integral part of the torturer’s choice of methods, when the story be told, no one is going to believe it.”

INGER AGGER AND SOREN BUUS JENSEN

“I am giving this statement to help prevent that these nasty things, such as the torture and sexual violence I suffered will not happen to any Tamils or to any human beings.”

WITNESS 202

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FOREWORD :

CHRIS DOLAN

DR CHRIS DOLAN WORKS WITH MALE SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE FROM UGANDA, RWANDA, BURUNDI, DEMOCRATIC REPUBLIC OF CONGO, ERITREA, SOMALIA AND SOUTH SUDAN.¹

This is a human rights report with a difference. Rather than providing a snapshot of what happened in a particular place at a particular time, it collates, sifts through, and articulates the essence of what has been done in a range of places over an extended period from 2009 to date (2018). While many of those whose testimonies appear here were detained without charge, it was always by perpetrators embedded within the same set of governmental security institutions in “post-conflict” Sri Lanka, operating against the backdrop of around a decade of “rehabilitation” of alleged former Liberation Tigers of Tamil Eelam (LTTE) members, and further conditioned by the long-standing Prevention

of Terrorism Act of 1978. More than anything, this report demonstrates that there is method to what, upon reading individual testimonies, might seem to be madness.

In the process of doing so, in addition to the immediate purpose of connecting the harms to the perpetrators, it takes us into so many broader dimensions of harms suffered by men in detention. Unusually, within its presentation of the overall pattern of violations against men detained in Sri Lanka, it confronts us with the sexual and sexualised specifics of much that happens within detention centres. These are dimensions that many human rights reports across a variety of geographical and political contexts have – perhaps unintentionally, and certainly uncritically – helped to disappear by placing them under the rubric of ‘torture’.

Without in any sense weakening our understanding that what is described is torture as defined by the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

the confrontation with its deeply sexualised forms and nature in turn radically extends our understanding of conflict-related sexual violence against men – for even if the horrendous abuses detailed here happened in the so-called “post-conflict” period, let no one imagine for a moment that they are not conflict-related. If in any doubt, couple the reported ethnic identity of the majority of perpetrators, with the language in which the forced “confessions” are written, and the highly ethnicised verbal degradation that is frequently used by the perpetrators to compound the physical violation. If still in doubt, pay attention to the sense of shame described by victims, and the multiple ways in which this undermines not only their individual, but also their social functioning.

The report thus adds a whole new dimension to the argument that conflict-related sexual violence is simply another point on a continuum of male-to-female gender-based violence that has its roots in peace-time gender relations between men and women. Here it is gender-based sexual violence

that has its roots in a very specific history of conflict, the evil flowers of which are seen in a post-conflict “peace” that is more akin to “victors’ justice” done by one group of men to another. Students and practitioners of peace building everywhere should pay attention not only to how what is described here is seen by the perpetrators as intrinsic to “rehabilitation” processes, but also to how such rehabilitation is a deliberate process of further debilitation – not just of the individuals, but of their communities; once relatives have purchased the victim’s release on the black market created at the interstices of extrajudicial detention procedures and paramilitary groupings, he has little option but to leave the country.

Methodologically, this report has much to teach us in terms of establishing evidence of patterns. Drawing on hundreds of testimonies collected over time from individuals left too damaged – and too unsafe – to stay in their home country, it demonstrates the centrality of data collection from refugees – and the fact that refugees are disproportionately affected by sexual violence. It is through hearing the repetition of specific details of practice, and triangulation from one isolated testimony to another, that the larger picture of (perhaps unwritten) policy emerges. One is left wondering how many of the Sri Lankan Tamil men who have arrived

in Europe since 2009 have not been violated in one or more of the multiple ways described? And yet, how few have felt able to disclose? The report stands as testament to the careful work over the last half-decade of International Truth & Justice Project lawyers and counsellors who, in the midst of a general climate of disbelief about conflict-related sexual harms suffered by men, have patiently and systematically provided a form of reparation that is not their immediate responsibility, but is nonetheless in their gift, namely; to listen, to hear, and to believe.

There is much in this report that it is hard to listen to, let alone to hear. Some of the subtexts that play throughout can also be a challenge to deeply held beliefs connected to sexual violence. In the midst of the multiple grotesque and inventive forms of sexual torture that are shown to have taken place in detention centres such as Joseph camp,² we also find that reality has further wrong-footed the infamous mantra that “rape is not about sex, it’s about power”.

The slamming of drawers onto the male genitalia, and the anal rapes using barbed wire that are described here, require a particularly high level of intentionality and, at least on the surface, offer low prospects of sexual gratification for the perpetrators. The barbed wire rapes support the rape as power thesis (the perpetrator

first inserts a plastic pipe into the victim’s anus, through which he then inserts barbed wire, before withdrawing the pipe and leaving the wire inside the anus). Yet multiple elements of the more conventional forms of penile rape also depicted here – generally of men kept in solitary confinement in between the formal torture sessions – wholly undercut the usefulness of an artificially simplified sex/power dichotomy and replace it with evidence suggestive of a more complex sex-power synergy.

These rapes using the penis, whether done by lone or multiple perpetrators, are undoubtedly always infused with the situational power and powerlessness of the perpetrator and victim respectively. In reading the victims’ accounts, it is though hard not also to infer that they frequently involve moments of sexual expression for the perpetrator; why else would some of them wish to strip themselves naked? Why else touch and hold the victim in perceptibly sexual ways? Why else make repeat visits to the same victim? Why, in some instances, does the perpetrator offer the victim some reprieve from the other forms of torture provided he does not resist the sexual violation? (Scenarios that also draw attention to the reality of sexual slavery of men in detention.)

Such questions, along with the frequent descriptions of victims being beaten or asphyxiated to the point of passing out only to wake up to find their anuses sore and bleeding, are suggestive of wider patterns of repressed same-sex desire being acted upon under circumstances in which the emotional dimensions of such desire are safely structured out of the picture. However, they are only some of the questions that any reader of this report should be asking themselves. Perhaps one of the most critical must be; 'Does sexualized violence occupy a particular and pre-designated place in a hierarchy of torture tactics?'

A reading of the testimonies upon which this report is based does indicate that, for many of the victims, the sexualized violence, coming on top of multiple and extreme non-sexual forms of torture (including being suspended upside down, asphyxiation, being branded with red-hot irons, having your head repeatedly pushed and held under water, having

your finger-nails pulled out), constitutes the moment at which detainees' capacity to resist is broken, and decisions to 'confess' are taken. Furthermore, the testimonies also show that suicide is contemplated by many of the victims specifically in response to the sexual elements of their suffering. In that sense, the answer to the question of whether sexualized violence is effective in breaking down the victim, seems relatively clear – at least from the victims' perspective.

That said, the sexual motives of some perpetrators appear to be acted on in holding cells rather than in the primary torture chamber – and in parallel to the structured sequence of non-sexual torturing done by other perpetrators. In other words, we cannot always be sure at which level the sexual activity was first contemplated, and we thus need to beware of uncritically imputing the intentions of the perpetrators from the outcomes as experienced by the victims.

Nonetheless, while credible statements of the intentions of perpetrators (beyond obtaining the information or "confessions" that are the supposed outputs of torture) are unlikely to be forthcoming anytime soon, we should never assume that those in overall command had no responsibility for what was likely to happen under their watch; explanations of individual 'indiscipline' cannot explain away the

weight of evidence of both systematic abuse and systematic opportunism contained in the pages of this report.

Read for its descriptions of sexualized torture, or read for what these descriptions suggest about the conflict-related deployment of sexual violence against men more broadly, this report, coming shortly after the 23 July 2018 release of the findings of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, ups the ante – or put more directly, raises the stakes – for us all.

For the Government of Sri Lanka, there is no escaping the fact that a complex of security organs has to all intents and purposes morphed the so-called Prevention of Terrorism Act into an unwritten Promotion of Torture Act. The PTA, even if not used to charge the detainees directly, has given rise to a deeply disturbing pattern of grotesque and sexualised excesses and must correspondingly be repealed forthwith. For activists, academics and policy makers, the findings so ably presented here, urgently oblige us to reconsider the boundaries between torture and conflict-related sexual violence, boundaries that have for too long been policed by spuriously and inadequately evidenced gendered assumptions – namely that men are victims "only" of the former (torture), and women primarily and "disproportionately" of the latter (sexual violence).

I. INTRODUCTION

Nearly ten years after the war, the Tamil population in the heavily militarised north of Sri Lanka continues to suffer the consequences of the 30 year conflict. Various reports by NGO's and international organisations have provided evidence that much as the war has officially stopped, the violence is still ongoing. Thousands of former fighters and surrendees were brought to what were called "Rehabilitation Centres" by the government after the conflict ended in 2009. However, the 'rehabilitation' consisted of collective punishment and arbitrary detention, sometimes for several years. While the ITJP has extensively documented victims' experiences of multiple violations including abductions, detentions and extortion, this report focuses

specifically on male victims' experiences of sexual violence.

The ITJP has brought to light sexual violence against women and girls in the past, and has advocated on behalf of the survivors, however this time it made a deliberate choice to focus on male victims. This choice was inspired by the fact that sexual violence has been a consistent feature of the stories of male Sri lankan refugees and asylum seekers. This indicates a widespread and egregious pattern of sexual violence against men that has so far not received the attention it deserves. The report provides a narrative analysis of the experiences of the more than one hundred male victims of sexual violence by the state security forces in Sri Lanka.⁹ The testimonies,

collected by the ITJP over the last four years provide a unique resource that gives insight into the strategic patterns of sexual violence against men taking place in Sri Lanka, the role of the various security forces, the impact on survivors as well as the barriers to access justice and services.

Sexual violence against men and boys in Sri Lanka takes place in a deeply unequal context (economically as well as with regard to gender

and ethnicity), that is marred by widespread violence against women and sexual violence against women and girls, as well as against ethnic and sexual minorities. The victims suffer multiple violations including abductions, detentions and extortion. While reports by international organisations such as ITJP and Human Rights Watch have provided evidence that there are a substantial number of male victims of state-perpetrated sexual violence, their experiences are frequently ignored in reports and contexts discussing conflict-related sexual violence in Sri Lanka. The booklet on SGBV issues *A Police Officer's quick reference guide to understanding, investigating and preventing Sexual and Gender Based Violence in*

Sri Lanka produced by the UN and the Sri Lankan police in 2014 does not contain any reference to men and boy victims of sexual violence.⁴ Neither does *The Policy Framework and National Plan of Action (NPOA) to address Sexual and Gender-based Violence 2016-2020*, approved by the Cabinet in June 2016.⁵ The same goes for the report on a 2017 workshop on tackling stigma, sponsored by the British High Commission.⁶

Male victims' stories are silenced locally, due to the stigma, the legal barriers and a lack of documentation. While the issue is silenced, it is also to a certain extent a public secret. Some people (e.g. former LTTE fighters) are aware that it happens, but when it is talked about, it is usually only in hushed tones and euphemisms. This report aims to break this silence.

The analysis contains many statements that have been taken literally from the testimonies and interviews. They are however very graphic in their description of the violence and may shock the reader. While there is a risk that this might desensitize, this choice was made consciously as the author wanted to represent the voices of the survivors as authentically as possible.

II. BACKGROUND

1. WHAT DO WE KNOW ABOUT CONFLICT-RELATED SEXUAL VIOLENCE AGAINST MEN?

There is a small but growing literature on sexual violence against men in conflict or conflict-affected settings. It consists both of theoretical analyses that seek to explain why such violence occurs, research on the mental health impact of sexual violence against men and strategies for healing, as well as research on prevalence. One of the major impediments for researching the issue fully, is the lack of reporting due to social stigma and legal barriers: homosexuality is still criminalised in 71 countries and the rape of men is often not recognised in law.⁷ This

is problematic because in many cases there is a lack of knowledge about the issue and male rape is wrongly conflated with homosexuality. Additionally, male victimisation is often not coded as such by human rights organisations and others, who label it 'abuse' 'humiliation' or 'torture'.⁸ This seriously distorts perceptions of the extent of the problem and leads to a lack of recognition. A study by Leiby on the coding of sexual violence by the Truth Commissions in El Salvador and Peru revealed that the actual number of male victims was much higher than indicated initially: 53 and 22 percent respectively as opposed to the 1 and 2 percent reported by the Commissions.⁹ There is no doubt that most statistics vastly underestimate the extent of the problem.

With that caveat in mind, the studies that have been done in the last decade do indicate that sexual violence against men in conflict settings is geographically widespread and far from uncommon. However, there are many gaps and ambiguities with regard to definitions and research designs often vary. Additionally, all of the quantitative research that has been done so far has taken place on

the African continent. Johnson et al. conducted a study in Liberia among former combatants. They found that 32.6 per cent of males and 42.3 per cent of females had experienced sexual violence, compared with 7.4 per cent and 9.2 per cent among non-combatants, respectively.¹⁰ A study in the Eastern DRC in 2010 found that almost one-quarter (23.6 per cent) of men had experienced sexual violence (760,000 individuals).¹¹ The Refugee Law Project in Uganda found that, in a screening of 447 adult male refugees, more than one-third (38.5 per cent) had experienced sexual violence in their lifetime, including 13.4 per cent in the year preceding the screening.¹² A survey of Sudanese refugees revealed that

30.4 per cent of men had experienced or witnessed the sexual abuse of a man; among non-refugee Sudanese men residing in a conflict-affected state in Sudan, almost half (46.9 per cent) had experienced or witnessed the sexual abuse of a man.¹³

More recently, the Independent International Commission of Inquiry on the Syrian Arab Republic has repeatedly documented sexual violence against men and detention.¹⁴ A 2017 report by UNHCR on sexual violence against men and boys in the Syria crisis¹⁵ revealed that between 19.5 to 27 percent of male respondents interviewed in Iraqi Kurdistan, Jordan and Lebanon confirmed having experienced sexual harassment or unwanted sexual contact as boys. During a focus group within the framework of the project, refugee women in Jordan estimated that 30 to 40 percent of adult men in their community had experienced sexual violence in detention in Syria. The study further identified four patterns of sexual violence against males: 1. conflict-related sexual violence by multiple parties to the conflict, 2. sexual violence against LGBTI persons by parties to the conflict and by multiple types of perpetrators in their countries of asylum 3. refugee boys suffered sexual violence

at the hands of older men and boys as well as host communities 4. refugee boys and men suffered sexual violence in work contexts. In 2018 a report by the OHCHR highlighted the sexual abuse of men in detention in Libya.¹⁶

There is a clear continuum between sexual violence in so-called peacetime and sexual violence in conflict: outside of all-out war, sexual violence is used by many state actors in many countries across the world in times of heightened political contention in order to demobilise and repress citizens, political dissidents, ethnic communities, people with particular religious beliefs etc. Sexual abuse as a form of torture (of both women and men) has been documented in every region. Kenya and Egypt are two recent examples of cases where sexual violence was used against women and men in order to demobilise particular groups. In Kenya, during the post-election violence in 2007, both women and men were targeted by perpetrators who sexually abused them.¹⁷ Men were not only raped but also forcibly circumcised and, in some instances, castrated.¹⁸ During the protests in Tahrir square in Egypt, after the downfall of the regime of Hosni Mubarak, women and men were sexually

assaulted by vigilante groups in order to intimidate and demobilize them.¹⁹ Sexual violence is a powerful weapon because it impacts on core aspects of people's identity and through the weaponising of stigma, destroys the social fabric.

The ITJP has documented both male and female perpetrators of sexual violence. In the majority of cases discussed in this report, the perpetrators are men. Sexual violence gives the perpetrator a sense of hypermasculine identity, while at the same time compromising the masculine identity of the victim by subordinating and objectifying him.²⁰

2. CONFLICT-RELATED SEXUAL VIOLENCE AGAINST MEN IN SRI LANKA

Sexual violence against men and boys in Sri Lanka is embedded in a wider system of gender-based violence and widespread (sexual) violence against women and girls as well as against ethnic and sexual minorities which has been extensively documented over the years.²¹ Sexual violence against men and boys therefore has to be seen in connection with (sexual) violence against women and girls, misogyny and homophobia.

The response of the

authorities to the documentation of sexual violence, whether committed during, before or after the conflict, whether against women, girls, men or boys, has been extremely limited. Sexual crimes are not investigated let alone prosecuted, and over the years government representatives have repeatedly denied or minimalised the problem, fostering a culture of impunity for perpetrators.²² There is also little likelihood that a transitional justice mechanism will be established that will address the multiple gendered harms caused during the decades-long conflict.²³

Sexual violence against women, men, girls and boys is and has been committed to a large extent by those in the country's extensive security apparatus who profit from a culture of impunity. The ongoing violence has a traumatising and demobilizing effect on the population that also benefits particular political elites.²⁴ The Tamil minority in the north has been disproportionately affected by sexual violence by state security forces, both during the war and in the post-conflict context. No allegations of sexual violence have been made against the LTTE by

outside actors. The LTTE severely punished troops who committed sexual violence.²⁵

Sexual violence against men has been frequently documented during times of heightened political contention in Sri Lanka, though the focus was often on conflict in the south of the country.

The activist and former JVP-leader (Janatha Vimukthi Peramuna or People's Liberation Front) Lionel Bopage for example, in his account of torture during the JVP uprising and the Era of Terror in the 1970s writes that "men and women prisoners have reportedly been raped and male prisoners have said that they were forced to sexually abuse women prisoners."²⁶ The diary of Rohitha Munasinghe, a man of Sinhala background who was held in the Eliyakanda Torture Camp in the same

period also describes sexual torture of men.²⁷ The Indian Peacekeeping Force, which operated in Sri Lanka between 1987 and 1990 also committed sexual violence against men.²⁸ In recent years, the Asian Human Rights Commission documented instances of the sexual torture of Sinhala men in police stations mainly in the south of the country. The report *Narratives of Justice* mentions several cases of anal rape with barbed wire, beatings to the genitals and the sexual abuse of Sinhala men and boys.²⁹ The document however does not contain any cases of the sexual abuse of Tamil men in the north of the country.

The earliest study of Tamil victims of sexual violence in Sri Lanka to

include a substantial number of men is one conducted early on in the conflict by clinical psychologist Anna Doney and psychiatrist Daya Somasundaram in 1988.³⁰ It is the only study so far that was done in country. While the study was conceptualized more broadly as a research project on the psychological impact of torture, it does contain some results about sexual violence against men that do suggest similar patterns as those in the current day testimonies: “Some ex-detainees reported sexual abuse. Male prisoners were made to stand with their genital organs on a table. This part of the body is then hit using a short sand-filled piece of PVC pipe or wooden strips. Wire loops were sometimes inserted into the male organ ripping the skin and men were kicked between the legs. Objects were inserted in the anus.”³¹ Unfortunately, it does not indicate how many men of the total number were victims of sexual violence.

Dr. Michael Peel, a medical doctor working for the Medical Foundation for the Care of Victims of Torture in London published two studies on Tamil men in 1998 and 2000. As Peel worked with refugees and asylum seekers in the UK, his

constitutes a different kind of sample. Yet his findings again indicate similar patterns of sexual torture. For the 1998 study, he examined 41 tortured Tamil men. Thirteen men (32 percent) reported having been sexually assaulted, and seven (17 percent) said they had been raped. In all but one case, the perpetrators were connected to the security forces. In 2000, Peel and his co-authors reviewed the medico-legal reports of 184 Sri Lankan men who had been referred to the Medical Foundation for the Care of Victims of Torture between January 1997, and December 1998. Of the 184 men, 38 (21 percent) said they had been sexually abused during their detention.

Freedom from Torture published two reports in 2012 and 2015 that documented sexual violence against Tamil women and men.³² For the 2012 report, 27 men were interviewed, of whom 15 said they had experienced some form of sexual violence. In 2015, Freedom from Torture found that 83 out of 125 men (66 percent) reported sexual violence. Of those men 38 had experienced rape.

In 2013 Human Rights Watch published a report on sexual violence against women and men in detention in Sri Lanka, for which 27 men and 3

boys were interviewed.³³ Sexual violence and sexual torture of men was also documented in 2016 by the UN Special Rapporteur on Torture and by the Office of the High Commissioner for Human Rights Investigation on Sri Lanka in 2015³⁴ (OISL, see table). The OISL investigation interviewed 18 men who had been victims of sexual violence, and it concluded that men in detention in Sri Lanka “were as likely to be subjected to sexual violence as female detainees”. For her qualitative study, Dr. Nishanth V. Sanjithkumar interviewed 12 Tamil men from the US and Canadian diaspora who were sexually abused by the security forces.³⁵

This report differs from the aforementioned studies, in that it focuses exclusively on male victims and provides a narrative analysis of their experiences. It also focuses on methodological issues such as how the ITJP enables disclosure, as well as on the strategic uses of sexual torture and different layers of silencing. While the excellent studies by Peel and Freedom from Torture have also included a large number of male victims, the focus of these reports has been more on the medical and psychological aftermath of the torture and on

providing details on the numbers and types of abuses and locations. The thesis by V. Sanjithkumar provides a more sociologically inspired narrative analysis that is similar to what this report does, but it focuses on a smaller group. The thesis is also thus far not accessible to the larger public.

RESEARCH ON CONFLICT-RELATED SEXUAL VIOLENCE AGAINST MEN IN SRI LANKA



III. METHODS AND LIMITATIONS

This report is based on a content analysis of 121 testimonies of Sri Lankan male victims, all Tamils. The men were interviewed by ITJP investigators in the course of the organisation's work on various issues related to the human rights situation in Sri Lanka between 2014 and 2018. The testimonies were taken in undisclosed locations in the UK, Holland, France and Switzerland. All interviewed men are Tamils who have fled abroad. While the approach of the different investigators varies slightly, they generally use a list of questions that is the same throughout the interviews. The questions centre on the gathering of evidence for (war) crimes, with sexual violence being one of the foci. All questions were translated into Tamil by a Tamil interpreter who was present at the interview.³⁶ The violations cited in the

testimonies took place in the post-conflict period, ranging from 2009 until 2017, under the different post-conflict governments of Sri Lanka. Most of the abuses cited by the victims in the testimonies have been corroborated by medico-legal reports (MLR's) conducted by independent doctors, official documents, scars on their bodies and reports by insider witnesses.³⁷ All victims were asked whether they had given interviews to other human rights groups, in order to ensure the originality of the work and to avoid overlap. The author of the report also conducted a focus group discussion (FGD) with eight victims in London, and interviewed four victims separately during the course of writing this report. The purpose of these interviews and the focus group discussion was to explore how the survivors dealt with the aftermath of sexual violence and how they made sense of what was done to them. In all but one case, these interviews were conducted in English with a Tamil interpreter.

Some of the data from the testimonies was used for ITJP's earlier reports.

Testimonies W1 till W40, were taken for the Stop Torture report, which was dedicated to the issue of torture and sexual violence and published in 2014.³⁸ For this occasion, the interviewees were selected because it was known they were suspected to be survivors of sexual torture. By chance, half of them were female survivors (not included for the present report) and half male survivors. For all of the other testimonies, the process was different: they were taken within the framework of ITJP's investigations into known units and sites such as the Joseph Camp torture site among others. Even though the majority of statements were not collected with a view to finding evidence of sexual abuse, nearly all of the testimonies contained multiple instances of sexual violence. This means that it is highly likely that sexual violence is at least an aggravating and in some cases a determining cause of flight into exile.

Large sections of the interviews were redacted by the ITJP before the analysis due to safety concerns for the survivors and their

families. Any descriptions or parts that could lead to the identification of the survivor were taken out. The testimonies have been numbered, starting with "W". These numbers refer to the files in the ITJP archives. The statements also vary considerably in length. While most of them comprise several pages, some were quite short and describe only particular aspects of the sexual violence and not all of the other torture or the abduction. This restricted the qualitative analysis as it limited the kind of profile one can develop of the victims. While many did, not all witnesses were able to describe their sexual abuse in detail, some just gave a short description. Some were unable to do so because they had blocked the trauma from their memory. Others felt it was too painful or shameful to speak about it. Several also told the investigators they had fainted at the point the sexual abuse began and could not remember details.³⁹ This has to be taken into account when considering the numbers in the section on the types of sexual abuse. This number indicates the number of instances for the sexual assaults that were described in detail. In general, these numbers can be seen as the minimum of the number of assaults of that particular type. The counting of instances and different kinds of sexual abuse was complicated by the fact that victims were nearly always subjected to multiple forms of sexual abuse. Several were also detained multiple times over several years and

were sexually abused multiple times each time they were detained.⁴⁰

NVIVO, a software package for qualitative data analysis was used for coding and analysing the data. The codes were applied based on a grounded theory approach. This means that no list of codes was decided upon before the analysis, but that codes were based on the content of the testimonies. Given the process of data selection, the inherent selection bias and the limits on the data, the purpose of the report is not to bring a statistical analysis of male-directed sexual violence, but rather to provide a narrative analysis that centers both on the types of sexual violence, on issues related to disclosure and the question of how sexual violence against men is part of a broader strategy.

More than two thirds of the testimonies that ITJP has collected over the years are of male victims. This is not unusual: the reports by Dr. Peel and Freedom from Torture both also contained a majority of male victims. A number of reasons come to mind as to why the men constitute such a majority. On the one hand, men were more likely to have been members of the LTTE, and therefore to be detained. On the other hand, men also constitute the majority of refugees and asylum seekers from Sri Lanka.

The trained team of investigators takes great care to build up a

relationship of trust with the victims by providing physical and mental safety. On average the team members spend at least three or four days (4 to 5 hours per day) with the victims for the purpose of taking their testimony. The reason for spending so much time with the witness is partly to build the trust that enables disclosure, but also to ensure the accuracy of the account, so the witness can take time to review the statement and check completeness before signing it. The building of trust of course does not solely depend on the amount of time investigator and witness spend together, but also on his or her training and skills. The issue of sexual torture usually comes up when the victim feels safe and confident that he can share with the investigators. ITJP also follows up afterwards. It has established a psycho-social project with group therapy, English and art lessons, as well as giving warm clothes, insoles for shoes,⁴¹ rape alarms, assistance in getting legal representation, medical referrals and referrals to

housing organisations and so on. This way of working, as well as the fact that interviews are conducted out of country of origin essentially explains why ITJP has been able to collect so many statements on such a stigmatized issue. This was also corroborated by the victims themselves, who expressed that they were willing to talk precisely because of the safety measures, the trust building process and the guarantees for privacy. Several of the victims also said that they wanted to talk about their experiences as that would help prevent it from happening to others. See for example the following statement by Witness 126:

I am giving this statement because the world should know the situation is still not normal in Sri Lanka and detention, torture and sexual violence is still happening.

W126

It should be noted that neither the interviews nor the data from the testimonies provided any generalisable evidence with regard to the existence of a gender dynamic between survivors and investigators. It is sometimes assumed that men would only disclose to men and women to women. However, in this case many men felt comfortable speaking to the female investigators. For some, age and gender did play an important role, as they felt they were able to speak out because the investigator was an older man, but this was by no means universal.⁴² The interviewed doctors also emphasized that in their experience, the dynamics of disclosure are very dependent on personal preferences and backgrounds.

Many survivors said they were willing to speak about their experiences because ITJP could guarantee strict privacy. They said that while they would talk to the investigators, and might disclose to the doctors who did the MLR's, they would never disclose to relatives, given the huge stigma. Nevertheless, they often also expressed satisfaction at having been able to disclose, and said they wanted the rest of the world to know what had happened to them, so that it would never happen to anyone again. It should be noted that not all survivors did disclose in as much detail, and some were too traumatised to say more than "I was sexually abused many times". Yet others showed physical signs of sexual abuse (e.g. problems urinating, passing

stool, anal pain) and discussed those, but not the sexual abuse itself. Others spoke about their abuse in indirect ways, for instance by mentioning that they had been unconscious due to the torture, but woke up with their pants on their knees, or with anal pain and bleeding. Sometimes, the extent of the torture is such that victims cannot remember very clearly what happened when. This happens in particular when the torturers make them drink alcohol or asphyxiate them with petrol fumes. One example is witness 298. He cannot remember details of his sexual abuse, but his injuries suggest that he was anally raped and that his testicles were squeezed:

I have been asked if anything sexual happened to me. I don't know. When I was taken in 2016 anything could have happened. I was unconscious most of the time with only underpants on. I had pain in my anus and around my genital area in my testicles. But I had pain everywhere because I had been beaten so much. At the time I couldn't separate the pain but now, when I

am walking if I accidentally catch my testicle the pain is there. With my anus, when I go to the toilet, there is still pain now and sometimes my anus bleeds. I think the pain in my anus and testicles is because of something that happened whilst I was held in detention.

W298

Another aspect that made coding difficult at times is the fact that victims often use euphemisms to describe the abuse, saying they were "massaged" or someone "hugged" them. The following excerpt from W288 illustrates this:

I heard in Boosa that detainees were anally raped and I felt this is what happened to some of the guys in my cell. In those situations, the TID person would come along and bring the detainee to the interrogation area. I did ask in a few

cases what had happened to them and the detainee just told me the TID officer had asked him to massage him while naked.

W288

Additionally, 26 statements alluded to sexual violence without giving further details of where, when and how (this is a 21 percent of the total number).

Apart from the testimonies of survivors, an additional twenty one interviews were conducted by the author over the course of five months between October 2017 and February 2018. The purpose of these was to hear the survivors' perspectives, as well as to get insight into the dynamics of disclosure and stigma, as well as issues regarding the silencing of male victims locally. Interlocutors were the five investigators who collected the survivors' stories, five independent medical doctors who work with Sri Lankan male survivors or who wrote medico-legal reports for them, as well as two interpreters, a human rights activist from Sri Lanka and a Sri Lankan journalist based in Europe. Four survivors agreed to be interviewed in person, and in February 2018, a focus group was conducted in London with a group of seven survivors and their counsellors who also interpreted. An interpreter

was also present during three out of the four short interviews with individual survivors. The fourth one spoke English. Neither the discussion nor the interviews were recorded, though notes were taken on which the analysis is based. Statements made during the focus group discussion are labelled FGD in the report and are not attributed to the individuals who took part for reasons of privacy.

In the discussion of the findings, a number of statements are highlighted as examples. The sample of 121 testimonies however does contain more instances of the issue under discussion. A conscious choice was made to provide the most striking examples rather than fully list all instances of a particular type of abuse. This would have made the report unreadable.

IV. KEY FINDINGS

1. VICTIMS

All of the victims in the testimonies are Tamil men who were abducted or arrested after the conflict ended in 2009. Their ages vary, with the youngest victim 14 at the time of the violations, and the oldest in his late forties. The period of confinement ranges from a couple of days to several years. Some of the men were LTTE cadres during the war. Others were not cadres, but were forcibly recruited to the LTTE and performed tasks such as for example getting the injured to the hospital. There seems to be a tendency in recent years however, to arrest or abduct men who have only tenuous links with the LTTE (such as for instance the fact that their uncle or brother was a member) or none at all.⁴³ Some men were detained because they had been seen at a protest for

the disappeared, or because they had campaigned for a political party or worked for an NGO. In all but one case, victims' families paid bribes to end the torture.⁴⁴ A large number of victims were forced to sign "confessions" in Sinhala, a language most of them do not speak.

2. PERPETRATORS

The perpetrators belong to the various branches of the security services in the country.⁴⁵ The testimonies mention the Terrorist Investigation Division (TID), the Criminal Investigation Department (CID) (both divisions of the Sri Lanka police), and different branches of the military. The victims are not always able to identify to which force the perpetrators belong, as they are sometimes dressed in civilian attire. Apart from the interrogators, the detainees are also abused by those who come to bring them food or the people who guard their cells. The perpetrators are often drunk and smell of cigarettes and alcohol.

While women are often essentialised as nurturing and naturally less violent than men, female perpetrators

have been involved in torture and killing in most conflicts and Sri Lanka is no exception.⁴⁶ Two male victims described sexual torture by female perpetrators.^{47 48} In a number of other cases, victims describe that female officers are present during the sexual torture, they laugh at the victims and enjoy watching the torture. Witnesses w182 describes a female intelligence officer who sexually tortures him. The pattern of control and domination that is observable in all of the accounts of sexual violence is no different when it comes to female perpetrators:

I was also interrogated by a female intelligence officer who badly tortured me. She was in uniform. She beat me with batons. She was the worst torturer. She sexually tortured me. She stamped on my private parts and she beat me

with sticks on my private parts. She tied my penis with thin thread and pulled it. She spoke Tamil but she was Sinhalese. She had a strongly built body like men. Always in uniform.

W182

Witness 297 is abused together with another detainee. Four women are present, and one of them assists with the sexual torture, masturbating the victim:

We were brought naked into a room with four female police officers, two in skirt uniform, two wearing sari and one was pregnant. (...) X opened a drawer in a low table. He told me to bend forward and to put my penis inside the drawer. I couldn't do it properly, so one of the female police officers started masturbating me so my penis could

become bigger and then she put my penis inside the drawer. I heard them all laughing. W297

3. LOCATIONS

The victims mention many places of detention in the testimonies, showing that sexual violence takes place and has taken place across different settings: in the various "rehabilitation centres", army camps, prisons and centres of detention of the CID and TID as well as unofficial places of detention in houses and other buildings.⁴⁹

The testimony of W277, a 24-year old who was abducted by a white van in 2016 and abused several times during the time he was detained is a typical example of a victim who has suffered multiple abuses.

I was forced to perform oral sex in this manner about ten to fifteen times – I am not sure of the exact number of times. The men that did this to me were the same two that had done it before and also the man who had held my head

between his legs when the pole had been inserted into my anus. Each time the men came into my room alone and smelt of alcohol. They often burned me with cigarettes. Each time they forced me to perform oral sex and I had no choice but to do so. Telling the investigator this is extremely distressing and I cannot tell her about each individual time that this happened or if they ejaculated as I am trying to forget what happened to me.

W277

The testimony of W190 is an example of a survivor who

was detained several times and sexually abused multiple times on these different occasions. W190 arrived in the United Kingdom in 2015 and currently lives with his wife and children. He attempted suicide due to the memories of the sexual abuse. He was first abducted and detained for one month in 2011. During that time he underwent torture (squeezing the testicles, beating, petrol bagging,⁵⁰ and falaka⁵¹) and was sexually abused many times. Four years later, he was abducted again and kept for eight days. During that second detention, he was tortured, branded and sexually abused multiple times again.

I was abused by 5 to 6 men on more than 5-6 occasions. Sometimes one man and sometimes more than one. Always in my room. They made me touch their penises. They made me masturbate them. They ejaculated on my face but not into my mouth. They put their penis in my mouth. They put their penises in my anus and that caused me great pain. They

put a long piece of wood in my anus. They placed a pipe up my anus with barbed wire inside and when they pulled it out and I bled. These are many events. I cannot recall the number.

W190
(detained in 2011)

During those eight days they also sexually abused me many times. More than one man did this, including all those who tortured me. These abuses took place in my tiny room and in the interrogations room. These many acts included anal rape, masturbating them, insertion of wood and the barbed wire tube up my anus and oral sex. When I tried to commit suicide in November it was the instances of sexual abuse that were the darkest

thoughts in my mind. It is difficult in Tamil culture to speak of such things.

W190
(detained in 2015)

The case of W200 is similar, he was anally raped with a piece of barbed wire in Joseph Camp in 2009 and was sent to rehabilitation camps. Subsequently he was detained again twice and sexually abused again.

4. SEXUAL VIOLENCE AGAINST MEN AS AN INSTITUTIONAL POLICY

4.1. SEXUAL VIOLENCE AS PART OF THE "TORTURE STYLE"

Earlier reports have concluded that the sexual violence perpetrated by the Sri Lankan security forces is part of a deliberate policy that serves to demobilize, intimidate and dominate the Tamil minority. The Office of the High Commissioner for Human Rights Investigation on Sri Lanka (OISL) that investigated human rights abuses between 2002 and 2011 concludes that "incidents of sexual violence were not isolated acts but part of a deliberate policy to inflict torture (to obtain information, intimidate, humiliate, inflict fear). The practices followed similar patterns, using similar

tools over a wide range of detention locations, time periods, and security forces, reinforcing the conclusion that it was part of an institutional policy within the security forces."⁵²

The current analysis of the testimonies confirms these statements by the OISL: the sexual violence meted out to the detainees is clearly part of the distinct torture style employed by the security services. The concept of 'torture style' used here is derived from Darius Rejali's seminal study on modern clean torture *Torture and Democracy*.⁵³ He defines torture style as a regimen of torture techniques that appears in predictable combinations across time. The data from the testimonies indicate that the torture style and the forms of sexual torture have remained constant over time. Sexual violence is also constant across different locations and across different branches of the security system (branches of both police and armed forces).

A small number of victims told the investigators that they were aware that the security forces routinely used sexual violence against males. W3 is such an example. He was sexually abused in the Welikanda Rehabilitation Centre, shortly after the end of the conflict.

Prior to my torture, I knew that they were conducting sexual torture on the other detainees.

(...) When the sexual torture happened to me, only a few cadres told me that similar things happened to them. I assume that it happened to many more who were simply too embarrassed to talk about it.

W3

W232 was abused in an army camp. He says he was aware that anal rape was a common method of abuse by the security forces.

Although I was not conscious of exactly what they had done to me, I knew I had been violated and that something had been forced into my anal passage which had caused the pain and bleeding. This I already knew was a common method of abuse by the security forces abuse of LTTE members held in custody.

W232

Additionally, the various forms of sexual violence used on the detainees require particular tools, for example the regular use of drawers, of barbed wire and pipes.

There has been a lot of discussion in the academic literature on the question of whether sexual violence in conflict is employed by military groups as a deliberate strategy or whether it is a practice that is condoned by commanders. In this particular case, the sexual violence that occurs can be defined as strategic, as it forms part of a broader set of torture techniques and takes place in a context where torture is institutionalised and accepted as a means to achieve particular goals (ranging from the extraction of information to the subordination of the Tamil community). These cases are not isolated incidents nor are the detainees solely victims of unusually opportunistic guards whose behaviour is condoned by commanders.

The testimonies suggest agreed upon methods: besides the consistent use of particular tools, numerous victims also told the investigators that several officers usually participate together in gang rapes. Many victims described to the investigators that the officers who abused them would come in pairs, often dressed in their uniforms,

sometimes (partly in) civilian clothing. The officers help each other to abuse the victim, with the abuse occurring both in cells and interrogation rooms. No specific logic could be determined as to the timing of the abuse that would hold across cases: sexual violence occurred both during and after interrogation, and before and after confession. The following nine excerpts from various testimonies illustrate the way security officers operate: they usually come in pairs, and take turns sexually abusing the detainee. The excerpts are just a few of the numerous examples.

At night pairs of officers would come to my room and force me to have oral sex with them. One of them on one night was my interrogator. Every night different men would come whom I didn't know from the interrogations. All of them were in civil clothes. I think on 4 nights I experienced sexual violence.

W197

Two new men came into my room. I saw their faces when they opened the door. They removed my clothes. I was standing against the wall. They removed all my clothes, my shirt, trousers and underwear. One was wearing a t-shirt and the other a white collared shirt, and both had brown police type trousers. They didn't say anything. I was able to see that they lowered their trousers. They began to rape me.

W2

Two men (the same each time but not the men who took me from my home) came to my room about 3 to 4 times and took me from the small room to another small room without furniture. The room had a light and electricity. They

would shut and lock the door. One of the officers wore SLA army trousers and a civilian t-shirt and had short hair. The other man wore civilian clothes. They swore and used bad language in Sinhalese which I could understand. Two came together and sexually assaulted me.

W221

Two officers whom I hadn't seen before entered the room. They were wearing uniforms. They handcuffed me at the back and kicked me and shouted in a degrading manner that I was a Tamil dog. They spoke in very broken Tamil. I was sexually abused by these two officers. One officer came behind me and held my head and forced me to perform oral sex on the

other officer.

W276

In the case of witness 200, the abuse by two officers happens in his cell and not in the room where he is usually interrogated. Yet the interrogation continues during the abuse.

The interrogator X pulled down his trousers took out his penis and rubbed it in my face. When I tried to move my head, the other man beat me. He then forcefully inserted his penis into my mouth. When I tried to evade, they slapped me. The man who held me, then changed places with the interrogator X and came and did the same, he pushed his penis into my mouth. Then they told me to be on all four on the floor, they pulled down my underpants. They told me they had proof of my involvement in the recent recovery of

the suicide vest and if I failed to cooperate with them I would be killed. The man I didn't know restrained me, and interrogator X pushed his penis inside my anus and raped me.

W200

4.2. THE SILENCE WRITTEN INTO THE ACT

In their book on torture under the Pinochet regime in Chile, Inger Agger and Soren Buus Jensen write:⁵⁴ "It is an integral part of the torturer's choice of methods, when the story is told, no one is going to believe it." This is what makes sexual torture such an effective method: the silence is written into the act. Sexual torture is a form of so-called "clean torture",⁵⁵ a set of coercive techniques that do not leave many traces or wounds on the body that forensic medicine can identify as evidence for sexual violence, except in the worst of cases. Given the fact that in these cases most victims see a doctor abroad only quite some time after they have been abused, there generally is not a lot of physical evidence left that can directly link rectal, penile and other injuries to sexual violence. A factor that compounds the problem is that not all doctors are able to do these examinations of

intimate areas of the body if they have not been trained to do so. Within Sri Lanka, the medico-legal examination of torture victims takes place in the framework of court cases, and Tamil male survivors usually do not press charges for fear of retaliation against them or their families. All of these elements enhance the plausible deniability for the perpetrators.

The silence on sexual violence is also written into the act because it is based on the transgression of societal taboos regarding sexuality, specifically implicating victims in the transgressions of these taboos. The fact that one is implicated in one's own victimisation makes it more difficult for victims to speak of their experiences to others. Some of the sexual abuse of Tamil men implicates them in what can be understood as homosexual acts, while homosexuality is in fact deemed deeply unacceptable for many members of the Tamil community and is to this day still illegal in Sri Lanka. This destabilises the victims' understanding of themselves as men. Witness 285 for example told the investigators he was told by his perpetrators that he was "acting like a gay" and didn't want to get married after the incident:

I was taken back to the bigger room and the officers who abused me said to the other officers that I was acting like a gay. "Gay" was the only word I understood as they were talking in Sinhala. ... after that incident I did not feel like getting married any more. Whenever I speak to my girlfriend, I remember what was done to me.

W285

Male victims commonly experience a loss of masculinity due to the torture and sexual violence. The common conception of what it means to be a 'real Tamil man' - in other words the hegemonic masculinity - is that he should be married, have children,

and be a breadwinner for his family. A recent study of Tamil masculinity calls it the Warrior-Hero ideal: "Attributes include physical and psychological strength, courage in the face of danger, leadership, sexual prowess, and self-reliance."⁵⁶ Due to their experiences of sexual violence, male victims can no longer attain this hegemonic masculinity. They see themselves as tainted and unfit for marriage. Not only have they been incapable to resist the abduction and torture, they have also not been able to protect themselves from being raped or otherwise sexually abused. This is deemed 'unmanly': real men are thought to resist and fight.⁵⁷ This disbelief that men can be sexually abused is illustrated in a recent scientific article by two Sri Lankan lecturers in law: they propose an adaptation of the laws on rape and sexual abuse to include men and boys but insist that "social and biological factors" make male rape only a rare occurrence in Sri Lanka.⁵⁸ Male rape is not a rare occurrence in Sri Lanka, it is rather a rare occurrence that male rape survivors can speak about their experiences, given that victims are seen as unmanly. Many victims have deeply internalised these beliefs of what it means to be a real man, which also becomes an obstacle in their healing process. Male victims who commit suicide often feel that this is their last resort, as they find that they should be self-reliant and not seek help.

This silencing effect dovetails with the denial by the government and the culture of impunity.⁵⁹ The social taboo on sexuality in general and homosexuality in particular is so strong that officials and government sympathizers do not even need to explicitly deny the rampant and brutal sexual violence against men as it is highly unlikely anyone will bring it up. When the Associated Press published an article based on a selection of ITJP witnesses in November 2017, the government in its response hardly mentioned the sexual aspect of the torture at all.⁶⁰ In a short response to AP, Defence Secretary Kapila Waidyaratne said that "the government of Sri Lanka is for zero tolerance with regard to sexual abuse and so on." The reaction was similar to the earlier denial of reports on the sexual abuse by Sri Lankan peacekeepers in Haiti, which were rejected by the army as a fabrication.^{61 62}

Two op-eds by journalists in the Sri Lankan Daily Mirror also steered clear of the ubiquitous sexual violence in the statements, instead focusing on the issue of the branding of detainees, which they argued must have been self-inflicted. The piece argued that because the accusations were so ludicrous, they simply must be untrue, offering an alternative explanation namely that the victims paid a doctor to anesthetize and then brand them.⁶³

The lack of explicit denial about the sexual nature of the abuse of Tamil civilians

is not surprising. There are no incentives or structures available locally that would allow victims to disclose in a safe manner or a manner that guarantees their privacy. There are only very few centres in the north where torture victims can get psychosocial support.⁶⁴ Doctors in state hospitals who treat victims whom they suspect might have been tortured, are pressured to inform the police. Police officers are often present during medical examinations.⁶⁵ The legal framework in Sri Lanka does not provide for adequate and effective remedies for sexual violence. In particular, the legal definition of rape is inadequate and does not meet international standards: section 363 of the Penal Code recognizes only women as victims of rape and only men as perpetrators.⁶⁶ Only girls can be victims of statutory rape (section (e) of the law).⁶⁷ The definition of rape is limited to penile-vaginal penetration, excluding anal rape, digital penetration (with a finger), penetration with any other part of the body (i.e. - tongue), forced oral sex, or even when foreign objects or dildos are used. Marital rape is not a crime, and the provision on intoxication does not count if the woman consumed alcohol herself.⁶⁸

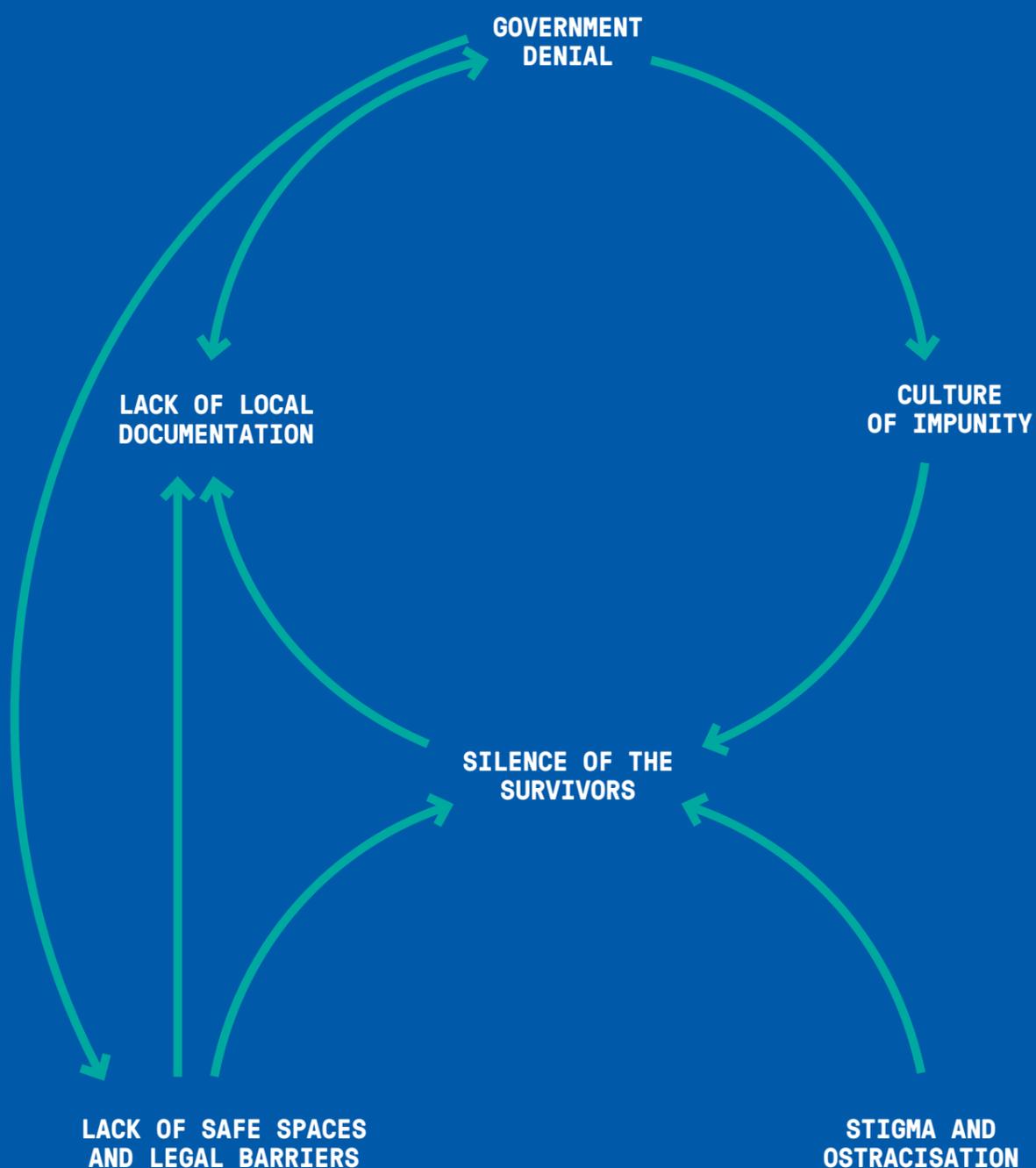
Additionally, as in many other countries formerly under British colonial rule, consensual sex between two men or two women is illegal (section 363 of the penal code on unnatural offences).⁶⁹ As a consequence, if a male

survivor were to press charges, he could himself be charged with sodomy. However even if these laws were changed, the legal process for survivors of sexual violence is more than daunting, as the experiences of female survivors show. One woman who mustered the courage to file an official complaint against her perpetrator, lost her job and had to wait for 14 years for a verdict.⁷⁰ Victims' families who do complain to the Sri Lankan Human Rights Commission (HRCSL) are the frequent target of reprisals and intimidation, which have been extensively documented by both ITJP and the Sri Lanka Campaign.⁷¹ There are serious issues with regard to witness protection, despite the fact that a Witness Protection Act was passed in 2015.⁷² The Sri Lankan police also lacks capacities to effectively investigate sexual crimes.

The lack of documentation of sexual violence against Tamil men by local human rights organisations further feeds into the denial. Activists do not document the experiences of those who are abducted illegally but focus on those detained under the PTA legislation. Human rights work in the Tamil north is made very difficult by extensive militarisation and surveillance. Additionally, human rights organisations have had the training and experience documenting sexual violence against women and girls, but not sexual violence against men and boys.⁷³ In part this is due to the very strong social

taboo on any issue related to sexuality. Additionally, the lack of free media in the country and the repression of civil society actors in general, as well as donors who prioritise local projects on reconciliation and inter-ethnic relations are obstacles to the documentation of stories of sexual violence against men by local organisations. Some local human rights organisations are keen to show the post-conflict country is progressing and the torture issue is an obstacle to that.⁷⁴ Additionally, there is the process of the normalisation of violence which has resulted in a low capacity to engage or express outrage after years of intimidation among the wider public. Those with alleged LTTE links are also generally seen as 'deserving' of punishment.⁷⁵ In recent years, the government, as well as donors and diplomats have taken aim at the messengers, attempting to discredit the organisations that document the widespread human rights abuses and sexual torture. All of these factors contribute to the culture of near total impunity that perpetrators profit from.⁷⁶

THE CYCLE OF STIGMA SILENCE DENIAL AND IMPUNITY



4.3. SEXUAL OPPORTUNISM

Dominant interpretations of conflict-related sexual violence have always focused on the strategic aspects of it, while the sexual aspects have often been written out of these narratives.⁷⁷ However, the fact that the sexual violence against male detainees is part of a set of torture methods does not preclude the fact that some guards and officers might take advantage of the situation for their own sexual pleasure. The methodical use of sexual violence by the Sri Lankan state security forces, combined with the impunity and denial of the crimes by the state, creates an atmosphere where individual officers, guards and civilians can take advantage.

The distinction between what is opportunistic behaviour and what is strategic is not always straightforward, as the testimonies do not always contain enough contextual information about the perpetrator or the context to make the claim. In order to make a complete assessment, one would also need to interview perpetrators.⁷⁸ In the testimonies, the victims cite many instances of guards who come to victims' cells at night to sexually abuse them, but it is not clear to what extent this behaviour is to be interpreted as purely opportunistic, or whether on the other hand it is being condoned by commanders. Victims may also be more likely to frame their abuse or rape as strategic for it to fit within a heteronormative framework and

not to implicate themselves in acts which could be considered homosexual.

The cases of W36, W205, W14, W20, W29, W267 and W203 however provide at least some indications that individuals taking advantage of their position of power for their own sexual gratification. W36's story reveals a pattern of both sexual abuse by interrogators and opportunistic abuse by guards. In this section in his testimony, the guard who brings him food, comes into his cell and forces him to perform oral sex. When the man hears boots in the hallway, he quickly stops. This suggests that he does not want to get caught abusing a detainee, and that he might be acting on his own, for his own gratification. Before this specific incident, W36 is also abused by the interrogators who rape him in the interrogation room.

In the following days they continued to give me only a little food once a day. After a couple of days, the guard who brought the food, placed the food in front of me and laughed at me and left the room. After a half hour he came back into my room. He was

wearing the same kind of green army T-shirt and pants. He had his rifle slung across his back. He removed my clothes including my underwear. He told me to hold his penis. When I refused he slapped me and told me "Tamil dog you will be dead if you do not hold it". In fear I held it. He told me to masturbate him. I did. Before he ejaculated we heard sounds of boots by the door. He quickly pushed me away and pulled up his pants and left.

W36

In another example of such opportunistic behaviour, Witness 205 is raped by an unknown man who brings sellotape and rope to his cell. W205's mouth is taped so he is not heard screaming and shouting, and ropes are tied around his ankles and hands to make sure he does not move during the rape.

I was sitting on the floor when one man came into the cell, I had not seen before. He was well-built, medium height and of dark complexion. He wore tracksuit shorts and a banian, which is a sleeveless undershirt, I don't remember the color, and slippers. He had short hair. He smelled like he had smoked and had maybe arrack or some other form of alcohol. He didn't speak to me. He tied my hands and my legs

at the ankles with rope and put some sellotape over my mouth. He made me lie down and pulled my underwear down to my ankles. I tried shouting through the tape and showed with my body that I didn't want him to hurt me. He kneeled in front of me and pulled me over half way on my side with his one hand around my waist and he put his other hand around my penis and starting sucking it. I lost consciousness so I don't know for how long he did it. When I woke up my underwear were down at my ankles, my legs and hands untied and the tape removed and he must have taken it all with him because it wasn't in the room.

W205

Several victims also reported that guards would try to bribe them into having sex

with them, promising they would be freed if they agreed. Both witness 299 and witness 130 recount such instances where guards offer them help in exchange for sexual favours.

He said to me in broken Tamil: "If you agree to have a sexual relationship with me, I will help you to escape". I said I could not do that.

W299

He spoke in broken Tamil. He pulled my underwear off and came down on top of me. I managed to push him off, but I was in a lot of pain, so again he came on top of me. He pushed his penis up my anus, telling me, I'm going to help you, I'm going to help you. While he raped me he was holding my mouth and I was just moaning in pain.

W130

Another case that indicates a mixture of sexual opportunism and seeking personal financial gain is that of witness 248, the 14 year old boy who is repeatedly called upon to sexually serve soldiers and civilians, with one soldier acting as his pimp (see section 4.5).

5. HUMILIATION AND DEHUMANISATION

The sexual abuse in the testimonies takes place within an atmosphere of complete dehumanisation, objectification and domination of the Tamil detainees, accompanied by degrading misogynistic abuse. The process of dehumanisation is an essential precursor to the sexual violence that is meted out to the victims as it prevents perpetrators from feeling any kind of distress when they abuse victims. The dehumanisation is psychological as well as physical and it demonstrates the absolute control perpetrators have over victims.

The cells where the detainees are kept are usually described by them as dirty, smelling of urine and human excrement or animal feces. Sometimes there are blood stains on the walls and floors. Detainees who asked for water were offered urine or forced to drink urine. In ten cases, guards or interrogators urinated on the prisoners. The guards repeatedly ejaculate over the detainees' faces in order to further humiliate them.

I was still suspended upside down. I begged for water and then one of the men pushed open and urinated in my mouth.

W232

The men also urinated on me and forced me to drink the urine. It was sickening. The pain was unbelievable. I felt extremely ashamed and dirty.

W221

Medical help is not offered, there are no washing facilities. After a while the bodies of the prisoners are dirty, encrusted with dirt and dried blood. The detainees are kept in isolation, and generally do not see others.⁷⁹ Many victims however describe hearing other victims scream and cry to the perpetrators to stop, which adds extra distress.⁸⁰ All of this amounts to psychological torture.⁸¹

The domination and absolute control of the perpetrators is also manifested in the swear words and ethnic and racial slurs they shout at the victims. The perpetrators refer to the Tamils as slaves of the Sinhalese. The Tamils

are most commonly compared to animals: the interrogators call the Tamils 'kottiya', the Sinhala word for Tiger (a synonym for member of the LTTE) or they call them "dog". Other terms used were "bastard" "cocksucker" and "motherfucker". The perpetrators also often laugh at the detainees' pain, fear and disgust.

They forced my face towards their penises and then ejaculated all over my face, laughing at me, calling me kotiya and smoking cigarettes while doing this.

W142

While he was doing that the other one moved to my head area and forced his penis in my mouth and ejaculated. They were laughing throughout.

W191

In the following examples, the sexual abuse is accompanied by language referring to the Tamils as

slaves. The perpetrators also refer directly to the goal of eradicating the Tamils as a people, these statements in particular are uttered while mutilating the men's genitals:

One of them squeezed my testicles saying "Tamil dogs, you won't have a generation in the future. We will destroy all Tamils. You are the slaves in this country." He squeezed my penis and testicles together. I was screaming in pain and on seeing my pain they laughed.

W4

He then turned me over and pulled my penis and testicles very hard in anger. "We will make sure that you will not create a future Tamil with this."

W223

When they came in they would shout in Sinhalese, "Tiger Tiger", and in broken Tamil "we have to kill you Tamils".

W224

They said all Tamils would become slaves. They said Tamil people never listened to them.

W267

"They said things like 'you Tamil dogs, are you trying to fuck with the Sinhalese, you will always be our slaves'."

W200

"He told me 'you are a dog Tamil and should not have any future generations'."

"this will be the fate of the Tamils."

"On the third night I was given a little food by a guard in army uniform and he said "here Tamil slave here is your food."

"Tamil dog you will be dead if you do not hold it" (his penis).

"You Tamils need a separate state. If you want a separate state you will have to take a bath in our urine."

W36

In other cases the perpetrator's words reveal the goal of the sexual abuse: to humiliate and dominate, to be in absolute control of the victim and to do with him what one wishes. In these cases reference is made to the Tamils as sexual slaves or prostitutes of the Sinhalese. In these instances, the Tamil detainees are also subordinated and feminised, such as for instance in the account of witness 299, to whom the perpetrators say 'pundaiyaandi', the Tamil word for female genitalia or in the example of witness 197 for whom the word "cunt" is used. Other research has also

revealed the deeply gendered and misogynist nature of the perpetrator's slurs.⁸² Witness 273 recounts how the Tamil men are seen as prostitutes by the perpetrators.

He said "I will do what I want - let's see what you can do about it - I will do this."

W223

Then he tried to make me have oral sex with the other officer, holding my head. The officer told me in Tamil that "you people are here to do this kind of job".

W275

The man asking the questions would call me 'a Tamil dog' and asked whether or not I felt any shame as I was being beaten by them. (...) He said other degrading things to me such as "pundaiyaandi" which is a word for female genitalia that is

used to degrade men.

W299

They sometimes shouted at me using filthy words in Sinhala and Tamil. They called me Tamil dog, Tamil cunt and Tamil cocksucker.

W197

They also used filthy words in Sinhalese about Tamils and the LTTE; I knew these words from the past when I had heard Sinhalese people use them. They used words like 'motherfucker'; this is the word they quite often used.

W219

These statements reflect only the tip of the iceberg in terms of the gendered and sexualized slurs that are being used. Many victims were too embarrassed to repeat what the perpetrators said, particularly where it concerned sexual terms. For some there is also a language barrier, as not all Tamils understand Sinhalese. (E.g. W133 "They used abusive words

in Sinhala but I didn't understand them but could understand from the tone."). Some of the Tamil victims said they were not used to this type of language in their own communities as under the rule of the LTTE, there was a strict moral code. The following statement by Witness 2 is just one example of a victim who did not go into detail about the language used:

They were using bad, derogatory words and laughing at me during and after the sexual torture.

W2

Perpetrators also demonstrate their control and masculine hypersexuality by using mobile phones to show pornography to victims. ITJP has also documented several instances of the use of mobile phones to film the rape and torture of female victims and in some cases these recordings are then shown to the male detainees in order to humiliate them. Witness 18 for instance describes being shown a video that shows the rape of female LTTE cadres:

Later in the same video it showed that four regular army soldiers in

camouflaged uniforms started to rape the female cadres. I could tell from the background that these were the same female cadres.

W18

In his statement, W289 describes how the officers show the detainees pornography on their mobile phones.

The officers forced us to watch pornography on their mobile phones. They just searched on the Internet and found some pornography. We are not used to this kind of thing and it made us so uncomfortable.

W289

6. FORMS OF SEXUAL VIOLENCE

The sexual violence that is described in the testimonies can be subsumed under five broader categories: 1. Forced nudity 2. Genital mutilation (the various ways of mutilating the testicles and/or penis of the victim) 3. Rape and 4. Forced masturbation 5. Coerced sexual acts and 6. Enforced prostitution.

6.1. FORCED NUDITY

Forced nudity is commonplace in detention situations in many countries as a tactic to intimidate and humiliate, and it is also a common practice in Sri Lanka. It occurred in nearly all of the cases. Both the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia have acknowledged the harm that forced nudity can do and have recognised it as a violation of both human rights and international humanitarian law.⁸³ The practice has a serious psychological impact on victims: it induces a sense of helplessness in the face of imminent danger and makes the detainee feel unprotected and ashamed in front of interrogators. It also raises the possible threat of sexual assault and increases the effects of extreme temperatures.⁸⁴ Forced nudity is also an element of the degradation and dehumanisation of victims.

Victims are often forced to strip naked so their body can be checked for scars. The scars are recorded and sometimes photographed in order to clearly identify the person and to see whether he took part in the war or whether they have been detained and tortured before (e.g. W258):

I was fingerprinted and photographed, they also checked my body for scars. At a later stage, detainees are regularly forced to strip naked during the interrogation.

W258

Many victims report feeling shame to be naked in front of clothed officers. Being forced to strip naked is very often but not always a prelude to sexual abuse, or, in other cases branding. Sometimes, detainees are kept naked for several days on end, such as in the cases of witnesses 182 and 72:

We were kept completely naked for nearly 8 days. Even when we were taken to the toilet we were kept naked.

W182

On the sixth, seventh and eighth day, exactly the same things happened with the same people and the same results. I was naked all these days.

W72

When victims do not voluntarily remove their clothes, perpetrators forcibly remove them, adding to the distress:

The first time I was abused was on the third night of my detention. Both men came in the night to my cell. They spoke to me in Sinhalese but it seemed from their hand gestures that they were asking me to remove my clothes. I refused. After that, they forcibly removed my clothes. They then removed their own clothes. We were all naked. They started to touch me.

W267

In two cases detainees were further shamed when interrogators took photographs of them naked, after beating or otherwise mistreating them. The fact that these photographs are taken after violence has been inflicted upon the victim, suggests they are kept as trophy images. The OISL investigation has documented the making of trophy images of the desecrated bodies of deceased female fighters as well as the photographing and videoing of naked detainees who were forced to perform for the interrogators.⁸⁵

On another occasion I and 3-4 others were kicked and stripped naked and they laughed at us and used small wooden sticks (smaller than cricket wickets) to beat us. While we were naked to beat us. We were photographed while we were naked and when we looked down we were slapped and told to look at the camera. They beat me on my private parts. They didn't make us touch their bodies.

(emphasis by author)

W105

They asked me "you were in LTTE and we know about your family and you. You should tell us the truth otherwise you will have to face severe consequences." When I said I wasn't in the LTTE they punched me in the face. Then they asked me which unit of the LTTE I was in? When I denied this, they beat me with pipes filled with sand till I became unconscious due to the beating. They removed my clothes and I was photographed at different angles completely naked. They were not looking for scars. (emphasis by author)

W121

Witness 18 was not photographed, but reported being shown naked to two female police officers, as well as to a female LTTE cadre, with the intention of humiliating both individuals.

While I was kneeling I was made to take off all my clothes, including my shorts. Then the door was opened and two lady police officers came into the room. Shortly after, there was a knock on the door and the police women brought in a female LTTE cadre. **I was still naked and kneeling and the cadre turned her eyes away.** (emphasis by author)

W18

Sometimes, the officers touch the victims inappropriately or force other detainees to touch them, as in the following testimony from W288.

I was often stripped naked for interrogations in Boosa and certain TID officers touched my private parts. I don't know who they were, I think they brought Sinhalese detainees to come and forced them to touch my private parts. They did more than what the TID officers told them to do and I felt they enjoyed it because they were Sinhalese. I heard that if they didn't do what the TID officers told them, they would be beaten.

W288

6.2. GENITAL MUTILATION

Genital mutilation was the most commonly reported form of sexual torture and occurred in more than half of the cases (78 of the 121 or 64 percent), with several individuals being subjected to several types of genital mutilation and some at multiple points in time.

In this report the

overarching term genital mutilation groups several types of sexual violence. This includes squeezing the testicles (forty two cases), putting the testicles in drawers and slamming them shut (nine cases), kicking the genitals with heavy boots (17 cases), burning the genitals (e.g. with cigarettes or a lighter, three cases), putting chili on the genitals (one case), electric shock to the genitals (one case) and putting a nylon rope or wire around the testicles and pulling it (four cases) and forced circumcision (one case). Despite their ubiquity, not just in Sri Lanka but also in many other countries across the world, these types of sexual torture have remained largely invisible. They are often not coded as sexual violence in human rights reports and victims often tend to not describe them as a form of sexual violence.⁸⁶ The consequences of genital mutilation however, can be far reaching, with major injuries to the sexual organs and problems with sexual and reproductive health, affecting their sense of masculinity.⁸⁷ Many victims stated that they suffered from the medical complications of the sexual abuse. They cited problems passing stool, problems urinating, anal pain, anal bleeding, lower back pain, pain in the testicles, penile pain, cysts on the penis, problems walking and problems sitting.

Squeezing the testicles or penis in particular is a very common practice, that was

mentioned by 42 victims. It is an element of the torture style that is used repeatedly during interrogations to force victims to answer questions or to cooperate with the interrogators, for instance to sign a confession.

One of them started squeezing my testicles. I was sitting in a chair. I was screaming and crying from the pain but continued to deny and he kept squeezing my testicles.

W190

This man had a polythene bag with him and put his hands inside it and squeezed and twisted my penis. I felt as if I was dying because of the pain and shouted - "if you want to kill me - just kill me". I wanted to try and move to see if he would release my penis as I was in so much pain. So I moved to the corner

of the room but the man moved with me, still squeezing my penis. He continued to say just sign it. I refused to sign.

W 231

One of them squeezed my testicles with his hand. While one of them was squeezing them to cause pain the other was questioning.

W3

Many victims recounted how they felt an extreme pain when their testicles or penis were subjected to torsion:

Once during my detention and torture a man suddenly squeezed my testicles. When it happened my breath stopped and the pain lasted a long time. It totally disabled me.

W244

He then squeezed my penis very

hard through my underwear. It was deadly painful and I shouted out in pain. I felt like I was totally dead and that life had gone from me.

W263

The accompanying verbal threats and humiliation by the interrogators or other persons performing the torture indicate that the violence is clearly intended to attack the person's dignity and their reproductive health.

He then turned me over and pulled my penis and testicles very hard in anger.

“We will make sure that you will not create a future Tamil with this.” I fainted as it was extremely torturous and painful. Even today when I pass urine I bleed.

W223

In four cases, the perpetrators put a sharp object up the urinary tract. The objects ranged from pieces of wire, a piece of a pen, a thin metal rod to the stem of a coconut leaf. In order for the perpetrators to insert the object, the victim is strapped to a table. This type of torture leads to serious injuries.

The stem from a coconut leaf is very thin and sharp in one end and that was inserted into my penis. It was excruciatingly painful and I had to go to the hospital.

W257

I saw one of them dismantle a pen and take the narrow bit out. He stuck it

up my penis, they managed to push it about 5 cm inside my penis.

W258

They took a wire about 1/4 inch in diameter. The one end was sharp. They forced it up my penis. I was screaming in pain. They pulled the wire out once.

W77

They inserted a thin metal rod into my penis.

W99

In several cases, putting the testicles or penis inside a drawer of a table in the room and slamming it shut or tying a rope around the penis and pulling it was part of the interrogation.

The table in the interrogation room had a drawer, they once made me put my penis inside the drawer and they slammed the

drawer and squeezed the drawer against my penis - it was extremely painful.

W218

The second time he told me to remove my sarong he put my penis in a drawer and pushed it so it squeezed my penis and told me to tell the truth.

W281

The two TID torturers then tied a very thin nylon rope around my testicles and pulled the rope. One man was pulling the rope while the other man was hitting me with an electrical wire.

W292

In one particularly harrowing case, the drawer was shut against the victim's penis in order to immobilize him so he could be raped. This happened to the man on two separate occasions.

I had to put my

penis in the drawer and he closed it on my penis then raped me. The same thing happened by four other army people with gaps in between each rape. The gaps were irregular in length and longer. The last three were not the same men who raped me before.

After 4 AM another man came in and put my penis in the drawer. I was bent over the desk and this man put his penis in my mouth.

W158

One case in the sample is a case of forced circumcision, a form of sexual violence against men with ethnoreligious overtones that has been documented in other cases, for example in the post-election violence in Kenya.⁸⁸ In Sri Lanka there is one other recent example: the forced circumcision of the Buddhist cleric Rev Wathareka Vjitha Thero, a critic of the Buddhist hardliners of Bodu Bala Sena (Buddhist Power Force, a radical Sinhalese nationalist Buddhist organisation) who had called for cooperation between Muslims and Buddhists.⁸⁹

6.3 RAPE

Rape is a very common form of sexual torture in the testimonies, with both oral, anal and rape with objects occurring frequently. Oral rape occurred in 55 cases while anal rape was described by 42 witnesses (35 percent), and anal rape with objects by 21 (17,5 percent). Seven men described unsuccessful rape attempts. In most cases, this type of sexual violence is accompanied by unwanted touching or forcing the victim to touch the perpetrator.

Most cases of rape documented in the testimonies are cases of gang rape, which has been interpreted to function as a form of bonding between perpetrators.⁹⁰ Usually at least two and in some cases up to six or seven officers take part in the abuse. The victims are raped both orally and anally or forced to masturbate officers on different occasions. As opposed to genital mutilation, these types of sexual violence do not seem to be connected to the signing of a confession.

The officers took me to another different room. This room was about the same size as the others. It had a table but no other furniture. It was painted a dark colour. I was made to perform oral sex

on the officers and also to masturbate them by hand. This happened 8 or 10 times over a period of three to four days. Sometimes the same three officers who interrogated and beat me also sexually abused me and sometimes it was done by different officers. During the sessions when I was made to perform sex acts, I was not interrogated.

W296

Anal rape was mentioned in 63 testimonies (52 percent). Both penile anal rape and anal rape with objects occur. In eight cases, multiple perpetrators were involved in the anal rapes, while fifteen victims were raped by a single perpetrator

Then they told

me to be on all fours on the floor, they pulled down my underpants. They told me they had proof of my involvement in the recent recovery of the suicide vest and if I failed to cooperate with them I would be killed. The man I didn't know restrained me, and interrogator X pushed his penis inside my anus and raped me. It caused severe pain so I tried to move away, they both slapped and beat me, it was unbearably painful and really disgusting. They said things like

“you Tamil dogs, are you trying to fuck with the Sinhalese, you will always be our slaves”. Both of these men repeatedly raped me and due to the pain I lost consciousness.

W200

The multiple anal rapes cause serious injuries. Many victims spoke of anal bleeding, difficulty passing stool and general pain in the anus or lower back. One victim said he could not sit on a chair after the rapes.

Anal rape with objects occurred in twenty cases. The objects consisted of a pipe with barbed wire, a glass bottle, a baton, a piece of wood, a metal pipe, a plastic pipe, the sharp end of a cricket wicket and ice cubes.

The man who sexually abused me came once or twice a week until the end of my detention and continued to force himself on me. Twice when I didn't satisfy him, he forced an “S-Lon” pipe into my anus.

W235

6.4 FORCED MASTURBATION

Forced masturbation was described in 18 testimonies (i.e. 14 percent of the cases). In most cases, victims are forced to masturbate the perpetrator, but it also happens the other way around. In the statement of witness 189, the perpetrator is the person who brings him food. This gave W189 the feeling he must comply in order to keep receiving food.

The initial man who brought my meals never showed up after a few months. Another man took his place. On two or three occasions he came into my room late in the afternoon. He would undo his trousers zipper and tell me to touch his penis. He made me masturbate him. I feared he would harm me if I did not do that. And I feared he would not take me to the toilet or bring me food. I did not consent the first time and he beat me until I did. I masturbated him

until he ejaculated. W189

Sometimes, the perpetrator masturbates the victim, as illustrated by this statement by Witness 202:

This time he forcibly masturbated me three times, he put his hand around my penis and did this.

W202

6.5 COERCED SEXUAL ACTS

In three testimonies, detainees said they were forced to pretend to have sex or asked to rape another male or female detainee.⁹¹ In this excerpt witness 289 describes how TID officers used to take out detainees and have them act as if they are a male-female couple having sex.

Sometimes the TID officers came and took out two people and forced them to act like they had sex and the officers watched. They asked me how I would have sex with my wife, what did I do to my wife. Then they brought another

detainee and they told us to act as if we were having sex with a woman. They told me to touch on the other detainee's chest, take his penis in my hand and shake it. They also told me to take the other detainee's penis into my mouth and the other way around. We both refused to do that so we were beaten up.

W289

This example illustrates that some of the abuse has a very public nature, with several officers watching while victims are forced to abuse each other. Given its very traumatising nature, it is very likely that this type of sexual violence is underreported.

6.6 ENFORCED PROSTITUTION

The other case that is unique to the sample concerns the repeated sexual abuse and enforced prostitution of a teenager, witness 248. This young man is spotted by soldiers from the nearby military base. He is taken to the army base and raped by eight soldiers. After that first time, he is regularly brought back to the base to be abused.

After this incident I was called back to the army camp more than 10-15 times until 2014. Soldiers from the camp that I had met on other occasions would come to the bus stand or approach me while I was walking on my way home from school to tell me a time and location to be picked up later. When I reported to the location at the time they informed me, soldiers in an army jeep picked me up.

W248

After some time, the boy is also anally raped. One of the soldiers acts as a pimp for the boy and rents him out to others. The majority of his abusers are Sinhalese soldiers and civilians, but on three occasions he is also

abused by Tamil men.

In 2014 Tamil men also came to abuse me. The Sinhalese soldiers took me to another army camp in Jaffna town near the seaside. Four Tamil men were there, three in civilian clothing and one in army trousers, but I don't know if he was in the army. They gave me a bra and underwear, a short skirt and a sleeveless t-shirt. One held me and one inserted his penis into my mouth. Then one held me down and

another one raped me.

W248

This case can also be classified as a form of sexual slavery of a minor, especially given the fact that the abuse continued to happen over several years.

The case is unique in the sample because of selection bias: most of those interviewed by ITJP were adult men. Several experts interviewed for this report however mentioned similar cases of the abuse of boys by the military or police. A lawyer in the UK working on asylum cases, also spoke of a case he had treated of boys who were stopped at an army checkpoint in order to be sexually abused by soldiers. According to him, this type of abuse is more common than generally acknowledged. One of the survivors from the focus group in London also said he had known boys who were sexually abused by soldiers while still minors. One of the doctors interviewed for this report also provided the author an MLR of an underage man who had been abused in a similar fashion when he had to regularly report back to the police station.

6.7 SEXUAL SLAVERY

Several cases could be classified as sexual slavery, which is both a crime against humanity and a war crime.⁹³ The case of the boy who was sexually abused over the course over several years

with a soldier acting as a pimp discussed in the section on enforced prostitution is a case in point. According to the definition of sexual slavery in the 1998 report by the UN rapporteur on Systematic Rape, Sexual Violence and Sexual Slavery during Conflict, sexual slavery encompasses almost all forms of enforced prostitution. Additionally, the report states that “the crime of slavery does not require government involvement or State action, and constitutes an international crime whether committed by State actors or private individuals. Further, while slavery requires the treatment of a person as chattel, the fact that a person was not bought, sold or traded does not in any way defeat a claim of slavery.”⁹⁴ Sexual slavery is both a crime against humanity and a war crime.

In many of the other testimonies, the descriptions of the sexual opportunism of the guards, with guards coming back to the same victim time and again, sneaking into their cells to sexually abuse them or promising them better treatment if they agree to sex are all suggestive of the crime of sexual slavery.

7. PHYSICAL, MENTAL AND SOCIAL CONSEQUENCES

The mental and physical health consequences of sexual abuse have been

widely documented in the academic literature.⁹⁵ The Tamil survivors complained of problems such as lower back pain, anal pain, problems passing stool, problems urinating, pain in the genital area, penile pain, difficulty sitting, difficulty walking. Depression, sleeping and recurring nightmares of the sexual abuse, intrusive memories, traumatic stress and suicidal ideation. All of these were also recorded in the victims' MLR's. The following statement by witness 41 illustrates these issues:

It is hard to sleep. I wake up screaming. Sometimes I feel so angry and I hit the wall with my fists. I also feel very alone and sad. I don't want to eat. I don't want to come out of my room.

W41

Several victims stated that of all the torture they had experienced, it was the sexual violence that affected them most deeply, especially in the form of intrusive memories that interrupted their daily lives. This was corroborated by the interviewed doctors, who acknowledged that the experience of sexual violence is the most devastating for victims, due to the intense feelings of shame associated with it. The impact of the

social stigma on the victims is particularly strong. Sexuality is a taboo issue in Sri Lankan society and the social stigma on sexual violence both for women and men is huge.⁹⁶ While many victims were able to trust the investigators to tell them their stories, hardly any had disclosed to their wives, other family members or friends. Several victims stated that they trusted the investigator to keep the information confidential, and said they had not told anybody in the family about their abuse. Several alluded to the fact that it would be difficult to speak about it with Tamil relatives, and argued that “abuse victims are looked down upon in Tamil culture.” They feared that any public disclosure of an experience of sexual abuse would have a destructive impact on their private and professional life.

One of the men in the focus group discussion said: “No one will reveal it in our culture. The community would ill treat us. In our culture, no one speaks about this. We will feel shame. No one in the family knows.” Survivors of sexual abuse, both women and men, are perceived by the community to be ‘contaminated’ (meaning: no longer pure) and they are deemed unfit for marriage. One of the younger men said that he had vowed never to marry, as the sexual abuse had made him contagious, and he did not want to pass it onto a future partner. During the focus group discussion, other men employed the same language: they considered

themselves contaminated because of the abuse.⁹⁷ The impact on the men's sense of masculinity is clear: men who are not able to get married or provide for their families are not deemed to have achieved what hegemonic masculinity prescribes.

The following statement by W191 gives some crucial insight into the tensions related to disclosure and stigma. This witness did not tell his GP, the home office or his female lawyer because he was deeply ashamed. He feared that if he told them, his abuse might become known in the Tamil community in Sri Lanka or abroad, as people look down on sexual abuse survivors. He did tell ITJP's investigator and states two reasons: he trusts him as a foreigner who is knowledgeable about Tamil culture (about the code of silence), and he knows that his story is safe with ITJP. Witness 158 did not tell his wife about his sexual abuse, even though he was suffering from serious injuries.

When I got to UK and

got a GP, I went to him about the pain. I did not tell him about the sexual torture only that I was tortured and was in pain in that testicle. He sent me for a scan. He told me that there was extra fluid in there and he said over time it will go away and he gave me some pills. It is a little bit better now but it still bothers me. I did not tell the home office about being sexually abused because I was deeply embarrassed nor my female solicitor. I also feared that if I told anyone then my sexual abuse would become known in the Tamil community in the UK. In our Tamil culture others look down at people who have been

sexually abused. I have decided to tell the investigator as he is not Tamil and an international who has a great deal of experience dealing with survivors of sexual abuse and had a strong understanding of Sri Lanka Tamil culture. He has assured me that he will not release any information in this statement about sexual abuse to any Tamil without my express consent.

W191

I had a lot of pain in my anus. I was bleeding. I did not tell my wife that I was raped only that I was detained and beaten. These are not things you can say to your wife. You do not talk about these things in my culture and she would be worried and upset. She was

pregnant and I did not want to upset her.

W158

It is not difficult to see then how sexual violence against men has a much wider impact on the community. During the focus group discussion, several victims said they stay silent out of fear of ostracisation from their communities. They couldn't speak about their ordeal to close family members or spouses. They felt isolated because of this and said they felt this was exactly the goal the perpetrators had in mind. The sexual violence meted out against them tore apart the social fabric by damaging relationships of trust and by forcing victims to flee the associated stigma by leaving the country. One of the men commented that those who had fled were the lucky ones, those who could afford it. Many others couldn't.

Victims also said that the sexual abuse affected their agency. It hampered their capacity to act and their belief in their own capacity to act. The first of the following quotes illustrates their belief that it is specifically the sexual aspect of the torture and the implied transgression of taboos that demobilises and affects their agency. The second and third quotes reflect on withdrawal and ostracisation.

This was a planned

move from their side. When they torture, they torture sexually. Afterwards the victims will not have the guts to fight. They will be distracted. It was a planned and organised effort to distract people.

FGD

After it happened, I started to automatically withdraw from others. Even my wife and family do not know about it. If they knew I would be ostracized from my community.

FGD

My wife may be ready to accept it, as it was experienced by many. But if some others get to know that you were raped by the army...

FGD

This last statement from the focus group points to the idea that those who 'sleep with the enemy' - although it concerns rape- are also seen to have crossed an ethnic border. This sentiment was echoed in one of the interviews with a Tamil activist. This is most often linked to the situation of Tamil women who had sexual relations with Sinhala soldiers during the conflict and were punished for doing so. As Tambiah argues: "As a result of the polarisation based on ethnic identity in this conflict, cross-ethnic sexual relationships can be marked as treasonous, even in contexts outside prostitution."⁹⁸

Two men explicitly stated that they felt guilty because they were not able to stop the sexual abuse from happening, saying they had felt completely helpless.⁹⁹ Witness 223 likewise believed the perpetrator's intention was not only to humiliate him, but also the entire community to which he belongs:

I felt guilty and ashamed of what had happened to me, I blamed myself I could not stop him, and I felt it was better to die than to live.

W205

I was totally helpless and could not move. I felt angry and disgusted. I felt that this was his way of humiliating the community. It was very painful.

W223

Suicide is an expression of an ultimate re-appropriation of agency by individuals whose social agency has been destroyed. Suicide is a serious issue in the community of Tamil survivors. At least nine victims who gave their statement tried to commit suicide at one point, some of them several times. One witness, W115, who was kept naked, attempted suicide in detention. He jumped from a height but did not succeed as his leg caught on a bar. Many others expressed thoughts of suicide during the interviews.

V. CONCLUSIONS

The analysis of the testimonies shows that the sexual abuse of Tamil men in detention in Sri Lanka is massive and widespread and has occurred throughout the conflict and the post-conflict period. While genital mutilation is very prevalent, rape and gang rape in particular are also very common, featuring in almost half of the statements. The goal of the sexual abuse is partly about obtaining confessions and extracting information. While many victims sign a confession in Sinhala, the goal of extracting confessions and information seems secondary to that of the domination and absolute control over victims, which is expressed in their objectification and dehumanisation. The analysis furthermore supports the idea that sexual violence against Tamil men is a crucial element of the “torture style” employed by various security forces and functions to demobilize and terrorise the community. The men are picked up in front of family members or abducted in broad daylight. Very often they do

not return to their families of origin but have to flee abroad after their release.

While the report discusses a significant amount of data, underreporting is a significant issue. It is likely that the sample contains just a fraction of what is really happening. In the interviews, victims also expressed the belief that their statements and experiences were just the tip of the iceberg. Most testimonies relate to sexual violence in detention for example, while there are other spaces where men and boys are victimized. In interviews with lawyers and doctors, the author was told of three concrete instances where younger men and boys had been sexually targeted at army checkpoints. One Sri Lankan informant said this was part of a pattern.

The efforts of the ITJP to systematically collect data on male directed sexual violence have brought this particular pattern of sexual violence to light, but it is likely that other contexts are similar. It would be easy to exceptionalise the brutal and cruel sexual violence described in this report, but one should bear in mind that systematic data on sexual violence against men has

only rarely been collected. If anything, the stories and data collected by Refugee Law Project from refugees coming from South Sudan, DRC, Burundi, Rwanda, or reports emerging from Libya point out that there are other places where similar violence takes place. The sexual violence meted out against men and boys in Bosnia-Herzegovina also bears similarities in its cruelty. It is the hope of the author that ITJP’s modus operandi in creating a safe environment to enable disclosure for men and to systematically collect their stories will be followed by others around the world. A more systematic collection of data on male victims will also enable us to examine more closely the links between misogyny, homophobia and the perpetration of sexual violence.

The question that remains is what is to be done. The current political environment in Sri Lanka, with its stalled reconciliation process and massive abuses of human rights, is unfortunately not conducive to major changes beneficial for either female or male survivors. The impunity for war crimes and sexual crimes, corruption, the denial and silence, the lack of gender transitional

justice mechanisms not to say the complete absence of transitional justice are all huge impediments to improving the situation for survivors of sexual violence.

A first step towards the development of a proper response to conflict-related sexual violence against men, would be making sure that the voices of survivors – both in forced displacement and locally – are heard and documented. They know best what their needs are and are willing to speak when investigators can create a safe space for them and make sure there is medical and psychosocial follow-up. The victims have certainly expressed the hope that their testimonies will lead to change, as witness 158 said: “I have decided to tell the investigator today because it is my hope that we will take some action so that the United Nations will take some action and stop this from happening in Sri Lanka.”

ENDNOTES

1 Dr. Chris Dolan is the author of numerous publications on sexual violence against men, as well as producing several documentaries on the same. He is also a Visiting Professor at Ulster University, trains humanitarian workers through CERAH, and regularly consults to the UN.

2 Joint Operational Security Forces Headquarters

3 Some people who have experienced sexual abuse prefer the term survivors rather than victims, as they feel that “victims” denies them agency. In this report the two terms will be used interchangeably.

4 A Police Officer’s quick reference guide to understanding, investigating and preventing Sexual and Gender Based Violence in Sri Lanka

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35 V. Sanjithkumar, N. War crime victimisation experiences of Sri Lankan Tamil Makal: a qualitative analysis. Unpublished PhD thesis, University of Southern Illinois at Carbondale (2017)

36 Respondents are given a choice between different interpreters of both sexes

37 See ITJP. *A Still Unfinished War. Sri Lanka’s Survivors of Torture and Sexual Violence 2009-2015* (2015), p. 12-14

38 ITJP. Op. cit.

39 This issue came up frequently and deserves further investigation

40 See ITJP “A still unfinished war” (2015)

41 These are needed for victims who have been subjected to falaka and are suffering from severe foot-pain

42 For example: W190: “I have not told my wife or anyone else including my lawyer or the Home Office about any of these things. I have told the investigator because I was too ashamed to tell others. The interviewer at my last interview was a lady, and at the airport the interpreter was a lady. I have told the investigator through this interpreter because they are older males and experienced in hearing these kinds of things and I am confident that my information will be kept confidential.”

43 Freedom from Torture has observed a similar evolution (2015, p. 19)

44 For an interview on the role of bribes in torture: see Block, W. et al. “Mercy for money: Torture’s

link to profit in Sri Lanka, a retrospective review” *Torture*, vol 27, nr 1 (2017)

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47 ITJP has also documented cases where female victims were sexually abused by female perpetrators

48 Note that there are 2960 women in the Sri Lankan Army (out of a total of 200,000 personnel), and 8000 women in the police force (out of 70,000 personnel).

49 ITJP’s report *A still unfinished war* (2015) contains a list of places where sexual torture has been known to happen. The report on Joseph Camp (2017) details among other the sexual abuse of men there. Freedom from Torture’s 2015 report also contains a list of detention centres, most of which are also mentioned by witnesses in the ITJP testimonies. An exhaustive list can also be found in the OISL investigation, p. 112

50 A form of asphyxiation: a plastic bag with petrol is put over the detainee’s head

51 The beating of the soles of the feet

52 OISL report, p. 223 para 591

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65 MEDACT. The prevention of torture. The role of physicians and their professional organisations: principles and practice. London (2011)

66 http://hrlibrary.umn.edu/research/srilanka/statutes/Penal_Code.pdf

67 Section 365B of the penal code on the lesser offence of grave sexual abuse does use gender-neutral wording.

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69 Additionally, the Constitution of Sri Lanka recognises the (heteronormative) family as the fundamental unit of society, deserving of protection (Article 27.12)

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