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Making Torture Possible: The Sri Lankan Conflict, 2006-2009

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Abstract

The escalation of the violent conflict in Sri Lanka since 2006 has put the spotlight on the role torture played as a military strategy against the LTTE. Despite Sri Lanka being a State Party to major United Nations treaties on human rights, the Sri Lankan government secretly used torture to gain confessions, intelligence and to punish the LTTE. Torture techniques were brutal, including burnings with soldering irons, beatings and electric shocks. How was this use of torture possible? Using a discursive practices approach, I examine how a ‘reality’ was constructed that placed the LTTE outside moral boundaries and made the use of torture possible.

Keywords

Sri Lanka, Tamil Tigers, torture, discursive practices approach, conflict
Introduction

In May 2009, the decades-long conflict in Sri Lanka between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government came to an end. Sri Lankan President Mahinda Rajapaksa declared in his victory speech that the Sri Lankan military had freed the country from the clutches of the most powerful terrorist organisation in the world (Rajapaksa 2009b). Victory was attributed to the humane conduct of the Sri Lankan military: ‘Our valiant troops went to battle carrying the gun in one hand, the Charter of Human Rights in the other, and their hearts filled with love for their children’ (Rajapaksa 2009b). However, despite these pronouncements, the war was plagued by widespread human rights violations, war crimes, and torture on both sides (see U.N. Secretary-General 2011). The United Nations Special Rapporteur on Torture visited Sri Lanka from 1-8 October 2008 and found that torture had become routine in counter-terrorist operations (U.N. Human Rights Council 2008: 19-20).

The widespread use of torture stands in contrast to the extensive laws in Sri Lanka that prohibit torture. Torture was first abolished in Sri Lanka in 1799 by the then British colonial rulers (Amnesty International 1999: 3). Since that time, the prohibition against torture has been implemented in major national laws. Article 11 of the Sri Lankan constitution states ‘No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’ (U.N. Human Rights Council 2008: 11). Article 15 reinforces Article 11 by prohibiting any derogation in times of state emergencies (U.N. Human Rights Council 2008: 11). The Sri Lankan Penal Code criminalises acts that come within the U.N. Convention against Torture, while the Torture Act (1994) prohibits torture (U.N. Human Rights Council 2008: 12, 21). Sri Lanka has implemented other legal safeguards such as a complaints and compensation process for those who have been victim to torture, and several commissions that can investigate allegations of torture. In addition, Sri Lanka is party to
Taking into account these prohibitions, how was torture made possible? This paper is interested in this *how-possible* question, i.e., I am not so much concerned with *why* the Sri Lankan government tortured, as to how it was *possible* for the Sri Lankan government to torture. The former question looks at causation, while the latter is concerned with constitution (Wendt 1998: 104-105). The distinction is important for several reasons. *Why*-questions tend to focus on the beliefs and intentions of actors and show how under certain circumstances, an outcome was predictable (Doty 1993: 298). These types of questions provide important insight, but in some respects, do not tell the whole story. They take the actor as given, and assume that a practice could take place (Doty 1993: 298). *How-possible* questions take the subjects as problematic, paying attention to the social construction of subjects and reality and how this construction allows for the possibility of practices (Doty 1993: 298).

This article argues that certain discursive constructions made it possible for Sri Lankan forces to use torture as a practice to help win the war against the LTTE. Focusing predominately on the Sri Lankan government, I show how the Rajapaksa government drew upon terrorist and Sinhalese nationalist discourse to cast the 2006-2009 war as a battle for the survival of Sri Lanka. I examine government speeches, peace and reconciliation reports and interviews to show how these two discourses intertwined to cast the LTTE as a group beyond negotiation and one that needed to be destroyed. The nationalist discourses further exacerbated the violence against Tamils by ranking them in an inferior position in relation to the majority of Sinhalese. In addition to the suspension of civil liberties under emergency legislation, these discursive practices helped encourage torture and other forms of violence.

I have divided this article into several parts. The first section looks at the problem of torture in Sri Lanka and analyses the psychodynamic and discursive practices approach to help understand the possibility of torture. I then look at the role nationalist myths and
discourses on terrorism played in creating an environment where violence and torture was deemed possible and necessary to save Sri Lanka. Finally I examine how this national discourse encouraged the escalation of violence among Sri Lankan officials against LTTE fighters.

The Problem of Torture

Torture has been employed against many different ethnic groups in Sri Lanka’s history. When the Marxist Janatha Vimukthi Perumana (JVP) led a violent revolt in April 1971, the government employed torture to gain information and identify JVP supporters (Abeysekara 2001: 35-43; Amnesty International 1973: 150-151). Yet in recent years it has been the Tamil community, and the LTTE, that have been the primary victims of torture. Amnesty International reported in 1984 that the Criminal Investigation Department (CID) has systematically employed torture against the LTTE for information and confessions (Amnesty International 1984: 200). During the recent 2006-2009 war, although the LTTE too used torture (U.N. Secretary-General 2011: 67), they were also the primary targets of torture by the Sri Lankan government. In 2008 a visit by the U.N. Rapporteur on Torture to Sri Lanka found torture by the army and police to be widespread and routine in ‘counter-terrorism operations’ (U.N. Human Rights Council 2008: 20). This was based on the wide number of torture cases documented by the Rapporteur as well as the attempts by the Terrorist Investigation Department (TID) to obstruct the work of the Rapporteur and hide evidence of torture (U.N. Human Rights Council 2008: 20). Torture methods included beatings on the soles of the feet (falaqa), blows to the ears (telephono), positional abuse when handcuffed or bound, suspension in various positions, including strappado, “butchery”, “reversed butchery” and “parrot’s perch” (or dharma
chakara), burning with metal objects and cigarettes, asphyxiation with plastic bags with chilli pepper or gasoline, and various forms of genital torture (U.N. Human Rights Council 2008: 20).³

A 2011 U.N. report into allegations of war crimes during the war found the government employed the elite Special Task Force (STF) within the Sri Lankan police to use white vans to ‘abduct and often disappear critics of the Government or those suspected of links with the LTTE, and, more generally, to instil fear into the population’ (U.N. Secretary-General 2011: 17). Victims were then taken to secret locations and subjected to torture such as ‘beatings, forced nudity, suffocation with plastic bags, partial drowning, extraction of finger or toe nails, or administering electric shocks. Many were killed and their bodies disposed of secretly’ (U.N. Secretary-General 2011: 17). Despite the fact the recent war ended in May 2009, allegations of torture have continued to emerge as Sri Lankan police and military forces seek to find remaining LTTE members (Freedom from Torture 2011; Human Rights Watch 2013).

How are we to explain this use of violence? A dominant explanation of mass violence has been through the psychodynamic literature. Although this provides powerful insights, I argue in and of itself it cannot adequately explain the use of torture in Sri Lanka. I argue a discursive practices approach helps ameliorate the shortcomings of psychodynamic explanations by analysing the social construction of actors and the discursive construction of an environment that contributed to torture. This helped justify emergency legislation that suspended civil liberties and helped create a culture of impunity among Sri Lankan officials.
Psychodynamic approach

Psychodynamic approaches have been popular in explaining the use of mass violence and torture in ethnic and racial conflicts (Casoni and Brunet 2007; Kernberg 1998, 2003a, 2003b; Volkan 2009). Building on the work of Freud, psychodynamic approaches focus on the unconscious drives of egos to explain de-humanisation and its effects. Psychodynamic theorists dismiss the idea that an ‘objective’ reality exists ‘out there’ and brings to the fore the social construction of reality. This means that during times of conflict, a group’s enemy does not exist a priori to the self, but is socially constructed in relation to the self.

How is the self and other created? One means is through projection whereby we project unwanted images of ourselves onto others (Murer 2009: 115-116; Volkan 2009). Another means is through abjection. This is where we reject a former part of ourselves and the Other becomes a prohibition that is excluded from engagement to prevent the new self regressing and adopting its former unwanted qualities (Murer 2009: 118). These complex psychodynamic processes can result in a refusal to identify with others and lead to identificatory disengagement, i.e., where other human beings are seen as inferior and non-human (Casoni and Brunet 2007: 277).

Psychodynamic approaches explain these unconscious processes in a group context, focusing on how individuals give up their psychic functioning to the group, influencing individuals who would normally not engage in violence to become perpetrators (Casoni and Brunet 2007: 269). The group’s beliefs and the individual’s beliefs are now one; the group thinks for the individual, defines boundaries of morality, and who is included within those boundaries (Casoni and Brunet 2007: 270). These group processes also incorporate trans-generational transmission of trauma, whereby a historical trauma is ‘deposited’ in future generations, carrying with it the emotions of humiliation or injustice (Volkan 2001: 87-88). Volkan (2001: 92-95) examines how Slobodan Milosevic invoked a 600 year old trauma of
the 1389 Battle of Kosovo and its consequences. Volkan (2001: 92-95) argues that this historical trauma helped invoke shame and humiliation among the Serbian population and contribute to the violence perpetrated by Milosevic.

What can the psychodynamic approach contribute to understanding torture in the recent Sri Lanka conflict? Although it provides a powerful insight into the different tensions and violence between ethnic groups in Sri Lanka, it does not explain how Sinhalese often tortured other Sinhalese, or how the LTTE was willing to kill and torture the very Tamils they were allegedly representing and protecting. By taking subjects as given, psychodynamic theorists do not adequately account for the construction and reconstruction of identities that make conditions for torture possible.

And second, psychodynamic approaches become problematic when one tries to measure and objectify unconscious beliefs. If a person does not even know what goes on inside their own head, it becomes difficult for an outsider to analyse a person’s unconscious (Weldes and Saco 1996: 371). Psychodynamic theorists, similar to other psychological approaches, assume behaviour by making correlations between the supposed unconscious beliefs and behaviour (Weldes and Saco 1996: 371). As I show with a discursive practices approach, this methodology is unnecessary.

**Discursive Practices Approach**

The psychodynamic approach, by itself, is unable to explain the question of torture during the Sri Lankan war. However, I do not dismiss its value. What I would like to contribute is how a discursive practices approach can help address these short comings and provide a more powerful analysis. How does a discursive practices approach help understand the use of torture during the Sri Lankan conflict?
A discursive practices approach takes the focus away from the unconscious thoughts and beliefs of the individual/collective subject. Instead, a discursive practices approach uses an inter-subjective methodology that focuses on the role of language in constructing reality (see Der Derian 1990; Doty 1993, 1996; Skonieczny 2001; Weldes and Saco 1996). Rather than using unconscious thoughts as the starting point, this approach begins with language by showing beliefs of individuals are not meaningful or possible without shared language (Weldes and Saco 1996: 371). As Doty (1993: 302-303) notes, discourses provide discursive spaces such as concepts, metaphors, or categories that help create ‘reality’ and make certain practices possible.

A discursive practices approach brings to the fore the fact that discourse has productive power. By this is meant that in creating knowledge and meaning, discourse produces actors and identities and shapes action (Doty 1993; Weldes and Saco 1996: 372). However, discourse is not ‘controlled’ by anyone (Skonieczny 2001: 438). Discourse is an open, historically contingent autonomous field that operates at its own level (Foucault 2002: 137, 141). Because of the structure of discourse, meanings are infinite and expanding (Doty 1993: 302). Statements do not refer back to a signifier but refer to other statements. As Foucault (2002: 111) argues, statements border other statements, each statement has a status, and their relationship between one another determines their meaning. This means that identities are fluid, as actors are constructed and are articulated within a particular discourse (Doty 1993: 302-303).

An important qualification is needed here. In saying that discourse constructs reality, I do not imply that the world is nothing more than imagination, myths or ideas without a corresponding reality. The LTTE and the Sri Lankan government exist in a brute manner; they have fought one another resulting in the deaths of thousands of people; and both sides have engaged in torture. Rather, through systems of signification, a discursive practices
approach makes the ontological assumption that material things by themselves do not convey meaning; rather, people inter-subjectively provide meaning to material things through sign systems. What is constructed here is the ideas that form actor identities; the hierarchical relationship between the LTTE and the Sri Lankan government; and the counterinsurgency ‘reality’ that shapes the possibility of practices. The relationship in which things are given meaning is allocated great importance because it generates relations that help distinguish one object from another (Milliken 1999: 229).

By taking identities as fluid one can see how the Sinhalese government could torture other Sinhalese and the LTTE could torture Tamils. Moreover, focusing on discourses also means one does not have to assume behaviour from unconscious processes. But what kind of discourses can help understand the government use of torture in the recent war against the LTTE? I have identified two discourses: nationalist myths and the discourses of terrorism. I address each in turn.

Nationalist myths were invoked by both the Rajapaksa government and the LTTE to justify their violence and help understand the war. Sri Lanka is a culturally and religiously diverse country which has often led to ethnic tensions. Sri Lanka comprises of a majority of Sinhalese (74%) who are mostly Buddhist, Tamil (18%) who are predominately Hindu, Muslims (7%) and Burghers and Vehhahs (1%) (U.N. Secretary-General 2011: 7). Post-oriental scholars argue that the current ethnic tensions in Sri Lanka derive from the British colonial constructions of different ethnicities in the eighteenth and nineteenth centuries (Rogers 1994; Rogers 2004). The dominant nationalism on the island is Sinhalese nationalism, which emerged in response to the ‘corrupting’ influence of colonialism and the claim to be the rightful rulers of Sri Lanka (Brow 1988: 316; Roberts 1978: 373). Despite many ethnicities on the island, Sinhalese nationalism claims Sri Lanka is an island for the Sinhalese. As DeVotta (2011: 135) notes, Rajapaksa and the current Sri Lankan leadership
subscribe to an ideology which claims that Sri Lanka is a designated sanctuary of Theravada Buddhism, that Sinhalese Buddhists are the chosen custodians to preserve and propagate this legacy, that all others who live on the island do so thanks purely to Sinhalese Buddhist sufferance, and that only traitors would seek to undermine Sinhalese Buddhist dominance.’

The claim that Sri Lanka is an island for the Sinhalese helps to de-legitimise Tamil claims to ownership of the Northern parts of the island. The Tamil population are seen to already have a homeland in Tamil Nadu in India, and are viewed within Sinhalese nationalist ideology as unjustly claiming land from the Sinhalese, who have nowhere else but Sri Lanka to call home (DeVotta 2011: 135).

Contemporary Sinhalese nationalism draws upon many of these myths and is worked on through political speeches, the media, ‘planting and harvest rituals’ and educational institutions (Brow 1988: 316). As Skonieczny (2001: 439) has shown, ‘myths are important in forming and solidifying a national identity and are often utilized and deployed by policy-makers to generate support and elevate the national importance of policy.’ In Sri Lanka national leaders invoke the virtue of former Sinhalese Kings, who are idolised as the guardians of the island, to legitimise their authority and policies (Brow 1988: 312-316). National leaders are seen to be in charge of protecting Buddhist principles, but also sovereignty, economic development and Sri Lankan way of life (Brow 1988: 316). This is particularly true of farmers, who are epitomised as an important part of culture on the island (Brow 1988: 316; see also Rampton 2011: 260).

The second major discourse is fighting terrorism. The term ‘terrorism’ was first applied to the Sinhalese JVP which engaged in violence in the south of the country to achieve its demands of social change (Nadarajah and Sriskandarajah 2005: 89). However, more recently it has been used against the LTTE. Tensions between the Sinhalese and Tamils began to erupt after independence. When the Sinhalese felt that the Tamil community had a
disproportionate number of positions in government services, an upsurge of Sinhalese nationalism resulted in discriminatory policies to favour the Sinhalese majority (Kearney 1964: 125; Roberts 1978: 367). This included the Sinhala Only Act, which made Sinhala the official language of the country (Roberts 1978: 368). Protests erupted in the Tamil community as they perceived these policies as discriminatory and harming job opportunities for Tamils in Sri Lanka (Manoharan 2006: 13-14).

When grievances were not met, the Tamil minority called for independence from Sri Lanka, claiming parts of the North-East of the island as their own. Violence erupted in 1983 when the LTTE killed 13 Sri Lankan soldiers (Nadarajah and Sriskandarajah 2005: 89). The Sri Lankan Government has since been in repeated conflict with the LTTE (see Samaranayake 1999). In the history of the conflict between the LTTE and the Sri Lankan government, the label ‘terrorism’ has had three effects: it has de-legitimised the Tamil project; generated domestic Sinhalese support for government actions; and helped the government gain international support (Nadarajah and Sriskandarajah 2005: 91). The label of terrorism was used to associate the LTTE with the broader Tamil demands for a new state (Nadarajah and Sriskandarajah 2005: 89). Therefore, the destruction of one also became the destruction of the other. As I show below, these two discourses – nationalist myths and terrorism – have become intertwined and have helped create conditions that have made torture possible.

Counter-Insurgency and Torture?

An ideal site in which to see how discourse can make torture possible is in counter-insurgency operations. Since World War II, counterinsurgency operations have become the dominant form of warfare for many governments around the world (Long 2006; Metz and
Millen 2004). These operations consist of a battle between insurgents and governments that seek to ‘control contested political space’ (Kilcullen 2006a: 112). Insurgent tactics are used by groups who are unable to obtain their political objectives through conventional means (Long 2006: 2). Counterinsurgency, then, is the ‘military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat insurgency’ (U.S. Department of the Army 2006, 1: 1).

However, counter-insurgency is not just concerned with defeating insurgents who pose a threat to the government’s authority and to the social order more generally. Rather, it has a broader function of establishing overall control over society (Kilcullen 2006b: 6). Counter-insurgency is a fight for legitimacy (U.S. Department of the Army 2006, 1: 21). It involves winning the hearts and minds of the population, as each side attempts to mobilise the population to support its cause (Kilcullen 2006a: 117; Long 2006: 21-24). A U.S. Department of the Army manual (2006, 1: 23) argues that as the host government gains legitimacy in the eyes of the population, the latter isolate the insurgents and come to see the insurgent group as illegitimate. Victory occurs ‘not when this isolation is achieved, but when the victory is permanently maintained by and with the people’s active support and when insurgent forces have been defeated.’ Victory seeks to monopolise a particular interpretation of reality and consolidate the victor’s authority.

The struggle for legitimacy also makes counter-insurgency an ideal site to study the construction of identities. One of the fundamental functions of counter-insurgency is the management of the representation of the ‘enemy’ as a threat to society. This is what Kilcullen (2006a: 123) has called ‘political warfare;’ regulating the perception of identities among the population. For counter-insurgents, they promote favourable perceptions of themselves, while publicising insurgent violence and discrediting insurgent propaganda (U.S. Department of the Army 2006, 5: 2). It is through this process of identity construction that the insurgent is
deemed illegitimate and dangerous. For the counter-insurgent, it must manage and regulate the social order, representing it as natural and beneficial for the population while, at the same time, managing and controlling the identity of the insurgent as a dangerous threat to society.

Although this helps explain how the Sri Lankan government and the LTTE attempted to frame one another as dangerous, it does not explain the use of torture. In public addresses to the international and domestic community, the Sri Lankan government stated it practiced the war in a humane fashion and that it was the LTTE that engaged in barbaric human rights violations. The Sri Lankan government never publicly condoned torture and denied its use. The Rajapaksa government submitted a report to the U.N. Committee against Torture in 2010 stating,

Sri Lanka also notes the Committee’s statement that no exceptional circumstances whatsoever may be invoked as a justification for torture. Despite the grave atrocities committed by the LTTE, the Government reiterates that it has at no time sought to invoke any justification for torture nor has it resorted to or acquiesced in acts of torture. As a matter of State policy and practice, the Government maintains a zero tolerance policy on torture, as is evidenced by the meaningful measures taken to curb acts of torture (U.N. Committee against Torture 2010: 6).

If counter-insurgency is about gaining legitimacy, how was torture possible? As I show, the discourses of nationalist myths and the threat of terrorism helped to justify a transgression of the CFA and return to war with the LTTE. This created an extra-ordinary environment that helped justify emergency laws. These laws provided the Sri Lankan army and police forces with an environment of impunity and the necessary cover to engage in torture. The above statement to the U.N. Committee against Torture demonstrates a discourse of un-truth, whereby the Sri Lankan government promoted a positive image of themselves for a domestic and international audience, and then engaged in illegal practices that were deemed militarily
useful in winning the war.

In analysing the recent war I have selected documents between 2006 and 2010 such as public statements, interviews, international speeches, and government documents that made reference to the war and post-war reconstruction. I have used English translations for all documents; however, many of the speeches were delivered in Sinhalese, with some being delivered in both Tamil and Sinhalese. These documents had several different audiences. Firstly, the Sri Lankan government sought to justify themselves to the international community by linking their war with the LTTE to the global ‘war on terror.’ Secondly, they addressed the Sinhalese community and sought to gain their support by invoking Sinhalese historical myths and narratives. And the third audience was the Tamil community. The government equated the destruction of the LTTE with the broader Tamil separatist project and therefore used war propaganda to destroy the idea of a separate Tamil state.

When examining the documents and speeches I have drawn upon Doty’s (1993) work in focusing in particular on the importance predications, presuppositions and subject positioning have in interpreting discourse. Predicates are the attributes attached to an object, such as ‘humane’ or ‘terrorist’ (Doty 1993: 306). Presuppositions refer to background knowledge and help statements make sense (Doty 1993: 306). And subject positioning places actors in a hierarchical relationship which allocates the actor’s agency (Doty 1993: 308). These three tools ‘provide analytic categories that enable me to get at how discursive practices constitute subjects and objects and organize them into a “grid of intelligibility”’ (Doty 1993: 306).
Returning to War

In order to examine how torture became possible during the recent Sri Lankan conflict, one must analyse the discursive environment that was constructed to legitimise and gain support for the return to war against the LTTE. I argue that the two discourses mentioned above were responsible: namely, invoking nationalist myths and the discourses of terrorism. Both sides in the conflict invoked these discourses and they helped shape a reality that opened up a possibility of practices while closing others. These national discourses were the leading element in creating an environment that made torture possible as they invoked age-old myths that provided the government’s discourse with legitimacy in the eyes of the domestic Sinhalese population. Yet they also invoked wider international discourses on terrorism that linked and attempted to legitimise the Sri Lankan conflict with the wider ‘war on terror’ and associated government victory with freedom for the Tamil community. This made the use of violence against the LTTE possible as well as create an environment for the escalation of violence and de-humanisation of state enemies at the local level. Although I have separated these two discourses for analytical reasons, as one will see, these two discourses are heavily intertwined.

‘Defending’ Sri Lanka

Nationalism became a prominent theme used by both sides to make sense of the conflict and justify violence against each other and their own ethnic groups. The recent Sri Lankan war represented a battle over the identity and future of the Sri Lankan island. One point at which this contestation surrounded was the question of sovereignty. The Sri Lankan government grafted its identity to Sri Lankan sovereignty whereby one was akin to the other. The Acting
Minister for External Affairs, Gitanjana Gunawardena, stated ‘Every State has an equal right to defend itself against threats to its Sovereignty, whether the threat emanates from within its own territory or from outside’ (Gunawardena 2010). By linking the defence of the government with the defence and unity of Sri Lankan sovereignty it excluded the possibility of sharing or demarking sovereignty unless the government itself faced defeat.

In linking sovereignty as a key constitutive element of Sri Lankan government identity, the Rajapaksa government also associated itself with defence of the population, since it is the people that are the true holders of sovereignty in a modern democratic polity. Addressing an international audience, Rajapaksa declared in a 2008 speech to the 63rd United Nations General Assembly,

What the Government would not, and could not do is to let an illegal and armed terrorist group, the LTTE, to hold a fraction of our population, a part of the Tamil community, hostage to such terror in the northern part of Sri Lanka and deny those people their democratic rights of dissent and free elections (Rajapaksa 2008b).

This speech was directed at the international community to legitimise both its military intervention against the LTTE, but also to reinforce the government position that Sri Lanka is a unified whole and will not tolerate separatist claims to its sovereignty. It is important to note that Tamils were deemed a population within Sri Lanka, not a population of their own. Yet these discursive strategies also dissociated the LTTE as being representative of the Tamil community by associating the LTTE with authoritarian rule. By virtue of dissociating the LTTE from the broader Tamil population, the Sri Lankan government came to adopt the sovereign will of all people living within Sri Lanka. The state was deemed the protector of all in Sri Lanka and whereby the nation and the state were deemed to be unified as well.

The LTTE were represented by the Sri Lankan government to the international community as a foreign element in Sri Lanka, undermining its democratic processes and
generating ethnic tensions. Rohitha Bogollagama (2008c), the Sri Lankan foreign minister, stated at the BIMSTEC meeting on the 12 November 2008, ‘Sri Lanka has been facing a tremendous challenge to our democratic way of life through the barbaric actions of a terrorist group, the LTTE.’ Yet the LTTE were also responsible for the ethnic troubles of the island. The government accused the LTTE of disrupting ‘the multi-cultural, multi-religious society that we have built up, and preserved in Sri Lanka for over centuries’ (Bogollagama 2008a). Addressing the U.N. in 2008, the government invoked historical tales of how the Tamil and Sinhalese once lived in harmony, and LTTE attacks were violating this tradition:

A former Attorney General of then Ceylon, Sir Ponnambalam Ramanathan, also a loved Tamil politician, in September 1904, had this to say at a public meeting in Colombo. (I quote) “I have been to many countries in the world. But, no where have I seen such a friendly race as the Sinhalese who also uphold high moral values.” (unquote). Such was the harmony between the Tamils and the Sinhalese. But a malicious group has turned all of this upside down (Rajapaksa 2008b).

Government discourses constructed a narrative whereby LTTE violence had disrupted the ‘natural’ order of things on the island and had violated an historic tradition of harmony among different groups on the island. Although this discourse is littered with notions of democratic rule and pluralistic tolerance, it is in fact quite violent. The pluralist discourse seeks to reaffirm state sovereignty in government hands and deny the Tamil community the possibility of an independent state.

This discourse directed at the international community also overlapped with the discourse directed at the domestic populations in Sri Lanka. The pluralist and inclusive discourse directed at the Tamil population was constructed by dissociating the Tamil community with the LTTE and linking it to a unified Sri Lanka. The Tamil people and the land were under the ‘clutches’ (Rajapaksa 2008a, 2009b) and ‘the fascist and dictatorial
control of the LTTE terrorists’ (Bogollagama 2008b). This invokes ideas of dictatorship, brutality and illegitimacy. The LTTE do not govern, but hold the Tamil population ‘hostage,’ denying them their democratic rights (Rajapaksa 2009a). Although the LTTE claim to be representative of the Tamil population, they are really only representative of a ‘small group;’ namely, those who engage in violence against the Sri Lankan state (Rajapaksa 2007).

Yet there also exists a contradiction within the government discourse. The pluralist discourse directed at the Tamils and international community was inclusive and democratic, while the discourse directed at the Sinhalese majority privileged the Sinhalese by re-writing history in a favourable light to Sinhalese nationalism. As scholars have shown, Sri Lanka historically comprised of three kingdoms, one of which was Tamil (DeVotta 2011: 135). Moreover, this pluralistic discourse did not treat each ethnic group as equal. As Rampton (2011: 256) has argued, Sinhalese nationalism proclaims ‘territory, state and nation of the island compose a bounded unity revolving around a majoritarian axis of Sinhala Buddhist religion, language, culture and people.’ Cultural aspects of Sinhalese narratives, such as the peasant farmer, were given an important place in government discourse (see Rajapaksa 2008a; see also Rampton 2011: 258). In an attempt to build a Sinhala dominated nation (Rampton 2011: 267) all other minorities, such as Tamils, were placed in an inferior position and subordinate to the Sinhalese community (Rampton 2011: 256).

In addition to this subject positioning of the LTTE and Tamil community as inferior to the Sinhalese, boundaries as to the relationship the LTTE had with Sri Lanka were increasingly blurred. The LTTE were represented as a group both inside and outside of Sri Lanka. They were inside in a sense that the war was occurring within the geographical bounds of the island. Yet by constructing the LTTE as illegitimate rulers who did not represent the will of Tamils, they were also cast as outsiders, akin to foreign invaders. By representing the LTTE as both an internal and external threat, the Rajapaksa government
invoked the Sinhalese myths about historic kings defending Sri Lanka against foreign invaders. In fact, Rajapaksa used ‘newspaper articles, streamers, giant cutouts, skits, and music videos to portray him as the new Dutugemunu [an historic Sinhalese King] destined to eradicate terrorism’ (DeVotta 2011: 136). This fit in with the broader narrative of the government that the Tamils already have the homeland of Tamil Nadu in India (DeVotta 2011: 135), further reinforcing the Sinhalese myth that Sri Lanka is the home of the Sinhalese.

These nationalist discourses helped to position subjects in relation to one another and helped in the construction of identities. By creating a binary opposition between the Sri Lankan government and the LTTE, it positioned the subjects in a hierarchy of superior and inferior. The Sri Lankan government represented the will of all people, were moral and virtuous, and promised economic development and a unified country. Military victory over the LTTE was seen as a way to overcome the divisive politics of the previous decades. Yet it also equated LTTE terrorism with the broader Tamil project of independence. A U.N. report on war crimes during the recent Sri Lankan conflict stated the Sri Lankan government’s discourse was ‘couched in terms of Sinhala majoritarianism that presents the defeat of the LTTE as the defeat of all Tamil legitimate political aspirations’ (U.N. Secretary-General 2011: 111). Defeat of the LTTE was not just about maintaining the Sinhalese interpretation of history but also about constructing a new future for the island. This image was constructed and directed by government to both domestic and international audiences. As I show below, by creating the LTTE as an inferior and foreign element that posed a threat to Sri Lankan society, these discourses provided an environment that encouraged torture and other acts of inhumane violence.

However, the LTTE offered a different interpretation of the conflict, seeing it as another case of ethnic oppression by the Sinhalese majority. LTTE public statements referred
to the ‘Sinhalese’ government, making a clear separation between the Tamils and the rest of Sri Lanka, arguing the government did not represent the will of the Tamil people (Ponnambalam 2006). This was different from the government’s discourse in that it sought to challenge the notion promoted by the government that the Tamil community were part of a broader Sri Lankan society, rather than a separate community.

The LTTE accused the ‘Sinhala leadership’ of ‘ethnic genocide’ and who sought to ‘destroy the rights of Tamils’ (TamilNet, 2 August 2006). In conflating the government and the ‘Sinhala nation’ as one, it promoted a discourse whereby it was the whole country against the Tamils who needed to be defeated in war:

The politics of the Sinhala nation has today taken the form of a monstrous war. Because the chauvinistic Sinhala regime is putting its trust in a military solution, the war is spreading and is turning more and more intense. Sinhala nation is intent on occupying and enslaving the Tamil homeland. Our military is only involved in a war of self defence against this war of the Sinhala nation (LTTE 2008).

The LTTE engaged in similar divisive nationalist discourse as the Sri Lankan government. The LTTE claimed the Tamil community could not continue to live under the rule of the ‘Sinhala nation’ in freedom and dignity. Yet by creating an image of the rest of Sri Lanka as a homogenous whole, and whose only quality was the oppression of Tamils, the stark divisions and tensions between the two identities further escalated the use of force. As the U.N. argued, the ‘extreme Tamil nationalism…reinforced Sinhalese nationalism’ (U.N. Secretary-General 2011: 114). Tamil nationalism reaffirmed for the Sinhalese that the LTTE were an enemy to Sri Lankan ‘unity’ and represented a group that needed to be destroyed.
‘War on Terrorism’

The second major discourse, and intertwined with the first, revolved around the notion that the conflict represented part of the global ‘war on terror.’ Battles against ‘terrorism’ are nothing new in Sri Lanka, with the government passing the Prevention of Terrorism Act of 1979 in response to JVP violence. However, this recent war was targeted exclusively against the LTTE, and ‘terrorism’ discourse represented a potent tool in which to justify war.

The Sri Lankan government discourse created a binary opposition between itself and the LTTE that invoked a battle of good versus evil, and this discourse was communicated to the international and domestic audiences. The predicates attributed to the LTTE were not the same throughout the temporal period analysed. Common terms used included ‘menace’ (Rajapaksa 2008b) ‘terrorist’ (see SCOPP 2006, 2007a, 2007b, 2007c, 2008a, 2008b), ‘savage’ and ‘ruthless’ (Rajapaksa 2009b) ‘violent’ (Sambandan 2008) and ‘cannot be trusted’ (Rajapaksa 2009a). However, although these terms are different they are consistent with one another and represent a discourse in the Foucaultian sense. The different statements work together to form a strategy that constructs knowledge and produces meaning. The common theme that runs through the different statements is one of a violent and law-violating actor that seeks to divide and threaten Sri Lanka.

The predicates used by the Sri Lankan government to construct its own identity reflect the opposite of those used to describe the LTTE. The Sri Lankan government is ‘democratic’ (Sambandan 2008; Rajapaksa 2008a; SCOPP 2006, 2007b) and attempts to ‘bring about sustainable peace’ (Sambandan 2008) while the military is ‘humane’ (Rajapaksa 2009b) ‘disciplined’ (Rajapaksa 2007) and ‘restrained’ (Gunawardena 2010). These predicates invoke virtuous qualities and allow them to claim themselves to be defenders of Sri Lankan society. These predicates link up with the above discourse concerning ethnicity. It casts the LTTE as a threatening force that does not represent the Tamil population, while the Sri
Lankan government is seen as the defenders and legitimate protectors of all Sri Lankans. The presuppositions of this discourse assume the 2006-2009 conflict was the result of the LTTE’s propensity for war at the expense of the Sri Lankan government’s desire for peace. The foreign minister stated in an interview Colombo, September 2008

We have gone through several phases since President Mahinda Rajapaksa’s tenure began in November 2005. We devoted the first phase to talks with the LTTE, believing that the talks would lead to a negotiated settlement. That lasted up to 2006. The LTTE, in spite of the talks, went about on the normal, violent ways they were used to (Sambandan 2008).

This discourse was directed at both a domestic and international audience and lasted throughout the entire conflict between 2006 and 2009. Unlike the Sri Lankan government that cast itself as exhausting all peaceful options before returning to war, the LTTE were cast as encouraging war. The Sri Lankan government wanted to show the international community that the LTTE failed to take peace treaties seriously, treating the Norwegian peace process with contempt (Rajapaksa 2008b). They walked out of the talks under the weakest of excuses, and reverted back to terrorism (Rajapaksa 2008b). This was because the LTTE’s objective was to create a ‘barbaric culture’ within Sri Lanka through the use of violence and terror (SCOPP 2008a: 5). The LTTE only understood violence, meaning the LTTE had to be eliminated with violence. Showing the overlap in the discourse directed at both a domestic and international audience, the foreign minister publicly responded to an LTTE attack by declaring in Parliament on 7 October 2008 and again at the Australian Strategic Policy Institute in Canberra the following week on the 13 October,

Yesterday’s attack makes it crystal clear that the LTTE is firmly and irreversibly entrenched in the path of violence and terrorism. This is not the time for
recrimination or finger pointing. No attempt should be made to whitewash the LTTE and throw it a life line, as it faces imminent and certain defeat at the hands of our valiant security forces. All political parties who subscribe to democracy should unite and join hands with the government to once and for all rid Sri Lanka of the scourge of terrorism. This barbaric act of terrorism also demonstrates the need for the people to remain eternally vigilant, since the LTTE is hell bent on wreaking death and destruction on the people of this country (Bogollagama 2008b).

How is this terrorism discourse linked to the widespread practice of torture? It is linked in three ways. First, by making a distinction between the LTTE as terrorists and the broader Tamil population, it denied the LTTE as representing any form of community, making brutal interventions possible. Describing the LTTE as a ‘scourge,’ the Sri Lankan government invoked a term used by the U.S. administration, which links terrorism with notions of disease that must be destroyed (Jackson 2007: 363).

The predicates used also stripped the LTTE of any moral qualities. While the government represented themselves as virtuous and humane, ignoring and denying their own human rights violations, the LTTE were cast solely as inhumane. The government focused on the LTTE’s immoral and illegal actions such as piracy, recruiting child soldiers, drug smuggling, terrorism and looting (SCOPP 2007a, 2007b). The LTTE exploited schools to recruit child soldiers, and attacked ships that supplied essential food aid for Sri Lankan citizens (such as the Jaffna attack on 6 November 2006) (SCOPP 2007a). The LTTE showed a complete disregard for human life as they ‘indiscriminately’ laid land mines without ‘concern for international law or civility’ (SCOPP 2007a: 1). Moreover, the LTTE were represented as untrustworthy, breaking their pledges not only to the Sri Lankan government in the peace process but also to UNICEF after they had made commitments to address concerns about child soldiers (SCOPP 2007a).
Removing the LTTE from a moral community meant that all types of behaviour became possible. The Defence Secretary Gothabaya Rajapaksa stated in June 2007, ‘What I am saying is, if there is a terrorist group, why can’t you do anything? It’s not against a community…I’m talking about terrorists. Anything is fair’ (Human Rights Watch 2007: 2). This placed the LTTE outside of a moral community and opened up the possibility of violent practices that would ordinarily be deemed inappropriate in peace time.

Second, the Sri Lankan government appealed to the Bush administration’s rhetoric that civilized states do not negotiate with terrorists. Although the government engaged in negotiations with the LTTE that resulted in the Norwegian-led Cease Fire Agreement in 2002, by 2006 the government’s position had shifted by arguing that the LTTE could not be trusted and therefore were not appropriate or equal partners for peace. Ratnasiri Wickremesinghe argued that if the western countries were not prepared to negotiate with Bin Laden then they should not expect the Sri Lankan government to negotiate with the LTTE (TamilNet, 20 May 2008). By declaring that communication was not feasible between the government and the LTTE, violence became not only a possibility, but the only feasible option left to deal with LTTE attacks.

And third, by labelling the conflict a ‘war on terrorism,’ it justified the existence of emergency laws that suspended civil liberties and increased police and military powers. The Secretariat for Coordinating the Peace Process (SCOPP 2006: 5) stated in November/December 2006, ‘The government will introduce far-reaching measures to curb terrorism and terrorist activities by any person or group of persons, in keeping with its policy to achieve peace.’ As I discuss these laws in detail below I will not mention them here. However, criticisms of these laws were stifled by linking support of these policies with a duty to the nation as a whole. Prime Minister Ratnasiri Wickremesinghe stated, ‘The civilians are threatened due to the barbaric attacks of the LTTE…It is our duty to support the Security
Forces to eliminate terrorism’ (SCOPP 2008a: 5). This mimics the Bush administration’s black and white worldwide that actors were either with or against the U.S. in its ‘war on terror’ (see Bush 2001).

The discursive practices employed by the LTTE cast the Sri Lankan government and military forces as terrorists. The LTTE described Sri Lankan government actions as forms of ‘harassment,’ ‘military repression’ (TamilNet, 25 January 2006) and ‘State terrorism’ (TamilNet, 18 April 2006). The LTTE challenged its terrorist label by arguing it was responding to Sri Lankan terrorism through an ‘Armed struggle for the liberation of Tamileelam’ (TamilNet, 18 April 2006). The LTTE saw the recent global ‘war on terrorism’ as a guise used by the government to further subjugate the Tamil community (TamilNet, 22 February 2007).

The presupposition based in the LTTE’s discourse was that the recent conflict was a continuation of previous practices of oppression against the Tamil community. The LTTE argued the ‘Sinhalese nation’ were bent on destroying the Tamil nation and instigated the recent war to fulfil this goal since the Sinhalese took hold of power after decolonisation in 1948 (TamilNet, 22 February 2007). However, even though the LTTE cast themselves as protectors of the Tamil community, invoking the threat of State terrorism helped them justify atrocities against fellow Tamils as a means to win the war. The U.N. accused the LTTE of torture, recruiting child soldiers, forcing civilians to stay in war zones so as to act as a human buffer, shooting and killing those that sought to escape from LTTE controlled areas, using military arms near civilians, forced labour, and suicide attacks that killed civilians (U.N. Secretary-General 2011: 65-66). Moreover, the LTTE undertook an aggressive strategy before and during the war to silence critics and ‘traitors’ at home and in the diaspora (Human Rights Watch 2006: 17, 18, 24). This included ‘death threats, beatings, property damage, smear campaigns, fabricated criminal charges, and even murder as a consequence of dissent’
(Human Rights Watch 2006: 14). One can see here that terrorist discourses were not only a means to frame and ‘make sense’ of the current conflict, but were also used as a justification to escalate violence.

**Making Torture Possible**

These discursive practices at the national level created a context that influenced legislative and institutional practices and contributed to creating and sustaining an environment that encouraged torture. The background narratives of ethnic hierarchies and the repeated violence between different groups informed much of the understanding of how to interpret the recent war. The Sri Lankan government constructed the LTTE as a terrorist group unrepresentative of the Tamil community that undermined Sri Lankan unity and needed to be destroyed. The Sri Lankan government constructed themselves as the saviours of the island and sought to defend its sovereignty and rebuild one nation that was to live in peace and harmony. The abrogation of the Cease Fire Agreement was justified as an act of self-defence and one of last resort, making war appear to be the only feasible option in dealing with the LTTE.

The negative language in both the nationalist and terrorist discourse at the national level encouraged a further escalation of violence at the local level. Both these discourses trapped each actor into seeing the other with enmity and closed off the possibility for peace. Although sources that help to thoroughly analyse everyday discourses is minimal due to the secret nature of torture, victim accounts of torture in human rights reports provide an insight into how certain violent discourses made torture possible amongst Sri Lankan officials.

Everyday discourses built upon the ethnic hierarchies of the national discourses but were more violent and abusive. Tamils were particularly targeted and de-humanised, with Sri Lankan officials likening Tamils to animals using predicates such as ‘dogs’ and ‘Tamil bitch’
(Human Rights Watch 2013: 67, 76, 82, 87, 136), a categorisation which has been shown to weaken moral restraints and justify inflicting harm (Haslam 2006: 252-253). One victim describes how while detained a Sri Lankan officer walked into her cell at night, drunk, and began to sexually assault her. The victim recalls how the officer called her a ‘cow’ and told her how she ‘must have good milk.’ When she further resisted, the officer became angry, beat her and began swearing at her in Sinhala. She was then raped (Human Rights Watch 2013: 82). These predicates reflect the subject positioning used in the national discourses whereby the LTTE were constructed as inferior and worthy of punishment.

The everyday discourses in the torture rooms also reinforced the presuppositions that Sinhala was the main language of Sri Lanka. Sri Lankan officers spoke little or no Tamil to Tamil detainees, and when Tamil was used it was abusive or slang (Human Rights Watch 2013: 60, 67). When victims were raped they were also spoken to in Sinhala, a language they often did not understand, reinforcing the superiority and dominance of the Sinhala ‘nation’ over the Tamil ‘nation’ (Human Rights Watch 2013: 121, 132). This dominance was again reinforced when officers would force Tamil detainees to sign ‘confessions’ written in Sinhala (Human Rights Watch 2013: see 51-138), excluding the Tamil language from playing a role in the Sri Lankan justice system. This demonstrates the national and local discourses were not separate. The national discourse created the conditions of government and Sinhalese superiority and the idea that resort to violence was the only means to deal with LTTE suspects.

National discourses were connected to everyday practices of torture in a second way. The construction of a war environment set the grounding for the reintroduction of emergency laws. Apart from 1989, Sri Lanka has been under emergency rule from 1983 to 2001 (U.N. Secretary-General 2011: 10). The emergency laws were re-introduced in 2005 and ended in August 2011, well after the war had officially ended (Amnesty International 2011: 6). The
emergency laws consisted of the Public Security Ordinance, No. 25 of 1947, a colonial-era law (U.N. Secretary-General 2011: 96) and The Prevention of Terrorism Act of 1979 (PTA). These laws increased the power of state officials and justified suspension of presumption of innocence, indefinite detention, arrest without charge, immunity for officers acting ‘in good faith,’ restrictions on judicial checks on the exercise of power, and the disposal of bodies without public notification (Amnesty International 2011: 16-17; Human Rights Watch 2008: 38; Tamil Information Centre 2011; U.N. Secretary-General 2011: 97).

The emergency laws and the PTA have given a sense of impunity to Sri Lankan officials and help explain the widespread and routine use of torture. Sri Lankan army and police often saw themselves as above the law and this often justified inhumane acts such as torture. The Rapporteur noted that a torture victim was told by the Sri Lankan torturers: ‘we are the bosses and we can do what we want’ (U.N. Human Rights Council 2008: 48). In another instance, a prisoner was transferred to the TID where they asked him if he had been beaten. When he replied yes, the officer stated ‘we will also beat you’ (U.N. Human Rights Council 2008: 30). This discourse linked up with the everyday discursive practices mentioned above by buttressing the subject positioning of the Sri Lankan officer who had agency to act and to hurt, and the detainees, which were stripped of agency, and became animals to be beaten.

A culture of impunity is nothing new but represents a continuity of long-established practices in Sri Lanka. Amnesty International documented in 1994 how a victim was told after his head was smashed against a wall by Sri Lankan torturers that ‘we will come back and you must tell the truth, otherwise you will not be alive; no one knows what is happening here’ (Amnesty International 1994: 13). This impunity and encouragement of torture as a counter-terrorism strategy was made possible by the lack of punishment for torturers. Prosecutions for torture are low with only 3 prosecutions between 1994 and 2008 (Amnesty
Yet between 1998 and 2011, 1,500 cases of torture were reported to the Asian Human Rights Commission (Amnesty International 2011: 19; Asian Human Rights Commission 2011). Officers accused of torture are often not removed from their posts, allowing them to use their position to influence the case against them (U.N. Secretary-General 2011: 99-100). And the burden of proof is often on the victims to show that the confessions they gave were not under conditions of duress or coercion (U.N. Committee against Torture 2010: 4-5).

The increasing allegations of torture and the conduct of military operations were a concern for the government as it challenged their ‘humane’ image. Although the everyday discourses demonstrated that Sri Lankan officers felt few moral restraints to beat detainees that came into their custody, officials were aware that such practices would not be tolerated by the international community. In March 2007, Victor Perera, the Inspector General of Police, stated, ‘There is a lot of attention by foreign organizations on the human rights situation here and these killings and abductions cause big problems for the government internationally’ (Human Rights Watch 2007: 61). The government dealt with this in three ways. First, it attempted to maintain the secrecy of torture. The U.N. Committee against Torture has condemned secret detentions in which it says torture is alleged to have occurred (U.N. Committee against Torture 2010: 3).

Second, the government outsourced illegal practices to paramilitary groups. A leaked U.S. diplomatic document shows the purpose of the paramilitaries in the counter-terrorist operations. The paramilitaries were to compete with the LTTE in recruitment; kidnap and kill individuals in Colombo suspected of links to the LTTE; and silence critics. Even though elements in the military wanted to ‘clamp down’ on the paramilitary groups, they had ‘orders from Defense Secretary Gothabaya Rajapaksa to not interfere with the paramilitaries on the grounds that they are doing ‘work’ that the military cannot do because of international

And third, the government tightened its control over access of reporters to war zones. On 5 September 2008, the Defence Secretary told humanitarian organisations to leave the Vanni region on the grounds that the government could not guarantee their security (Human Rights Watch 2008: 34-35). The government has also used intimidation and threats to prevent human rights groups from publishing critical material on the war (U.N. Secretary-General 2011: 11). Human Rights Watch has argued that these restrictions and intimidation tactics reduced human rights protections for individuals in the war (Human Rights Watch 2008: 36-45).

The cultural myths and discourse on terrorism did not explicitly condone torture but it created an environment that encouraged its use. The emergency laws and the creation of subject positioning whereby the Sri Lankan government was deemed superior and virtuous compared to the inferior and dangerous LTTE helped make possible the escalation of violence. The national discourses helped facilitate the police-level discourses that overrode the prohibitions against torture.

Conclusion

The recent Sri Lankan war against the LTTE from 2006 to 2009 saw the use of torture on both sides. I have focused primarily on how it was possible for the Sri Lankan government to torture by looking at the conditions that enabled such violence. The Sri Lankan government implicitly invoked Sinhalese cultural myths and discourses concerning the fight against terrorism to help legitimise a return to war with the LTTE. Although these national discourses did not explicitly condone torture, I have argued they had a connection with the everyday practices of police and army torture by creating emergency conditions that
suspended civil liberties and created ethnic hierarchies that treated the Tamils as inferior.

In examining the use of torture in the recent war, I have sought to address how-possible questions. I have used a discursive practices approach to show how actors in the Sri Lankan conflict were constructed as enemies that needed to be destroyed. The discursive practices approach has the advantage over the psychodynamic approach by treating identities as fluid, allowing one to understand how Tamils could torture Tamils and Sinhalese could torture Sinhalese.

Although I have focused primarily on how the Sri Lankan government tortured during the recent war, I have also shown that the LTTE engaged in similar tactics, even against their own people. The LTTE employed nationalist and terrorist discourses to help demonise the Sri Lankan government but also to justify their own violence. Yet many of the victims of this war were those innocent civilians, mainly Tamils, who were subjected to untold violence by the government and the LTTE, both of whom claimed to be their true representatives. As part of their war propaganda, each side engaged in a discourse of un-truth that sought to promote their own side as humane while trying to hide their war crimes and torture from the international community.

The prospects for ameliorating such harm in Sri Lanka in the immediate future look bleak. In the post-war period, the U.N. has argued that by refusing to admit that many innocent lives were lost in the Vanni region during the war, as well as ‘intimidating and threatening those who challenge that view, the Government is effectively closing off the opportunity to open a serious, national dialogue on the recent past and the needs of the future’ (U.N. Secretary-General 2011: 111).

The Rajapaksa government continues to engage in exclusionary policies that reaffirm the nationalist discourse that Sri Lanka is an island for Sinhalese. The national anthem is sung in Sinhalese, excluding the rights of Tamils to sing it in their own language (DeVotta 2011:
Moreover, there is an effective ‘colonization of the northeast’ of the island (DeVotta 2011: 141). Monuments and cemeteries for the LTTE are being destroyed; Tamil village names are being changed to Sinhalese names; Tamils are being relocated to other parts of the country; and Buddhist monuments and temples are being erected in areas with no Buddhist population (DeVotta 2011: 141). There is also the continued use of paramilitary organisations in the North East intimidating the population (DeVotta 2011: 142; U.N. Secretary-General 2011: 112-113).

The defeat of the LTTE has not brought an end to ethnic tensions, especially with strong nationalist beliefs held among the Sinhalese population and the Tamil diaspora (U.N. Secretary General 2011: 114). The creation of categories of superior and inferior human beings alongside the suspension of civil liberties has created conditions for the possibility of extreme violence such as torture. Unless these categories are addressed, and each group begins to see one another as equal, violence such as torture could continue to be a real possibility in Sri Lanka for years to come.

Notes


2. These include: ‘the International Covenant on Civil and Political Rights (ICCPR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (CAT); the Convention on the Elimination of All forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and the Convention on the Rights of the Child (CRC)’ (U.N. Human Rights Council 2008: 10).
3. Perera (2007a: 147) conducted a study in the 1990s and found that 68 methods of torture were used in Sri Lanka. 95% of the time blunt objects were used on the victims, including ‘broom sticks, wicket stumps, chair and table legs, wooden sticks, iron rods, police batons to PVC pipes (locally called ‘S’ lone pipes) filled with sand or cement.’ See also Perera (2007b).

4. The ICRC was still able to operate in the region (Human Rights Watch 2008: 38).
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**Sri Lankan Documents**


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