

SRI LANKA'S WHITE VANS

Dual Criminality of the Sri Lankan State and the Rajapakse Administration



18th July 2012

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1. EXECUTIVE SUMMARY

Tamils Against Genocide [TAG] has obtained testimonies of surviving abductees and interviews of affected victims, that enable us to identify individuals involved in abduction and torture targeting Tamils and non-Tamil dissidents. TAG has identified a number of detention complexes and torture centers participating in “white van” operations, where “white van network” is a term widely used in Sri Lanka to refer to both the physical transport and general modus operandus of abduction and disappearance. The information gathered forms an evidentiary basis for a blueprint of the operational logistics of State-sanctioned white van networks.

White van networks are part of a cluster of cooperative partnerships with other State instrumentalities – such as the judiciary, the prisons, the defense establishment, hospitals. They have become an instrument of State machinery which beats at the heart of Sri Lanka’s culture of impunity. White van networks are an embedded element of Sri Lankan democratic politics. They are necessary agents for incumbent administrations to sustainably and strategically undermine the panoply of fundamental liberties associated with citizenship in modern constitutional democracies, such as free speech and due process.

Sri Lanka’s State-sponsored white van networks are operated as a joint criminal enterprise, characterized by a definable command hierarchy, conscription and/or use of paramilitaries, private criminal gangs and government military personnel, and general complicity of State institutions.

White Van abduction networks have active or dormant states. TAG’s interviews and testimonies indicated that, in the dormant state, the white van network(s) can be activated by directives from the command hierarchy, especially the top echelon of the defense establishment, the Rajapakses. For example, Gotabhaya Rajapakse’s confident threats targeted at Fonseka¹, Vithyadaran², and more recently Frederica Jansz³, are predicated on the sustained operability of white van networks, dormant or active, to target enemies of the State as needed. There exists reasonable evidence of his clandestine power to abduct and eliminate people who are perceived as a threat to his command and reputation⁴.

¹ Hard Talk (on Fonseka question),

http://www.youtube.com/watch?v=6YEVN368HQE&feature=player_embedded#t=0s (Last accessed 15th July 2012)

² BBC (on Vithyatharan episode),

http://www.youtube.com/watch?v=x8f4FE8fiAc&feature=player_embedded#t=0s (Last accessed 15th July 2012)

³ Sri Lanka: Tip about a puppy and a plane has political edge for Sunday Leader journalist,

<http://www.thestar.com/news/world/article/1226237--sri-lanka-tip-about-a-puppy-and-a-plane-has-political-edge-for-sunday-leader-journalist> (Last accessed: 10th July 2012)

⁴ Intoxicating hubris, <http://tamilnet.com/art.html?catid=79&artid=32016> (Last accessed 15th July 2012)

Therefore, unless the State takes affirmative action to dismantle the network in a credible transparent manner, the threat of abductions will persist.

2. BACKGROUND HISTORY

A. State Policy

The Sri Lankan State's network of white van abduction/murder rings is an instrument of State policy which has racially persecuted Tamils under the color of national security law for at least two decades, since the 1990s. The impact of white vans on Sri Lanka's Tamil community is a silent narrative to the armed conflict, systematically aiding and abetting torture, extra-judicial killing, enforced disappearance, incommunicado detention, and indefinite and arbitrary incarceration.

In addition to national laws, institutional decay, and weak governance, the network of white van rings enable the Sri Lankan State to systematically deprive or undermine in fact de jure Tamil fundamental constitutional liberties, such as due process, writ of habeas corpus, and free speech, which in turn substantially constrict the ability of the Tamil community to participate in democratic political processes. Typically, dissent of government policy will lead to white van abduction which in turn leads to torture, extra-judicial killing, incommunicado detention, or indefinite incarceration without legitimate criminal charge.

Sri Lanka's network of 'white vans' is substantively compromised of a multiplicity of separate white van rings. This multiplicity of white van rings is provided the operational politico-legal space to exist and survive by the State, and self-organizes and aligns based on changing profit motives, self-interests, State policy, and a generally unchanging majoritarian culture of anti-Tamil racial prejudice within the democratic Sri Lankan State.

The totality of circumstances surrounding multiple Tamil abductions and extra-judicial killings that TAG has analyzed suggest by reasonable inference that as a matter of policy, the Sri Lankan State through particular incumbent administrations outsource the abduction/murder/torture of Tamils or dissidents that it does not feel it can or should do itself.

B. Culture of Impunity

The *raison d'être* of the State-sponsored matrix of white vans is essentially twofold. Firstly, the matrix generates profit for the State-sponsored paramilitaries who operate them, as well as the affiliated individuals including government officials who provide instructions on white van target lists. Secondly, the matrix is necessary to sustain Sri Lanka's culture of impunity, which in turn is tacitly deemed necessary by incumbent administrations for consolidation of regime survival, which includes policy objectives such as intimidation of opposition leaders in politics and civil society, evisceration of democratic free speech principles to shrink democratic debate on politically sensitive issues, direct or indirect strategic suppression of peaceful anti-government dissent, and destruction of Tamil democratic centers of power before they can emerge.

These abduction/murder rings have been an open secret in Sri Lanka. The nexus of Sri Lankan national security laws and the white van regime of abduction and murder is the sine qua non of Sri Lanka's institutionalized culture of impunity, widely considered an immutable feature of Sri Lankan democratic politics, affecting the Tamil community disproportionately, if not exclusively. The white van rings predominantly target, maim, kill, abduct, torture, and indefinitely incarcerate Tamil civilians and dissidents, in violation of fundamental rules of international law, while compliant with domestic national security legislation.

Based on TAG's post-Mullivaikaaal evidence collection effort, including 50 interviews and affidavits acquired over the past year of Tamils who have been incarcerated in Sri Lanka's prison system, this Report provides a logistical blueprint of how Sri Lanka's Tamil persecution via its matrix of white van abduction and murder rings operate on the ground, with the support of the State, under the sanction of national law.

C. White Vans, an Organized Enterprise

White van abduction rings have been described as random and arbitrary, governed by the law of the jungle. These descriptions misleadingly obfuscate the degree of strategic policy and affirmative State and individual criminal responsibility behind the operation of Sri Lanka's matrix of white van rings. The view also dismisses the government's institutionalized sustenance of political and legal conditions, which provide this matrix of white van abduction/murder rings the necessary breathing space required to survive across multiple democratically-elected administrations.

The operation of white van abduction rings is not ruled by the "law of the jungle," but by an organized chaos - complex, predictable, calculated – in turn shaped by a pro-government majoritarian culture of anti-Tamil racial prejudice, leaving virtually all of the Sinhala majority unaffected, in part due to territorial demographic factors like Jaffna's majority-Tamil character, or in part due to racial Tamil target selection logic in majority-Sinhala urban centers. If the abductee is not targeted for extra-judicial killing or enforced disappearance, the logic of organized chaos governing the operation of white vans necessarily turns sequential at the point where the abductee's custody is transferred, from white van to formal detention. This occurs at the logistical juncture where after abduction, one white van in the network of white vans transfers custody of one or more Tamil abductees into the network of Sri Lanka's detention and prison complex. Within Sri Lanka's detention complex, Tamil detainees are routinely murdered, (sexually) tortured, or perfunctorily pushed through stages of Sri Lankan criminal procedure bereft of substantive fundamental liberties and due process norms associated with modern constitutional democracies.

Tamil detention without charge can be short-term or long-term. Short-term detention is generally indicative of a profit-motive, where the abduction was contracted for monetary compensation; alternatively, short-term detention can be indicative of an informal revolving-door Sri Lankan national security investigation technique where the Tamil abductee is imprisoned, tortured, escorted by security or paramilitaries via white van to see his family or a particular locality, pressured to provide more money or information, and then returned to prison where the procedure is repeated. In this scenario, incarceration, torture, and release are fluid and ad hoc, collaboratively enforced at the local level by local security forces

and white van rings working together. Long-term detention leads to extra-judicial killing, torture, indefinite incarceration, or incarceration and release through bribery which frequently results in re-abduction and re-incarceration.

D. Emerging Logistical Blueprint

Overall, TAG's logistical blueprint describes the de facto organizational hierarchy of the collaborative agency relationship between the non-state paramilitary actors and instrumentalities and political subdivisions of the Sri Lankan State, working interdependently and symbiotically in concert to directly or indirectly create and sustain a politico-legal operational environment where white van abduction/murder rings seek profit, execute State policy, or both, without check or regulation, and with tacit acquiescence of all of Sri Lanka's international stakeholders and donors.

The multiplicity of paramilitary-run white van abduction/murder rings self-organize through a territorial logic that attaches them to two separate regional detention complexes. One network of white van rings is attached to a Northeast-based detention complex, targeting selected individuals or institutions within the Jaffna/Vanni Tamil community. The second network of white van rings is attached to the detention complex based in the Southern provinces, largely centralized in Kotahena district. In view of both the Northeast-based and South-based detention complex, the overarching pattern of Tamil incarceration and torture distributed throughout a constellation of multiple localities, formal and informal, including police stations and black sites, is of a larger-scale in the South than in the Northeast-based detention complex.

TAG's logistical blueprint focuses on the South-based Kotahena district detention complex centered in Colombo, around which the matrix of white van abduction/murder rings functionally orbits. The logistical blueprint explains virtually every white van abduction or murder of a Tamil civilian or dissident on the island attached to the South-based Kotahena District detention and prison complex, including short-term, long-term or indefinite incarceration without legitimate criminal charge in Magazine Prison or Boosa.

TAG's objective of publicizing this white van logistical blueprint is twofold. First, to provide affected family members a blueprint to deduce where their loved ones are probably being held in circumstances where the Sri Lankan State's security forces are uncooperative. Second, to encourage additional Tamil abduction victims to come forward and provide evidence so that the logistical blue print may be honed in detail and eventually articulate with greater accuracy the logistical blueprint behind the South-based and Northeast-based State-sponsored white van rings which carry out or aid and abet abductions, murders, enforced disappearance, detentions, torture, incarceration, rape and sexual violence.

E. Legal Consequences Including Impact on Asylum Seekers

Sri Lanka's institutionalization of white van rings has at least two relevant international legal consequences, in the areas of international criminal law, and asylum.

First, viewed as a totality rather than through the customary lens of an individual case-by-case basis, Sri Lanka's state-sponsored matrix of white van networks is cognizable as a crime against humanity under

international criminal law. Consistent with Art. 7 of the Rome Statute, the matrix and the conditions which allow it to survive constitute a “widespread or systematic attack directed against” the Tamil civilian population” with the following non-exhaustive list of objectives: “murder” (Art. 7(a)), “torture” (Art. 7(f)), “enforced disappearance” (Art. 7(i)), and “imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.” Past or present, every government official and non-state paramilitary who participates directly or indirectly in this joint criminal enterprise to perpetrate crimes against humanity against the Tamil people through a systematic pattern of white van abductions that result in extra-judicial killing, indefinite incarceration, and torture, are culpable and individually responsible for violation of international criminal law. In parallel, as this uniform and systematic pattern of conduct has been sponsored and executed across multiple Sri Lankan administrations, such a totality of circumstances provide a reasonable basis to infer Sri Lankan State criminal responsibility.

Second, Sri Lanka’s white van abduction/murder rings have not been sufficiently considered as a factor relevant to Tamil asylum determination in destination countries, such as India, Australia, Canada, Switzerland, United Kingdom, Norway for example. The matrix of white van abduction/murder rings operated by the Sri Lankan state target Tamils civilians as a racial group. Within that context, the matrix and environment within which it survives permit targeting of Tamils on an individual case-by-case basis for reasons align with either the profit seeking motive of paramilitary actors, or in addition to the broad objectives of Sri Lankan State policy. Historically, these objectives have included strategic suppression of peaceful dissent to destroy Tamil democratic centers of power before they can emerge, and exercise of Sinhala-Buddhist racial prejudice towards the Tamil community under the pretext of anti-LTTE counter-terrorism imperatives.

International refugee law, as ratified in domestic implementation legislation across multiple national jurisdictions, considers multiple factors in case-by-case determinations of assigning refugee status to particular individuals, a step generally necessary to acquire asylum status. One such factor in the determination of refugee status is whether the particular asylum seeker has a “reasonable” or “well-founded” “fear of persecution” if he were to be removed and returned to his country of origin. Determination of a ‘reasonable’ or ‘well-founded fear’ generally entails consideration of two elements. The first element is whether the asylum seeker articulates a reasonable, sincere, subjective perception that there is a reasonable possibility he will be under threat of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, if he were to be returned to his home country. The second element is whether this subjective perception of risk or threat can be credibly established as consistent with available information describing conditions in the state of origin. In this regard, a reasonable fear of persecution cannot be based solely on past persecution, in the absence of a reasonable possibility of future persecution. If proffered evidence for a particular individual satisfies the evidentiary burden of these two elements, under international refugee law, that individual is assigned refugee status and on his way to being granted asylum by the particular host country.

The focus in particular national jurisdictions of individualized assessments of well-founded fear of persecution in the context of Tamil asylum determinations under international refugee law, has downgraded or excluded in totality the factor of State-sponsored institutionalized white van

abduction/murder rings which inflict group-based racial discrimination on Sri Lanka's Tamil community. White vans currently and for at least two decades, have targeted Tamils. Being Tamil in Sri Lanka under the Rajapakse administration, or under prior administrations while Sri Lanka's white vans were in operation, establish a reasonable fear and reasonable possibility of future persecution, through abduction, extortion, extra-judicial killing, torture, enforced disappearance, and sexual violence.

Under the Rajapakse administration, individualized Tamil asylum determinations in every non-Sri Lankan national jurisdiction must consider as material, if not dispositive, the Sri Lankan State's continued and active direct or indirect participation, by act or omission, in the establishment, funding, institutionalization, and perpetuation of Sri Lanka's network of white van murder/abduction rings which racially target Tamils as a group. A Tamil asylum seeker's membership in the Tamil racial group under international refugee law sufficiently establishes a well-founded fear of future persecution in Sri Lanka, at least under the Rajapakse administration.

F. Weapon During Transition to Dictatorship

The nexus of Sri Lankan national security laws and State-sponsored underground white van networks which carry out abductions and extra-judicial killings primarily targeting the island-wide Tamil community has been an open secret for approximately 20 years.

The continued operation ability during armed conflict or negative peace of the State-sponsored white van network is the sine qua non of Sri Lanka's culture of impunity, buttressed by other variables such as weak governance, weak institutions, a politicized judiciary. The confluence of these circumstances supply the Sri Lankan State with a safe haven of plausible deniability, enabling successive incumbent administrations to simultaneously support and deny or deflect the use of white vans as an instrument of State policy. Historically, up through the modern era under the Rajapakse administration, the network of white van abduction/murder rings and the paramilitary groups which operate them enable the State in general, and administrations in particular, to consolidate regime survival, suppress peaceful dissent, intimidate opposition parties and prevent democratic centers of legitimate Tamil political resistance from emerging within the formally multiparty democratic system.

On the ground, State-sponsored and privatized white van networks achieve these State or regime objectives by specific acts or the threat of extra-judicial killing, torture, sexual violence, incommunicado detention, indefinite incarceration without charge, and extortion of finances from targeted victim communities. These objectives fit within the Sri Lankan State's broader policy framework of killing off or indefinitely incarcerating enemies of the state, aiding and abetting state-sponsored torture inside the Sri Lankan formal and informal prison complex.

As a matter of State and regime policy, targeted victim communities are primarily, if not exclusively Tamil, notwithstanding selected visible non-Tamil dissidents exposing corruption or otherwise in subject-matter deemed sensitive to regime survival by the incumbent administration.

State and individual criminal responsibility under international criminal law co-exist over Sri Lanka's State-sponsored and privatized network of white van abduction/murder rings which racially persecute the Tamil community. The Sri Lankan State is prima facie culpable for the creation, sustenance, and perpetuation of the white van rings targeting Tamil communities for over 2 decades. In parallel, individuals and non-state actors within the Kumaratunga and Rajapakse administrations are both separately individually criminally responsible for engaging in a joint criminal enterprise which perpetrated a crime against humanity against the Tamil people.

3. LEGAL INSTRUMENTS AIDING STATE OPPRESSION OF TAMILS

Sri Lanka's draconian counter terrorism laws provide near unfettered discretionary powers to the police to arrest and incarcerate any Tamil, and to deny or violate due process rights for a Tamil defendant to legally fight for his release. Increasingly, the suppression of freedom of speech and disappearances can also be seen to be spreading to the South.

A. Emergency Regulations and Prevention of Terrorism Act

Sri Lanka has used two sets of emergency powers⁵ derived from Emergency Regulations (Public Security Ordinance (PSO), No. 25 of 1947), and the Prevention of Terrorism Act (Temporary Provisions) (PTA), first enacted in 1979, suspended and later reintroduced in 2006 by Rajapakse reinforcing provisions to "exploit the constitution's provisions for derogation and weaken the protection of rights significantly⁶," mainly the rights of Tamils.

ER provides broad powers to the State disabling defendants effective judicial review against arbitrary or discriminatory application of broad arrest powers, and preventing the courts from releasing defendants without the written approval of the Attorney General. The State has routinely used these provisions to keep political prisoners and other Tamils arrested with far less legal threshold from "reasonable suspicion" in Sri Lanka's jails for periods even exceeding 10 years.

PTA⁷ allows arrest and searches without warrant, and allows detention for three days without judicial supervision, the period during which most of the early phase of torture⁸ allegedly occurs.. Bail is disallowed, prisoners need not be told of the reasons for the arrest, and Ministers are given powers in PTA to order detention of a person without judicial review for up to 18 months.

⁵ Sri Lanka's Anti-terrorism Laws, <http://tamilnation.co/srilankalaws/index.htm>, Last accessed: 30th June 2012)

⁶ International Crisis Group, "Sri Lanka Judiciary" Politicized Courts, Compromised Rights, http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/172_sri_lankas_judiciary_politicised_courts_compromised_rights.ashx (Last Accessed: 1st July 2012)

⁷ Sri Lanka Prevention of Terrorism (Temporary Provisions) Act, <http://www.tamilnet.com/art.html?catid=74&artid=20480> (Last Accessed: 4th July 2012)

⁸ PTA, ER, Instruments to circumvent Human Rights Norms: Supreme Court Judge (retd.), <http://www.tamilnet.com/art.html?catid=13&artid=8016> (Last Accessed 4th July 2012).

Under PTA, the confession of a person arrested is admissible as evidence in the Courts to convict him. Hence, torture has become the inevitable means for the security forces to obtain confessions and convict Tamils, as has been exposed in high profile incarceration of prominent Tamils including US award winning Tamil journalist Tissainayagam⁹. The situation of incarcerated ex-members of the LTTE, and those Tamils suspected of links to the LTTE are dire.

The downward spiral of Sri Lanka's democracy towards dictatorship under Rajapakse is also engulfing the South, where, as Washington Post¹⁰ reports, 52 people including government opponents have gone missing this year (2012).

B. Suspension of the 17th Amendment

Sri Lanka's Parliament passed the 17th Amendment to the Constitution in October 2001 which establishes a Constitutional Council (CC), a ten-member body comprising five members 'of high integrity and standing' who are nominated jointly by the Prime Minister and the leader of the opposition, while the sixth member is nominated by the other smaller parties in Parliament.¹¹ The President appoints the seventh member and is obliged to make the six appointments outlined above once the nominations are forwarded to him. The remaining three members of the CC are ex officio members and constitute the leader of the opposition, the Prime Minister, and the Speaker of the Parliament who acts as Chairman of the CC. The 17th Amendment can be read in full in Annex 4 of this report.

This amendment provides for important checks and balances on extensive executive presidential powers which, prior to its enactment, granted the President constitutional authority to make appointments of senior public servants and members to independent commissions without any further independent approval procedure.

Despite national and international condemnation, the 17th Amendment has been allowed to fall into abeyance despite vocal national and international criticism that in bypassing it the executive is politicizing key public institutions.

C. Politicized Judiciary

International Bar Association (IBA) report (ref. 11) details the extent to which the politicization of the judiciary has taken place in Sri Lanka. Whereas the judiciary is expected to function to contain the overreach of the executive and to protect fundamental freedoms of the ordinary citizen, IBA notes widespread politicization of the judiciary.

⁹ Sri Lanka court imprisons Tamil journalist for 20 years, <http://www.tamilnet.com/art.html?catid=13&artid=30125> (Last Accessed 4th July 2012)

¹⁰ Sri Lanka descending toward dictatorship, critics say; US determined to remain engaged, http://www.washingtonpost.com/world/asia_pacific/sri-lanka-descending-toward-dictatorship-critics-say/2012/07/13/gIQAUOoXhW_story_1.html

¹¹ Justice in retreat, IBA, <http://www.ibanet.org/Document/Default.aspx?DocumentUid=EC999E18-DFAD-457B-B7EF-21187C919C45>

IBA notes that the judiciary is currently vulnerable to two types of political influence, from the Government and from the Chief Justice himself. The extent and type of influence oscillates between the two and depends on the relationship between the Chief Justice and the Government.

The case law of the Supreme Court has been criticized for being, on occasion, inconsistent, with certain cases being determined according to political considerations and/or alleged national interest rather than strict legal considerations. Also, Chief Justice's excessive influence over other members of the judiciary, and particularly over most other Supreme Court judges, means that there is a real, though unspoken, reluctance for judges to issue dissenting opinions, IBA said.

Attorneys who represent indigent Tamil detainees with financial help from human rights organizations have told TAG that in high-profile cases, even if there is insufficient evidence against a defendant to warrant conviction, judges, fearing a hostile powerful politicians, are not likely to acquit or pass light sentences on the defendants.

D. International Obligations

Sri Lanka has ratified the core international human rights instruments, including: the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Prevention and Punishment of all forms of Racial Discrimination; the International Covenant on Civil and Political Rights (ICCPR) and both of its Optional Protocols; the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol; the Convention on the Rights of the Child (CROC) and both of its Optional Protocols; the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and its Optional Protocol; the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and its Optional Protocol; the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the International Convention against Apartheid in Sports; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and the International Convention for the Protection of all Persons from Enforced Disappearance.

As a member of the UN General Assembly, Sri Lanka has committed itself to the provisions of the *Universal Declaration of Human Rights* (UDHR), the *UN Basic Principles on the Independence of the Judiciary*, the *UN Basic Principles on the Role of Lawyers*, and the *UN Guidelines on the Role of Prosecutors*. Sri Lanka is also a member of the Commonwealth and is therefore committed to upholding the Commonwealth's fundamental values contained in the Harare Declaration.²⁵ Additionally, the Sri Lankan Constitution contains many important safeguards for the rights and freedoms that are guaranteed in the international human rights instruments to which Sri Lanka is a party.

4. WHITE VAN ABDUCTIONS: PIECING TOGETHER OF EVIDENCE

A. White Vans: Factual Overview

Sri Lanka's State-sponsored - de facto "public" - and privatized networks of white van rings are one component of a more comprehensive island-wide torture/abduction regime that has become institutionalized with its own informal procedures over the last two decades.

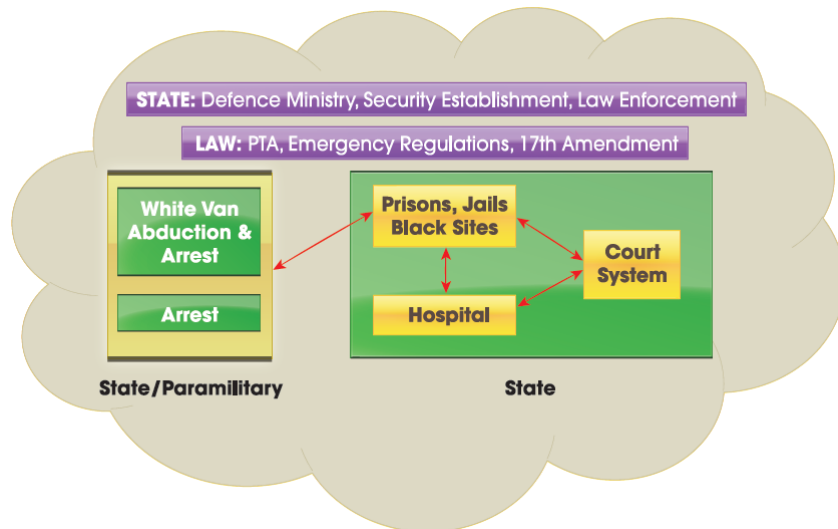


Figure 1: Island-wide Abduction and Torture Regime

The politico-legal environment within which Sri Lanka's network of white van rings survive is collectively sustained by instrumentalities and political subdivisions of the Sri Lankan State, and imbued with facial legal validity by Sri Lanka's national security legislation, including the Prevention Against Terrorism Act (PTA), Emergency Regulations, and the 17th Amendment.

The broader island-wide torture/abduction regime, of which the network of white van rings is one component, has multiple parts that work together in symbiosis in furtherance of the common design of abducting, intimidating, torture, murdering, and incarcerating Tamils. White vans, along with Sri Lanka's court system, hospitals, prisons, jails, black sites, and generally actors of Sri Lanka's armed forces, openly and freely collaborate within a State-sponsored agency relationship that nurtures the operation and survival of white van networks targeting Tamils in general, and evolving enemy of the State lists, in particular, which includes non-Tamil dissidents. In all cases, abduction leads to torture, extra-judicial killing, incarceration, or extortion, which could lead to release through bribery, which re-starts the abduction process for that individual.

B. White Vans: Public/Private Partnership

The "public" State-sponsored networks of white van rings are complemented by a "privatized" counterpart, which is a decentralized, free market pro-profit paramilitary abduction ring made of multiple cells. The

historical pattern of white van networks suggest that so long as the common design of the public/private white van partnership targets the Tamil community and non-Tamil dissidents, regime consolidation through white van intimidation is a viable State policy and will not trigger substantial political blowback from the unaffected majority Sinhala community.

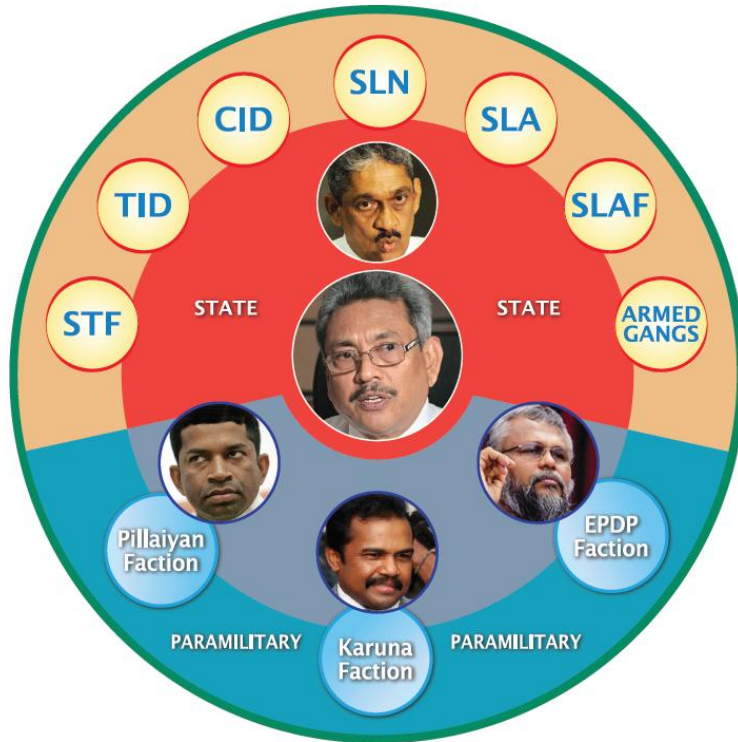


Figure 2: State Sanctioned Operative White Van Network Command Hierarchy

Abductions or extra-judicial killing of Tamils and dissidents via Sri Lanka’s white van networks are generally State-sponsored, complemented by a decentralized free market pro-profit paramilitary abduction ring made of multiple cells. Some of the known cells are affiliated with factions like Mahinda Rajapakse, Gotabaya Rajapakse, Sarath Fonseka, EPDP, PLOTE, Karuna, and Pillaiyan, but this enumeration is far from exhaustive.

White vans are also run by or collaborate with the multiple departments of Sri Lanka’s security establishment, including, but not limited to: Sri Lankan Army (SLA), Sri Lankan Navy (SLN), Center of Intelligence Department (CID), Terrorism Investigation Department (TID), Special Task Force (STF), Sri Lankan Air Force (SLAF), and underground networks of armed gangs. This multiplicity of white van rings form the collective network of white vans which are essential to controlling and undermining the Tamil and dissident voice in Sri Lankan politics.

The recent capture and exposure¹² of two Sri Lanka Army (SLA) Captains, a Lieutenant and a Corporal, attached to Colombo Army Headquarters, who were later freed from custody by the intervention of a Senior DIG provide additional evidence of involvement of Gotabhaya Rajapakse serving as one of the principal orchestrators of the White Van enterprise.

C. Complicity of State Institutions in White Van Abductions

One functional objective of privatized white vans networks is to illegally establish de facto custody through abduction while spreading terror throughout the Tamil community. Custody can also be established through arrest by the Sri Lankan security establishment. From the abductee's perspective, the choice between abduction or arrest, and the distinction of legality of custody under Sri Lankan national security law is false given that LTTE-affiliation is routinely fabricated without basis by the security forces.

In every TAG interview, surviving Tamil white van abductees describe how armed paramilitaries arriving in a white van abducted them, blinded folded and handcuffed them at gunpoint, and dropped them off at a government jail or prison, passing through the multiple army checkpoints in between the location of abduction and location of the prison or jail. In multiple interviews, government officials told particular Tamil civilians or ex-LTTE members to register at a particular police station or school on a particular day; virtually every time, a white van was waiting to abduct that individual. This systematic pattern of conduct found in every TAG interview, in particular with regard to Tamil abductees, permits the reasonable inference of systematic collaboration between the network of white van rings and instrumentalities of the Sri Lankan state.

Once in custody within Sri Lanka's detention complex, extra-judicial killing and torture are routine. The confluence of severe torture injuries suffered by a Tamil abductee and a compelling governmental interest to prevent the death of that particular Tamil abductee established an agency relationship with governmental hospitals overtime. Torture injuries are routinely written up as accidental, by Sinhala doctors, in Sinhala, communicating with Tamil abductees who are often illiterate or fluent only in Tamil.

The Court system perfunctorily processes Tamil detainees with alleged affiliation with the LTTE. Some Tamil detainees have been held for up to 10-15 years without any criminal charge, many had been taken to the court over 200 or 300 times, with no discernible substantive or procedural outcome to clarify the charges or determine the duration of sentencing."

Sri Lanka's national security laws as applied to Tamil detainees suspend all de jure fundamental liberties, due process, and basic procedural safeguards of criminal procedure identifiable in Sri Lanka's Constitution or criminal laws. As such, Tamil detainees cannot reasonably rely on any Sri Lankan national law or international treaty obligation to challenge the substantive or procedural aspects of their detention, in many cases both arbitrary and indefinite. Without the protection of law, Tamils in essence lose their fundamental rights at the point of abduction.

¹² Criminal White Van Record of Rajapakses Exposed, <http://www.srilankaguardian.org/2012/03/criminal-white-van-record-of-rajapakses.html> (Last accessed 15th July 2012)

When the agency relationship is viewed as a totality, the white van networks together with other State instrumentalities and political subdivisions have an island-wide reach, suggesting either an island-wide target list, or separate fluid regional or localized target lists where white van networks communicate to transfer abduction responsibilities over a particular individual as that individual moves from one place to another within the island.

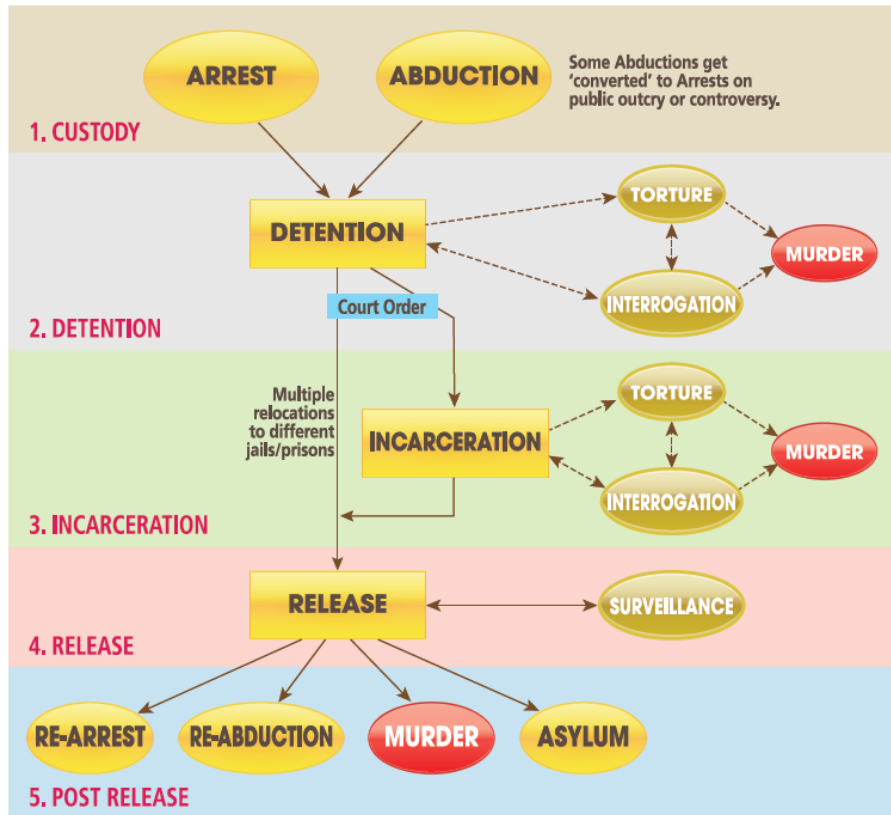


Figure 3: The Pattern – From Abduction to Murder or Incarceration

Establishing custody over a Tamil abductee, through abduction or arrest, is phase 1 of a 5 phase process:

1. Abduction
2. Detention
3. Incarceration
4. Release
5. Post-release (re-arrest, re-abduction, murder, asylum)

In all of TAG interviews with survivors and witnesses this 5-phase process emerged as a consistent theme from being targeted by a public or privatized network of white van rings in Sri Lanka. In the process, detention and incarceration without exception lead to torture, torture-induced confessions, and

interrogations. In many other cases, detention and incarceration lead to extra-judicial killings; in these instances, the white vans pick up detainees at the prison or jail, drive a few hours away from the prison or jail, and extra-judicially kill the individuals based on the instructions they received. In several interviews, an individual's release through bribery resulted in post-release re-abduction and re-incarceration, a revolving door for Tamil detainees which generate profit for both the white van ring which performed the abduction and the prison guards which facilitated the release.

After release in phase 5, Tamil ex-detainees, and their immediate and extended families with residence in Sri Lanka are generally harassed by 24-7 surveillance by the security establishment, through methods such as monitoring of ex-detainee movements, and custodial interrogations of the ex-detainee or any family relation or individual in that ex-detainee's social network. Intelligence gathering from the security establishment's ex-detainee surveillance operations is provided to white van networks, which then aid and abet re-abduction, re-arrest, and re-incarceration, which leads to torture and extra-judicial killing.

Also noteworthy, the pattern of release and re-abduction or re-arrest which bridges Phase 5 and Phase 1 have formed a self-contained informal black economy within the security establishment and matrix of white van networks. Contracts for abduction of a particular Tamil civilian and that Tamil civilian's release from custody or incarceration through bribery generate monetary flows that profit members of white van networks and the security establishment. In many cases, the same individual is abducted multiple times, and thereby forced to pay multiple bribes for release, the profits presumably split between the white van networks carrying out the abductions, and the prison guards facilitating the Tamil individuals release. In this context, given Sri Lanka's failed rule of law, and given the persistent and ubiquitous threat of re-abduction, re-arrest, and re-incarceration through white van networks, a Tamil civilian's release from custody or incarceration in Sri Lanka is invariably temporary, a factor which drives Tamil asylum flows abroad.

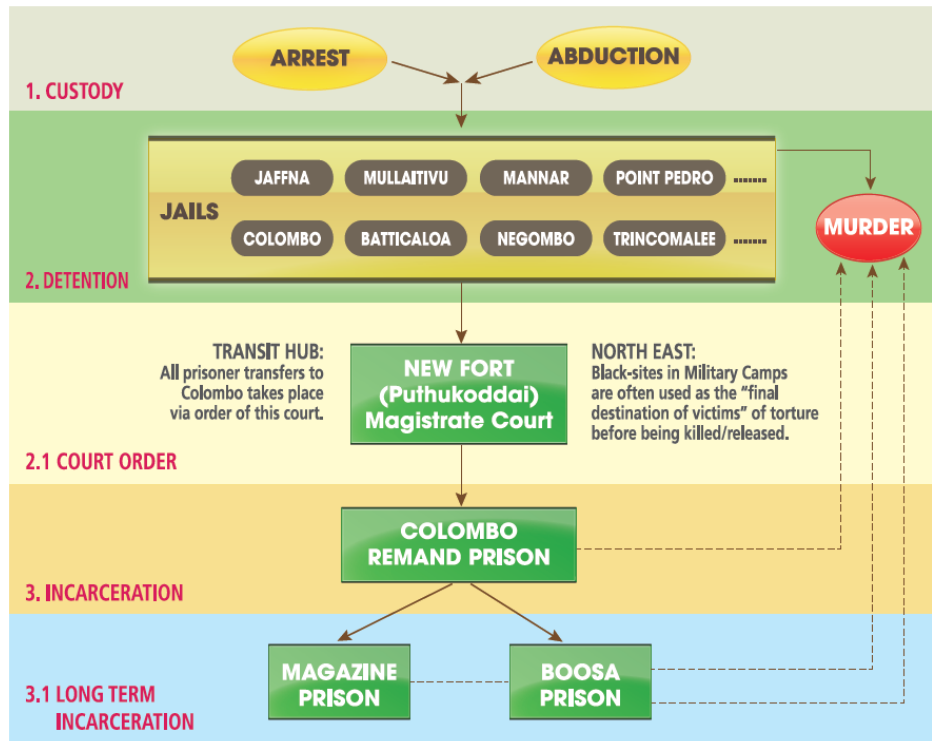


Figure 4: Collusion of Judiciary in the White Van Network

TAG’s evidence collection suggest that the process flow diagram from abduction/arrest to incarceration or murder generally, while applicable island-wide, bottlenecks at Puthukoaddai Magistrate Court, where abductees are processed with detainees in the general prison population. This is the logistical juncture where the network of white abduction rings meets Sri Lanka’s detention complex. From Puthukoaddai Magistrate Court, abductees are generally transferred to Colombo Remand Prison for short-term administrative detention. Colombo Remand prison is a staging area for either extra-judicial killing or longer-term incarceration in Magazine Prison or Boosa.

5. WHITE VANS: DETENTION COMPLEX

In Sri Lanka, the state-sponsored and privatized networks of white van rings operate with Sri Lanka’s detention complex when the objective of custody via abduction is torture, incarceration, delayed extra-judicial killing, or release and re-abduction. In the South-based detention complex centered around Colombo in Kotahena district, there are at least 7 localities within the detention complex where abductees are fluidly transferred between for the purposes of torture and incarceration and administrative detention prior to extra-judicial killing.

A. Prisons in Colombo and the South

TAG has identified seven prison locations in Colombo as participating in the White Van abduction network. The places, marked with the GPS co-ordinates in Figure 5 and 6 below, are:

- 1) Mattakuliya Prison : *GPS: 6°58'34.38" N, 79°52'47.82" E*
- 2) Kotahena Prison: *GPS: 6°57'02.60" N, 79°51'45.25" E*
- 3) Foreshore Prison: *GPS: 6°56'58.45" N, 79°51'26.67" E*
- 4) Colombo Magazine Prison: *GPS: 6°55'19.15" N, 79°52'44.69" E*
- 5) Harbor Prison: *GPS: 6°56'30.00" N, 79°50'36.02" E*
- 6) Dematagoda Prison: *GPS: 6°55'49.62" N, 79°52'37.22" E*
- 7) CID/4th Floor: *GPS: 6°54' 00.77"N, 79°52'44.05" E*



Figure 5: Prison Network Assisting White Van Network

Among these 7 locations, CID/4th floor is the most notoriously known within the Tamil community as a designated State torture chamber where Tamils abductees and detainees are routinely tortured and murdered. In addition, similar to CID/4th floor, Harbor Prison and the basement of Dematagoda Prison are known torture chambers with designated torture rooms, torturers, and torture instruments from electrocution to insertion of barbed wire in the abductee’s anus to extract actionable intelligence.

COLOMBO PRISON NETWORK

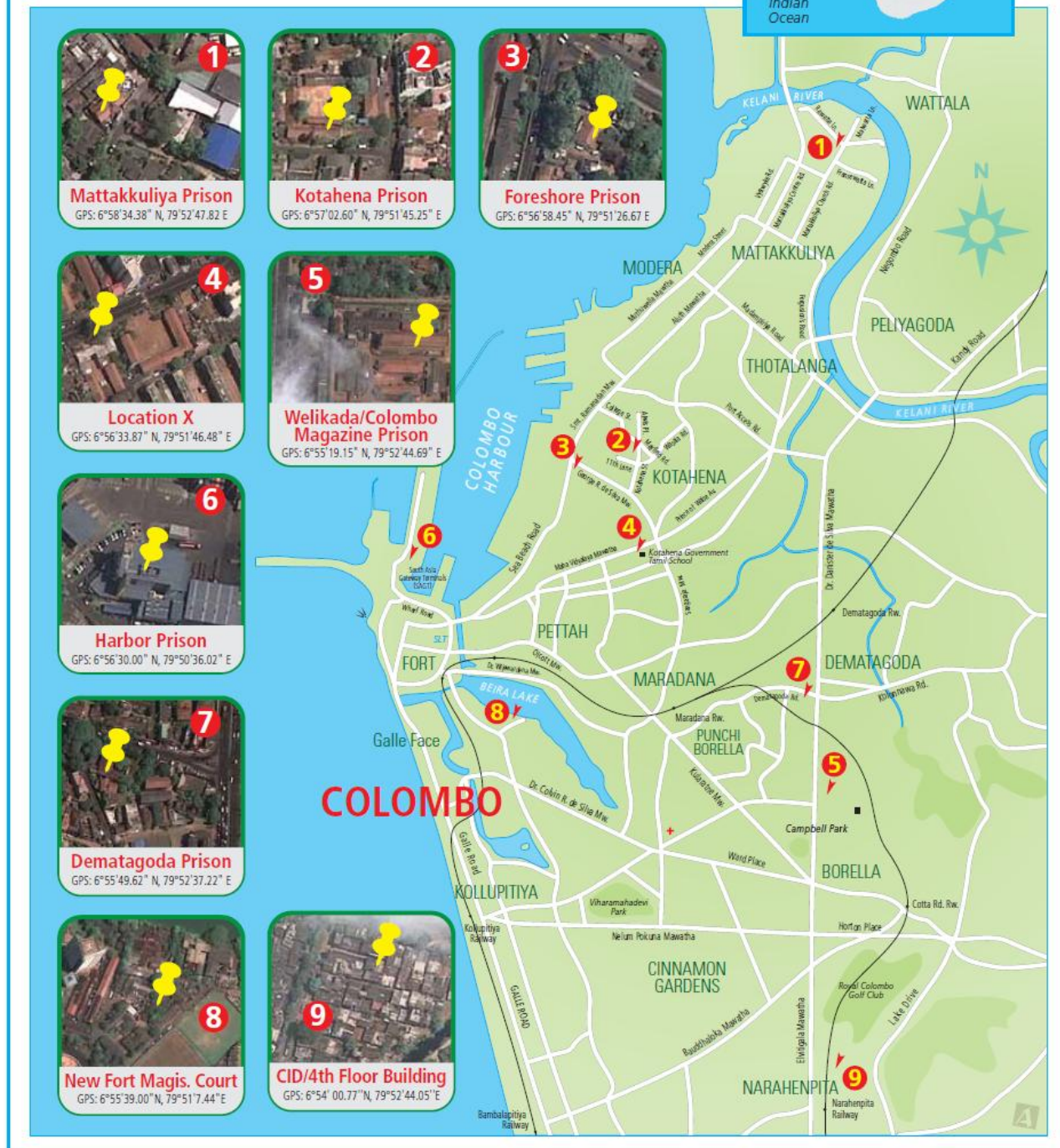


Figure 6: Key Prison Locations in Colombo and Suburbs used in White Van Network

International monitoring of these localities within Sri Lanka's detention complex, by organizations such as the United Nations or the International Committee of the Red Cross (ICRC), have not substantially deterred the Sri Lankan State's systematic policy of torture and extra-judicial killing of Tamil abductees or detainees. For example, TAG interviews have revealed a systematic Sri Lankan State administrative detention policy where Tamil abductees are transferred after their registration of custody in one locality to torture chambers in other localities, such as Dematagoda Prison and Harbor prison. For example, these transfers are performed by prison guards or paramilitaries in white vans in between visits by the ICRC, which has formally recorded that particular detainee's prison as another location such as Magazine prison or Foreshore prison. The result is the policy of torture remains hidden and ICRC documentation and therefore a particular abductee's detention history does not reflect their actual detention which included multiple transfers by white van between Sri Lankan prisons and black sites where torture is routinely carried out to punish or extract actionable intelligence.



Figure 7: Key Prison Locations South of Colombo used in White Van Network

This ICRC example is one of several anomalies created by the Sri Lankan security establishment's knowledge of the international human rights' community's monitoring schedule, and adapting torture policy to accommodate human rights monitoring without substantially revealing the actual plight of Tamil abductees and detainees within Sri Lanka's detention complex.

B. TAG Witnesses

TAG has interviewed more than 30 abductees aged between 20 and 55 years. Each was abducted by white van, and then incarcerated in Sri Lanka's state run detention complex for years without legitimate charge, deprived of rudimentary due process norms of criminal procedure widely considered as essential to all modern constitutional democracies. Every individual was tortured. Some have been held for over 10 years. Some abductees have been taken to court tens of times.

TAG will continue to collect information on and, where possible, affidavits from the several hundred Tamil political prisoners and those arrested under Sri Lanka's anti-terrorism laws.

Name	Age	Location	Occupation	Prison	#Court summons	Sentenced to
Subject-1	34	Sanganai	Business	Kalitura prison, New Magazine prison Division G	Puthukkodai Magistrate Courts; > 100times High Court; 4 times Appeal court	Life
Subject-2	27	Kallappadu	Fisherman	New Magazine prison-Colombo, Division I	Vathalai Magistrate Court, 4-30-2007	
Subject-3	35	Morakkadanchennai	Toddy tapper	Kalutra prison, Magazine prison, Division G	> 110 times High Cort	Life
Subject-4	30	Nakkala Thoddam	Daily laborer	New Magazine prison	236 times Magistrate Courts; > 150 times High Courts; Moneragalle Magistrate Courts	
Subject-5	29	Valvettithurai	Fisherman	Anuradhapuram prison; New Magazine prison	> 80 times High Court	
Subject-6	40	Muthur	Farmer	Kalutra prison, Magazine prison, Division G	> 100 times High Court	Life
Subject-7	41	Kurunagar		New Magazine prison	Kalkisai Magistrate Cort; > 300 times	
Subject-8	37	Palai	Barber	New Magazine prison	> 300 times High Court	
Subject-9	38	Navatkadu	Farmer	Kalutura prison, Magazine prison, Division H	Batticaloa Magistrate Court; High Court 152 times;	50 yrs
Subject-10	24	Urkavalthurai	Fisherman	New Magazine prison Division H, 2007	Wattala Magistrate Court	
Subject-11	50	Karaveddi	Carpenter	New Magazine prison	Kalkisai Magistrate Court; > 300 times High Court	
Subject-12	31	Chunnakam	Fisherman	New Magazine prison, Division G, 2007,	Wattala Magistraye Court, 4-30-2007	
Subject-13	40	Mallakam		Colombo Remand prison, New Magazine, prison, Division G, 2006	Puthukkodai Magistrate Court, 2006	
Subject-14	30	Madhu Road	Fisherman	New Magazine prison, Division G, 2007	Wattala Magistrate court 11 times;	
Subject-15	35	Maskeliya		Colombo Remand prison; New Magazine prison	>70 times High Court; >10 Appeal Court; Puthukkodai Magistrate Court Colombo; kandy; Ratnapura	Life
Subject-16	47	Koomankulam	Farmer/Driver	Negambo prison, New Magazine;	> 76 times High Court; Ja-Ela Magistrate court 2002	
Subject-17	35	Pesalai	Business	Anuradhapuram prison; New Magazine prison	> 40 times High Court; 2005 Appeal court no hearing yet.	12 yrs ends in 2017
Subject-18	43	Koddanchennai	Driver	Colombo Remand prison; New Magazine prison	Puthukkodai Magistrate 46 times	
Subject-19	38	Thirunelveli	Business	Negambo prison, New Magazine prison	Negambo Magistrate Court; >28 times High Court	
Subject-20	36	Jeyanthinagar	Driver	New Magazine prison	4 times Palapitya Magistrate Court	
Subject-21	30	Periyanelavanai	Student	Kalutura, Booza, Batticaloa prisons, Remand prison	Magistrate Court >70 times	
Subject-22	35	Palavi	Daily laborer	New Magazine prison	> 300 times Magistrate Courts	
Subject-23	45	Nannaddan	Farmer	Negambo prison, New Magazine prison	Ja-Ela Magistrate Courts; > 76 times High Court	
Subject-24	31	Pavatkulam	Truck Driver	Colombo Remand prison, New Magazine prison, Division H, 2000,	Puthukkodai Magistrate Court 2000; High Court < 140 times	
Subject-25	36	Karaveddi	Electrician	Colombo Remand prison, 9-18-2000, Division G, New Magazine prison	Puthukkaddai Magistrate court 2000; High Court > 150 times	
Subject-26	55	Bandarawala	Gardner	Colombo Remand prison, New Magazine prison, Division G, 2005	Puthukkaddai Magistrate court > 46 times	
Subject-27	31	Masar	Farmer	New Magazine prison - 2007	Palapitya Magistrate Courts	
Subject-28	36	Achuveli	Business	Colombo Remand prison, New Magazine prison, Division G	Puthukkodai Magistrate; High Court > 70 times	
Subject-29	36	Anaivilunthan	Methodist Church priest	New Magazine prison, Division H, 2007	Palapitya Magistrate Courts	
Subject-30	52	Jaffna	Priest	New Magazine prison	Puthukkodai Magistrate; High Court > 140 times	

Figure 8: Tamil Detainee Witnesses

C. List of Torturers Operating in Sri Lanka's Prisons

Included herein is a non-exhaustive list of torturers who work in Sri Lanka's detention complex, including formal localities and black sites. TAG's interviews with Tamil detainees and released Tamil abductees who have been granted asylum outside Sri Lanka, suggest that these torturers are part of a freelance contract-based network which has a territorial logic, mapping particular torturers to particular prisons and jails.

Prison	Interrogated by	Identified Torturers	Affidavit Source (TAG's records)
Colombo Remand prison, New Magazine Prison	Bambalapitya police, Kotahena police, TID, CID/4th floor, CDB, NIB, CSU, SLN, MI, EPDP paramilitary	Prasanna De Alwis, Raseek, SI Dhambikka, Vijiyaratna, Subair, Muthalib, Thalugoda, Upali, Ambewela, Prasanna, De Alwis, Saman, Muthalib Major, Capt. Edward, Alsi, Raseek, Upali, Tissanayake, SI Hareem, Savarip, SL Peries, IP Ambawela, Sgt. Mendis, Nishantha	ID-006, ID-049, ID-050, ID-053
Kaluthurai Prison, New Magazine Prison,	CID/4th floor, TID, NIB, Police, MI	OIC Leenaga Araachi, SI Saman	ID-021
New Magazine Prison	CID/4th floor, NIB, Navy, paramilitary	OIC Ranjith Silva, S I Nisantha Silva, Mendis, SI Dissanayake, Prasanna de Alwis, Anwardeen, Raseek, Buddhika	ID-022, ID-026, ID-029, ID-030
Negombo prison, New Magazine prison	CID, Air Force, NIB, CID, TID, CSO	SP Dissanayake, ASP Vaidiyalanka, OIC Kumarasinghe, Act OIC Debeesan Perera, IP Raveenthiran, IP Roshan, IP Ambal, SI Mohammed, PC Mahrube, SI Silva (Matale), SI Dharmadasa (Anuradapura), SI Bandara (Gampaha)	ID-034, ID-042

Figure 9: Partial List of Identified State Torturers

The uniformity of torture methods across the island, and across multiple administrations suggest torture as an unwritten State policy which attaches to Tamil incarceration or white van abduction is de facto institutionalized.

6. INDIVIDUAL ACCOUNT OF A WHITE VAN VICTIM: VADIVEL MUHUNTHAN

Vadivel Muhunthan's journey is emblematic of the thousands of Tamil civilians and ex-LTTE cadres who have been abducted by white van, tortured, incarcerated, released and fled for asylum abroad over the past 20 years. Generally, the existence of the Tamil victim's community within Sri Lanka sufficiently deters that particular individual from publicizing their suffering inflicted by the Sri Lankan government due to the risk of future retribution by government agents or State-sponsored white van networks.

A. Background

Vadivel Muhunthan, an ex-LTTE cadre who formally de-mobilized from the LTTE in 2000 prior to the Norwegian-mediated Peace Process, was later targeted for assassination in Jaffna, then abducted by white van in Colombo in 2009, incarcerated, tortured, released, re-abducted and tortured and incarcerated again. He was later taken from prison to be executed. As he witnessed two other Tamil detainees executed by paramilitaries after being taken from prison on a white van, he too was supposed to be killed, but he was not.

Vadivel Muhunthan has been granted asylum abroad. Despite the security concerns, Vadivel Muhunthan, is the first ex-LTTE cadre to speak publicly about the methods of torture used on him while in Sri Lankan prison after his abduction by white van. Vadivel Muhunthan describes in detail the following torture methods used by Sri Lankan-sponsored tortures while in Sri Lankan custody, in his video interview:

- 1) Hung by Toes & Fingers
- 2) Needles and Finger Nails
- 3) Electrocutation
- 4) Assault with Sand-Filled Pipes
- 5) Barbed Wire in Anus

Muhunthan told TAG that he feels he must speak up for all the thousands of others who have suffered the same fate as him, but were not so fortunate to escape murder or escape alive from Sri Lanka under the Rajapakse administration.

B. Video Deposition from Vadivel Muhunthan



Fig 10: Vadivel Muhunthan

An short version of Muhunthan's video deposition, recorded in Tamil with English subtitles, can be viewed at:

<http://www.tamilsagainstgenocide.org>

C. Chronology of Events

A chronological summary of Muhunthan's journey from abduction to escape through Sri Lanka's prisons extracted from his video deposition is provided in the following Table:

Event No	Main Event	Detailed Description of the Main Event
1	DEMOBILIZED FROM LTTE TO BECOME VAN/AUTO-RICKSHAW DRIVER	<ol style="list-style-type: none">In 2000, Muhunthan left the LTTE and by 2003, began driving a van and an auto-rickshaw in Thaavadi area of Jaffna city, Jaffna Peninsula.Between 2003 and August 2005, although Muhunthan was demobilized from the LTTE in 2000, Jaffna-based CID continued to suspect Muhunthan of LTTE membership.
2	CID/EPDP/PLOTE MOTORCYCLE ASSASSINATION ATTEMPT IN JAFFNA	<ol style="list-style-type: none">In August 2005, two unidentified armed male EPDP/PLOTE cadres on separate motorcycles followed Muhunthan who was driving alone in his van on Nilaavarai road in the Vadamadachi region of Jaffna. He saw in his rearview mirror one of the motorcycle drivers pull out a pistol and load it. The motorcycle driver accelerated parallel to Muhunthan's passenger side door, and fired multiple times. He sustained two gunshot injuries in his leg. Muhunthan then swerved to the right in self-defense to push the two armed men on motorcycles off of the road, drove to Jaffna Hindu hospital to receive medical treatment.After the attempted assassination referenced paragraph X, Muhunthan decided he must leave Sri Lanka because his life was in danger.

3	MUHUNTHAN RELOCATES HIS DOMICILE FROM JAFFNA TO COLOMBO DISTRICT TO SEEK ASYLUM IN EUROPE	<ul style="list-style-type: none"> a. In August 2007, Muhunthan relocated to Colombo area due to security threats in Jaffna. b. Between August 2007 and 5 January 2009, while exploring avenues for asylum in Europe, Muhunthan remained in hiding in Colombo due to the imminent threat to his life by open CID collaboration with GoSL-sponsored paramilitary groups given free license to operate in Jaffna peninsula and districts of the Western Province. Their operation included attacks, intimidation, extortion, abduction and extra-judicial killing of Tamil communities of civilians and demobilized ex-LTTE combatants or their relatives. c. Between about August 2007 and about 5 January 2009, Colombo-based CID received intelligence that Muhunthan was present in Kotahena district, Western Province.
4	CID WHITE VAN ABDUCTION IN KOTAHENA DISTRICT ON 5 JANUARY 2009	<ul style="list-style-type: none"> a. Muhunthan was abducted by white van at Location X. See Columbia Prison Network diagram. b. On or about the early afternoon of 5 January 2009, 4 men in a white van abducted Muhunthan at Location X, blindfolded and handcuffed him, and took him to Kotahena Police Station, and a normal police report was filed.
5	MUHUNTHAN WAS THEN MOVED TO A CELL INSIDE KOTAHENA POLICE STATION WITH 27 TAMILS DETAINEES.	<ul style="list-style-type: none"> a. The cell was small and had one toilet which the detainees used both for drinking water and bathroom facilities. Muhunthan was then moved to a solitary cell.

6	<p>MUHUNTHAN IS TRANSFERRED FROM KOTAHENA POLICE STATION TO HARBOR PRISON WHERE HE IS TORTURED</p>	<ul style="list-style-type: none"> a. Sometime after 9:00 p.m. on 5 January 2009, 3-4 men entered Muhunthan's prison cell, blindfolded and handcuffed him, put him in a white van, and moved him to a detention/torture center in the Harbor area of Kotahena district where he was kept for 21 days (heretofore 'Harbor Prison'). b. Muhunthan was taken up 2 flights of stairs to the 3rd floor of Harbor Prison with about 27 cells where individuals suspected of LTTE affiliation and alleged participation in terrorist activities are kept. Each cell is windowless and is approximately 1.5m in width and 8-10m in height. Muhunthan's cell was approximately 50m from the torture chamber, where he was later tortured. c. Muhunthan was taken into an empty windowless room with high ceilings and instruments of torture on the wall such as knives, wires for electric shock. d. In this room, Muhunthan was stripped naked, and subjected to different methods of torture over an approximately 21-day period. e. The methods of torture used by CID at Harbor prison to which Muhunthan was subjected include but are not limited to: <ul style="list-style-type: none"> 1) insertion of needles around the nipples which remain overnight 2) insertion of needles under the fingernails and toenails which remain overnight 3) removal of fingernails and toenails 4) beatings in areas where needles were removed 5) beatings with sand-filled iron pipes and metal wires while hung upside down for 10-15 hours at a time from ropes that were first tied first around his ankles, then around his toes. f. These methods of torture are consistent with historically reported methods of Sri Lankan torture. See Amnesty Torture report from 1999. g. Muhunthan has stated that CID officials Pathmasri, Susilan, and Bandara, who operate under the superior authority of I/P Vijay Wijetunga OIC of Intelligence Unit of Kotahena Police, are members he can identify within the group of individuals who tortured him at Harbor prison.
7	<p>MUHANTHAN IS TRANSFERRED FROM HARBOR PRISON TO ATHIYAVATHAI PRISON/FORESHORE POLICE STATION WHERE HE IS INTERROGATED</p>	<ul style="list-style-type: none"> a. During one day near the end of January 2009 at about 5:30 pm, Muhunthan was moved to Athiyavathalai prison for 11-12 days for interrogations. b. At Athiyavathalai prison, LTTE, ex-LTTE, suspected LTTE members are kept with the ordinary detention population

8	MUHUNTHAN IS TRANSFERRED FROM ATHIYAVATHALAI PRISON//FORESHORE POLICE STATION TO DEMATAGODA POLICE STATION WHERE HE IS TORTURED	<ul style="list-style-type: none"> a. Sometime in early February, 4-5 men entered Muhunthan's prison cell, blindfolded and handcuffed him, and relocated him to the cells in Dematagoda Police Station. b. Muhunthan remained in his Dematagoda cell for 2 days in isolation. c. Muhunthan was tortured inside Dematagoda Police Station over a period of approximately 14 days. Methods of torture in Dematagoda Police Station to which Muhunthan was subjected include: <ul style="list-style-type: none"> i. asphyxiation by bag filled with petrol ii. strip detainee naked, submerge detainee in an ice box for 5-10 minutes, then apply electric current which slams detainee against a wall
9	MUHANTHAN IS TAKEN TO COLOMBO MAGAZINE PRISON FOR INTERROGATION DURING HIS TORTURE AT DEMATAGODA PRISON FOR 2 DAYS	
10	MUHANTHAN'S ABORTED WHITE VAN EXTRA-JUDICIAL KILLING	<ul style="list-style-type: none"> a. In March 2009, Muhunthan and two other Tamil detainees were blindfolded, handcuffed, placed in a white van, driven 1-hour away from Dematagoda Prison along the coast. The van stopped. Muhunthan and two Tamil detainees were kept blindfolded and handcuffed. The first Tamil detainee was removed from the van and extra-judicially killed with two audible gun shots. The second Tamil detainee was removed from the van and extra-judicially killed with two audible gun shots. Muhunthan was removed from the van. Muhunthan heard a voice from the distance running towards the van instructing the drivers not to murder Muhunthan. Muhunthan was not murdered, and was returned to Dematagoda prison.
11	MUHANTHAN IS TRANSFERRED FROM DEMATAGODA PRISON TO KOTAHENA PRISON AND FORMALLY RELEASED ON 3 APRIL 2009	
12	MUHANTHAN REMAINS IN DETENTION AFTER FORMAL RELEASE ON 3 APRIL 2009 FOR 15-20 DAYS IN THE CUSTODY OF S/I WIJETUNGA OF KOTAHENA CID	<ul style="list-style-type: none"> a. From 3 April 2009 to about 23 April 2009, Muhunthan is taken to 15 different lodges at night time after midnight and coerced to aid Sri Lankan security forces in cordon-and-search operation in these lodges to identify Tamils as terrorism-suspects. Muhunthan's non-cooperation with Sri Lankan security forces will result in further torture upon his return to Sri Lanka's detention complex.
13	MUHUNTHAN IS SUBSTANTIVELY RELEASED FROM S/I WIJETUNGA'S CUSTODY FOR ABOUT ONE MONTH BUT UNDER CID SURVEILLANCE	

14	MUHUNTHAN IS ABDUCTED IN A WHITE VAN ON 9 JUNE 2009 AND TAKEN TO PETTAH POLICE STATION	a. On 9 June 2009 at 8:30 a.m., Muhunthan was abducted again by white van and taken to Pettah Police Station and Police Post Dam
15	CID DETAIN MUHUNTHAN AND TAKE HIM TO 6 LTTE DETENTION FACILITIES TO IDENTIFY HIGH-VALUE LTTE/EX-LTTE CADRES TO DETAIN/TORTURE FOR ACTIONABLE INTELLIGENCE	
16	MUHUNTHAN LEAVES SRI LANKA AND FILES FOR ASYLUM ABROAD	

7. CONCLUSION

In their dormant or active status, the persistent and ubiquitous threat of white van networks is the sine qua non of Sri Lanka's de facto institutionalized culture of impunity. The sustained operability of white van networks, the culture of impunity they create and within which they operate, is necessary to undermine, if not suspend, the fundamental liberties of free speech, free association, and due process that typically animate active citizenship and meaningful democratic participation.

For three decades, white vans have racially and systematically persecuted Sri Lanka's Tamil community of civilians and activists with abduction and torture and extra-judicial killing, while in parallel, strategically targeting non-Tamil dissidents to silence peaceful dissent in furtherance of consolidating regime survival at any cost.

State-sponsored white van networks are cognizable under international criminal law as a crime against humanity due to the systematic pattern of conduct that targets Tamils and non-Tamil dissidents. In addition, the persistent and ubiquitous threat of white van networks, so long as the Sri Lankan State has not taken affirmative steps to meaningfully dismantle their operation, is a relevant, if not arguably dispositive factor in the determination of an individual's well-founded fear of future persecution in asylum claims under the Rajapakse administration, from Australia to the United Kingdom to Canada.

The slow, but inexorable path to dismantling white van networks, against the Sri Lankan State's will if need be, includes (1) further evidence collection to amend TAG's blueprint with additional operational details and regional specificity, and (2) the initiation of a dialogue which formulates a strategy to initiate criminal prosecution against those responsible for operating white van networks, under the theories of individual and State criminal responsibility.

Appendix A: Sri Lanka's Court System

