

A Personal Account of Torture, Justice and the Agony of Immigration

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I was born in Jaffna, Sri Lanka in 1957. There was peace and prosperity in those days and I enjoyed the loving family atmosphere of my childhood. I had the full support from my parents, two sisters and two brothers. At that point in my life, justice was practically the same as peace and security for me. I dreamt of living in a perfect society where no one intended to or could do harm. I believed in a just system where people collaborated enthusiastically and continuously with one another in all aspects of life. From my early childhood, I loved the great Indian leader Mahatma Gandhi and his concept of *ahimsa*. Gandhi advocated for absolute non-violence based on the belief in the sacredness of all living creatures. This principle prohibits not only any kind of physical injury to others, but also all forms of adverse or injurious words and deeds – vicious ideas, bad words, hatred, rudeness, dishonesty, and the like.

In order to contribute to the realization of peace and justice in an ideal society, I decided to become a medical doctor. I aspired to heal the physical, as well as the psychological wounds of my fellow human beings. My philosophy was that science and peace were directly connected. I finished my secondary school in Colombo and in September 1977, I left for the United Kingdom to continue my education.

In those days, tension between Singhalese and Tamils was escalating. While the Singhalese, who believe primarily in Buddhism, represent the majority of the Sri Lankan population, the Tamils, who are mainly Hindus, are considered a minority. For an extended time in my country's history, Tamils have been enslaved by Singhalese, used as cheap labour, and discriminated against in terms of education and work opportunities. Singhalese extremists have insisted on their distinct Aryan descent and have humiliated dark-skinned Tamils. The racism and oppression of Tamils has resulted in high levels of tension between the two communities. The situation has worsened due to the government's lack of significant action against Singhalese extremists while heavily suppressing any kind of opposition by Tamils.

This conflict was extremely costly for my family. In 1980, while I was studying in the United Kingdom, I received the sad news that Singhalese extremists had burned my beloved father alive. I returned to Sri Lanka and participated in my father's funeral services. When I tried to return to the United Kingdom, government officials in Colombo detained me at the Bandaranaike Airport. There were no grounds for my detention except

for the fact that I belonged to the Tamil minority. It was frustrating that despite the fact that there was no ground whatsoever for my detention, they insisted that I was passing information to Tamil Tigers from London, England.

I was detained for about ten days in a small suffocating cell with inadequate air to breath. It felt like a grave except for the fact that the light was on twenty-four hours a day. Its continuous glow disturbed my eyes to the point that I could no longer bear it. I have never forgotten the bad memories of those gloomy days. They put iron poles between my fingers and beat my legs frequently. They hung me upside down, they penetrated a coarse stick into my rectum and they deprived me from sleeping. They spared no time in using foul language against me. They degraded me by calling me a “dirty terrorist”. They interrogated me daily with torture for hours, sometimes from early evening until late in the morning. They threatened that they would kill me. Terror, violence and torture did not start on September 11, 2001. There have been offensives and atrocities aimed at Tamils and other disfranchised communities going back into the 1970s and 1980s.

Despite prison officials finding out about my absolute adherence to the principle of peace and non-violence, they refused to release me until my sister found a lawyer. Once I was released, I returned to England where I thought a lot about justice. I realized that justice should be implemented both at the individual and societal levels. I connected justice with human rights, specifically the rights of minorities for autonomy or self-determination. I believe in the Dalai Lama and I admire the way he has led a long-term non-violent struggle for the autonomy of the Tibetan people. I am certain that justice is harmony among people of different faiths and different ethnic backgrounds. Freedom of worship, I argue, is a main component of justice. Faith provides survivors with patience and hope to cope with their trauma. Spirituality acts as relief when you are involved in the totality of existence and transcend beyond everything that is personal. This is the core lesson we can learn from all religions. However, it becomes problematic when we insist on the truthfulness of our faith and falseness of others. This sets religions against religions and people against people. We need to respect pluralism. When there is agreement, cooperation and collaboration, people get along easily and there is no discrimination. Under those conditions if there is ever any form of injustice, freedom of conscience and expression provides people with the opportunity to raise their voices.

After completing part of my studies in England, I traveled to Montréal, Canada in 1981. I worked in a restaurant for some time and then went to Pennsylvania where I was a factory employee for two years. While

in Pennsylvania, I came to know about the war between Sinhalese and Tamils in Sri Lanka that broke out in July 1983 which has since continued with all sorts of sordid atrocities committed by both sides. In fact, both parties have resorted to violence, committing war crimes and crimes against humanity. More than 100,000 people have been killed as a result of the war. Regardless of the motives behind it, war is unjust. It is the cruellest absurdity in human life. I advocate for its immediate end. I believe that in the course of war, all sorts of unjust behaviours such as gross atrocities, hatred, and torture are justified in the name of doing justice to one's enemies. It is only during the peacetime that we are able to extend our compassion to all members of the human family regardless of differences. Peace itself is the ultimate ideal of all human beings. It is therefore just and humanitarian.

The war delivered a personal blow to me as I could not return to my country of origin without risking my life. This realization developed my idea of justice further. I came to treasure the right to citizenship as a crucial component of justice. You fully appreciate the importance of citizenship when you lose it. Essentially, citizenship is official membership in a certain country. Such membership entitles an individual to certain rights; it is "*the right to have rights*". Stateless people, of course, are incapable of enjoying these rights.

There are certain dates that I will never forget. I returned to Canada on October 21, 1987 and applied for refugee status in Fort Erie, Ontario. I never imagined migration would bring gross injustice in my life. I was kept in a distressful limbo for seven years until I was accepted as a Convention refugee on July 21, 2004. At this time I came to know about an important element of justice: the right to asylum. I feel that we are all human beings sharing the same planet. We need to protect one another when it comes to persecution and torture. Article 14 of the UN Declaration of Human Rights considers the right to asylum a part of everyone's fundamental right. Life is so unpredictable that whoever we are we may need immediate protection at anytime. Global justice necessitates that we provide refuge to anyone who is in need.

Following my acceptance as a Convention refugee in July 2004, I applied for permanent resident status in Canada. I have been languishing in a horrible limbo since then due to the fact that at one point I was charged by police. As is the case with other survivors of torture, this can be attributed to my severe mental health condition. Due to the trauma of my past, I have been diagnosed as a person suffering from paranoid schizophrenia. Upon my arrival in Canada, I became a client of the Canadian Centre for Victims of Torture (CCVT).¹ I have shared my hopes, despairs, and fears of returning to Sri Lanka with the CCVT counsellors who have mobilized their resources to improve my coping skills and help me in my rehabilitation process as a survivor of torture, war and trauma.

Despite their continuous support, I still suffer from both physical and psychological after-effects of the various torture techniques and other cruel, inhumane and degrading treatments that I experienced. For the last twenty-two years, I have been living not only with a terrible psychological condition but also with the emotionally draining rollercoaster of fear and hope. Due to my uncertain future, I have to take different pills that help me deal with nightmares, lack of concentration and hyper-vigilance. A mere knock on the door startles me and I can become overwhelmed with dread because I fear that someone has come to send me back to torture and death in Sri Lanka. Despite my disability and serious illness, I do volunteer with the Hindu Cultural Society, and Scarborough Gurudwara – a Sikh and Hindu temple – and the Red Cross.

It is unjust that the Canadian government keeps a disabled and extremely sick person like me in a state of limbo between hope and despair for such a long time. This is a gross injustice that I share with hundreds of other people in the same situation. Like them, I am suffering in silence as I live a fruitless life while I wait for my landed immigrant status. Without a landed immigrant status, there is hardly any access to meaningful work, education, language courses, bank loans, business opportunities and social benefits such as full health coverage. As a result, we are detached from Canadian society and are vulnerable to further exploitation, human rights violations and emotional torment.

The problem is that for the last twenty-five years, the Canadian immigration system has developed a tendency towards keeping refugees in limbo. This is due to gaps in immigration policies and legislation, heavy bureaucracy and the discretionary powers of immigration officers who determine whether a ‘non-citizen’ poses a risk to national security or not.² There is no independent judicial guarantee and very limited accountability. Anybody who applies for landed immigrant status in Canada goes through a security check. However, this procedure can take years, particularly for refugees coming from certain countries. It is upsetting and problematic that there is a total lack of accessibility to any immigration or security officer before and after a decision of inadmissibility. There is a total absence of face-to-face contact between refugees and Immigration officials. Everything is done by paper-screening in the small city of Vegreville, Alberta, at local offices of Citizenship and Immigration Canada or in visa posts overseas. Such an arrangement is inevitably filled with mistakes and misplacements of files and unjustified red tape. This depersonalized process also results in a lack of attention to special individual needs and emergency situations. As it stands, there is hardly any consideration of human rights in the immigration process, a stated pillar upon which the system is built.

ENDNOTES

- ¹ The CCVT offers its clients holistic services such as counselling, art therapy and specialized medical and legal support with the aim of promoting their coping capacity to withstand after-effects of torture.
- ² This situation is more complex when the applicant has a criminal record either in Canada or overseas, even if it is for a minor offence.

ABOUT THE AUTHOR

Krishnabahawan Karalapillai was born in Jaffna, Sri Lanka. He came to Toronto in 1987 and has been living in Immigration limbo since then. At present, he works as a volunteer in a Sikh and in a Hindu temple.