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**INTERIM REPORT OF
THE COMMISSION OF INQUIRY
INTO THE INVOLUNTARY
REMOVAL OR DISAPPEARANCE
OF PERSONS IN THE NORTHERN
& EASTERN PROVINCES**

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COMMISSION OF INQUIRY INTO INVOLUNTARY REMOVAL OR DISAPPEARANCES OF PERSONS IN NORTHERN AND EASTERN PROVINCES

TRINCOMALEE DISTRICT - INTERIM REPORT

Trincomalee District is bounded by Ma Oya in the North, Anuradhapura and Polonnaruwa Districts in the West and Verugal Ganga in the South. It is one of the 8 districts coming under the Northern and Eastern provincial Council. The population in the district as per A. G. AA's Division is given in Annexure - 'A'.

A warrant under Your Excellency's hand was signed on the 30th of November, 1994, setting up a Presidential Commission of Inquiry into Involuntary Removal or Disappearances of Persons in the Northern and Eastern Provinces.

The Secretary to the Commission was appointed on the 4th of January, 1995 and the Hon. Minister of Justice briefed the Commissioners on the 9th of January, 1995.

The Commission housed in the Superior Courts Complex of the Ministry of Justice, called for public representations, by notice published in the National News Papers in all the 3 languages on the 14th January, 1995. A period of one month was given for the receiving of representations. Subsequently, on Your Excellency's directive, the period was extended by another month. The electronic media was also widely used to appeal to the public to send in their representations.

Complaints were received both from the affected parties and also from the various Non-Governmental Organisations. Applications were also referred to us from Your Excellency's Office, from the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Justice and from the various Branches of Amnesty International.

It was also observed that more than one member of the same family had sent in their applications regarding disappeared persons. It so happened that the wife of a disappeared person who had opted to stay with her parents, had sent in her application from the parent's home while the father of the disappeared person also sent in another application regarding the same person from his place. It also happened that those who applied to us direct in response to the advertisement had also sent in their data to the Non-Governmental Organizations which again forwarded these to us. There was considerable overlap in these applications. The Commission had to recheck all these applications. It also prepared and circulated a Questionnaire to be completed by these complainants.

We had a total of 720 complaints received from the affected parties and through the N. G. O. B. E. de Silva's Commission referred to us another 835 complaints of disappearances which occurred during the period 01.01.1988

to 11.01.1991. These applications were checked and 746 applications were eliminated as they were duplicated applications of those already received by us.

Hence the total complaints received from various sources and accepted for inquiry totalled 809, as follows :-

Direct from affected parties and from N. G. 00	720
B. E. de Silva's Commission	89
Total	809

These disappearance were reported to have taken place from the following A. G. A. Divisions :-

A. G. A. Division	No. of disappearances
1. Town and Gravets	305
2. Muthur	100
3. Kinniya	53
4. Thampalakamam	108
5. Kuchaveli	91
6. Kantale	82
7. Eachchilampattai	31
8. Seruwila	11
9. Morawewa	08
10. Other Districts	20
Total	809

The Commission held 3 public sittings in Trincomalee on the following dates :-

- 1st. Sitting - 11th of March to 18th of March.
- 2nd. Sitting - 20th of July to 30th of July.
- 3rd. Sitting - 14th Sept. to 25th of September.

During the 1st. sitting, the Commission focussed its attention on 2 large scale arrests conducted by the Army in Trincomalee.

The 1st. incident revolved round the arrest of 42 people, some of them patients, from the Trincomalee Base Hospital on 15.06.1990.

The other incident is about the arrest of about 40 people on 11.07.1990, from Mac-Heyser Stadium where the people were asked to be present in the course of a cordon and search operation conducted by the Army.

It was common knowledge that about 40 people were arrested on that day at Mac-Heyser Stadium, as it was done in full public view. Arrested persons were taken

by C. T. B. buses to Plantain Point Army Camp. Some were subsequently released, but the fate of 26 people is still not known.

The Commissioners questioned the Army Officers, Brigadier D. S. Tennekoon, & Col. Saliya Asoka Kulatunga, who were in Trincomalee during that time. These Senior Army Officers came up with the excuse that the officers in charge of the round up, i.e. : Brigadier Lucky Wijeratne, and W. R. Wijesekera, A. S. P. OPS, had been killed in a land mine blast and hence they are not in a position to give any information regarding these arrests. They also maintained that the records of arrests in 1990 were missing. The Commission could not make any headway in the face of this evidence.

As regards the arrest at Base Hospital, Trincomalee, the Commission was in no better position to ascertain what happened.

The witnesses who appeared before us were unanimous as regards the fact of these arrests. These arrests were done in full public view, in broad daylight. The members of the Citizens' Committee, Trincomalee were witnesses to these arrests. The relatives of the arrested people had gone to the Plantain Point Army Camp several times to plead for the release of those arrested. The Army Officers on duty according to the witnesses had assured them that after the inquiries are completed they will be released. This is as regards the arrests at the Mac-Heyser Stadium is concerned. Regarding the arrests at Base Hospital no body in authority among the Security Officers were aware of these arrests.

One witness who was arrested during the Mac-Heyser Stadium round-up volunteered to give evidence in camera about what happened to detainees taken to Plantain Point Army Camp. His evidence gives in graphic detail the needless cruelties and indignities inflicted on the detainees and outright killing of some of the detainees whose bodies were thrown in the jungle.

The Commission summoned the Army Commander and briefed him of all the evidence so far recorded and requested him to conduct inhouse inquiries and help the Commission in finding the truth. The Army Commander ordered an inquiry and sent a preliminary report based on the inquiries which the Army has conducted so far. There was some difficulty in summoning Army officers from the field as the situation in the North and East was not conducive to these officers to be away from their stations. However, on the basis of the inquiries held so far, the Inquiring officer had these observations to make to the Army Commander.

"It appears that during the period under review there had been a chaotic situation prevailing due to the intense terrorist activities that had taken place with the out break of Eelam War II and it has not afforded the opportunity and conducive atmosphere to concentrate on the documentation which would have been made under normal routine conditions. Specially when they were involved in a series of minor/snap operations during the 24 hrs. of the day, resulting in the entire administrative machinery coming to a standstill. However, the Board emphasizes that failing to maintain documentation is a lapse on the part of the authority concerned; nevertheless

considering the exigencies that prevailed during the said period the said lapse may be justified."

During the 1st public sitting the wives of 9 fishermen, all of them Sinhalese appeared before the Commission to complain about the arrests of their husbands by the LTTE. Though these persons had not made any representations to the Commission till then, the Commission recorded their evidence. It was noticed that these fishermen were arrested in the high seas by the L. T. T. E. and detained at Pt. Pedro.

The L. T. T. E. has permitted the detainees to send two letters to their families every month through I C. R. C. The letters were read out and some of the detained fishermen had written letters in verse to their wives. All of them informed the families that they were treated well, but feel desperate about the condition of their families. The Commission considers that these arrests are not "disappearances" under the terms of references given to the Commission, as the fishermen are living and are in regular contact with their families though faraway and in detention.

One enterprising lady who had fluent command in the Tamil language had on her own initiative, gone to Jaffna and reached Pt. Pedro Camp, where her husband was in detention and managed to beard the tiger in its own den. She had pleaded with the LTTE Camp Commander to release her husband. According to her their reply was that the LTTE prisoners in Government custody should be released for the LTTE prisoners in Government custody should be released for the LTTE to respond by releasing the fishermen. However, on grounds of humanity the Commission wrote to I.C.R.C. to contact the L. T. T. E. to arrange visits by the families to see their men folk in Pt. Pedro. But nothing positive has been heard from the I.C.R.C.

During the 2nd Public sittings from 20th of July to 30th of July, 1995, 328 complaints were inquired into by the Commission, and during the 3rd public sittings from the 14th of September to 25th of September, 184 complaints were recorded. The summary of evidence recorded in both these sittings has been forwarded to Your Excellency with the interim report on 18.10.1995 for the purpose of easy reference, the summary of evidence is Annexed; 'B'

The Commission has been mandated by Your Excellency to investigate into the following :—

- (a) Whether any persons have been involuntarily removed or have disappeared from their places of residence in the Northern Province and Eastern Province at any time after January 01, 1988;
- (b) The evidence available to establish such alleged removals or disappearances;
- (c) The present whereabouts of the persons alleged to have been so removed or to have so disappeared;
- (d) Whether there is any credible material indicative of the person or persons responsible for the alleged removals or disappearances;

- (e) The legal proceedings that can be taken against the persons held to be so responsible;
 - (f) The measures necessary to prevent the occurrence of such alleged activities in the future;
 - (g) The relief, if any, that should be afforded to the parents, spouses and dependents of the persons alleged to have been so removed or to have so disappeared;
- and to make such recommendations with reference to any of the matters that have been inquired into under the terms of the warrant.

As regards Section (a) of the Mandate:- Whether any persons have been involuntarily removed or have disappeared from their places of residence in Trincomalee District, the obvious response is a re-sounding "yes". People from all stations of life, from wives of labourers, to wives of Principals of schools, all came with their tearful stories of their family members being taken into custody by Security Officers or by the militant groups. There is no doubt that there had been a large scale involuntary removal of people from their places of residence.

Regarding Mandate (b), i. e. The evidence available to establish such alleged removals or disappearances. There have been large scale corroborative evidence by relatives, neighbours and fellow human beings, as most of these arrests were done in public, often from Refugee Camps where large number of People witnessed the incidents.

Regarding Mandate (c), i. e. The present whereabouts of the persons alleged to have been so removed or to have so disappeared, — The Commission except in the case of arrests at Mac-Heyser Stadium and at the Base Hospital, Trincomalee, had no opportunity to examine on oath the Security Officers who are alleged to have been in-charge of operations during the 800 odd arrests.

Regarding the arrests at Mac-Heyser Stadium and at Base Hospital, the Commission faced a blank wall. Since the Army Commander has been asked to inquire into these 2 incidents, the Commission is awaiting this report. But the Commission wrote to the Secretary, Ministry of Defence to find out whether the Army or the Police is keeping in custody any persons in their detention camps. The reply of the Superintendent of Police from the Operational Head Quarters, Ministry of Defence is annexed.

Annexure 'C'

As the Army and the Police maintain that there is no one in detention but as there is voluminous evidence of large scale arrests we have to ascertain from the Army Officers themselves as to what happened to the corpus of the arrested. The Commission has to examine all the Officers who were reported to have been in-charge of round-ups. When the Commission concludes the inquiries into the activities of Army Officers, L. T. T. E., and other Militant Groups, we might still find some answer as to what happened to those arrested.

Regarding Mandate (d), i.e. whether there is any credible material indicative of the person or persons responsible for the alleged removals or disappearances.

According to the evidence recorded 90% of the removals was the responsibility of the Security Services-Army, Navy, Air Force and Police. L. T. T. E. also had been accused of being responsible for some removals. Other Militant Groups too have been held responsible.

Most Army Officers have operational duties in the Northern and Eastern Provinces which claim priority of attention. Hence, we have not summoned the Army Officers to throw light as to what happened to the arrested people and also to ascertain the responsibility for the arrests.

The names of the following Officers had appeared often during the evidence recorded so far:

List of Security Officers

Captain Suresh Cassim.

Major Suraweera.

Dean of Dyke Road, Trincomalee.

Richard Peiris of Trincomalee Police.

Col. Tennakoon of Plantain Point Camp.

Commander Wijegoda and Jenudeen of the Army.

There are many more Army Officers whose evidence should be recorded before the Commission gives a determination on Pars (c) to (f) of the Mandate.

Further, the Commission undertook an analysis of the arrests or disappearances by dates of occurrences. The chart prepared on this basis is annexed. (Chart-(D)). It appears that disappearances started happening in large number in the latter part of 1989, which was during the peak of the JVP insurrection.

But the real large scale arrests started in June 1990, when the LTTE talks with the Government broke down, and LTTE attacked and took over all the Police Stations in the Eastern Province. Then we had a picture of large scale arrests or disappearances of 138 persons in June, 212 in July, 113 in August till it tapered down to 15 in April 1991. This one year-June 1990 to May 1991 accounted for 670 arrests out of the total arrests or disappearances of 809 for Trincomalee District from 1988 to 1995. The picture is clear that the Security Forces reacted to the LTTE over running Police Stations in the Eastern Province and this might be one of the main causes for the disappearances.

The Commission felt that Para (g) of the Mandate deserves priority treatment.

Para (g) reads as follows:-

"The relief, if any, that should be afforded to the parents, spouses and dependents of the persons alleged to have been so removed or to have so disappeared; and to make such recommendations with reference to any of the matters that have been inquired into under the terms of the warrant."

Most of these families had been deprived of their bread-winners for about 5 years. The Commission was able to notice the tremendous stresses and strains these families have undergone consequent to the disappearance of their bread-winners. Some women have fallen prey to designing individuals, some have remarried. Some have gone to Middle East for employment. Children are the real sufferers and most families are supported by Janasaviya. We feel that assistance should be offered and offered soon to these hapless families.

The Commission recommends a sum of Rs. 60,000 as Compensation for a family which lost its bread-winner. This figure is calculated on the basis of Samurdhi Payment of Rs. 1,000 per month, given to the poorest of the poor. A 5 year entitlement of Rs. 1,000 per month amounts to Rs. 60,000. If the person disappeared is not a bread-winner, we recommend only Rs. 50,000 as compensation. For a family of up to four dependents (including mother or wife and children) we recommend Rs. 60,000. If there are more than 4 dependents, we recommend Rs. 75,000. On the basis of above, we have recommended compensation for those eligible.

It is recommended that these sums be kept in Fixed Deposit to enable the beneficiaries to draw only the interest. This mode of payment will help the Government to solve the problem of liquidity and also the beneficiaries who would be saved from other designing individuals.

The Commission also seeks to highlight the plight of the families of State Officers arrested by the Security Services. A total of 47 State Officers suffered involuntary removal.

It is noticed some Departments and Ministries pay the monthly salaries to the Next-of-kin of the disappeared persons. The P. M. G., Urban Councils, Village Committees, Pradeshiya Sabha, Ports Authority are some of the Institutions which pay the monthly salaries to the Next-of-kins, while the Irrigation Department, Navy, C. T. B., Sugar Corporation, etc. do not show similar solicitude to the dependents of their disappeared employees. Hence we feel that there should be uniform policy in these matters. The Commission has written to Departments to find out reasons for this non-payment of monthly salaries. In our final report, we will, on the basis of the reply received from the departments, give our recommendations.

There is still a balance of 206 complaints of disappearances relating to this District, to be inquired into. The Commission would assure Her Excellency that the necessary inquiries would be initiated and finalised in the immediate future.

K. Palakidnar, (Chairman)

Signed.

L. W. R. Widiyaratne, (Member)

Signed.

W. N. Wilson, (Member)

Signed.

S. C. MANICAVASAGAR,
Secretary to the Commission.

Annexure 'A'

A. G. A.'s Divisions Population by Major Ethnic Groups - 1981
Trincomalee District

S. No.	A. G. A. Division	Sinhalese	Sri Lankan Tamils	Indian Tamils	Moors	Others	Total
1.	Town and Gravets	21,168	39,560	3,006	6,804	2,218	72,756
2.	Kinniya	146	2,145	110	28,664	7	31,072
3.	Muttur	960	19,289	599	19,153	39	40,040
4.	Kantalai	31,206	1,812	179	4,323	70	37,600
5.	Seruvila	11,665	7,259	19	1,242	2	20,187
6.	Gomarankadavela	7,058	23	5	1	1	7,088
7.	Kuchchaveli	2,484	8,663	1,183	5,401	183	17,914
8.	Thampalakamam	6,553	6,037	261	7,992	11	20,854
9.	Moraveva	5,101	1,945	1,405	815	5	9,271
Total		86,341	86,743	6,767	74,395	2,536	256,782

Source : Department of Census and Statistics

Annexure - "B"

PRESIDENTIAL COMMISSION OF INQUIRY INTO INVOLUNTARY
REMOVAL OF PERSONS IN THE NORTH AND EAST PROVINCE
HOLDEN IN TRINCOMALEE

Report of the Inquiry held at the High Court Building, Trincomalee.

Date : 20th July, 1995 to 30th July, 1995.

Chairman : Justice, K. Palakidhar

Member : Dr. W. N. Wilson

Secretary : S. C. Manicavasagar

Attorney-at-Law
 assisting the

Commission : V. S. Ganeshalingam

- 328 complaints of involuntary removals were inquired into.
 3 witnesses cited by the Commission also gave evidence. Out of 328 who have disappeared all were bread winners for the family except for few students.
- 328 complaints inquired into could be classified into :
 - Disappearance after arrest from Thambalagamam Kovilady refugee camp.
 - Disappearance after arrest from St. Joseph's Church refugee camp, Nilaveli.

- Disappearance after arrest from Gopalapuram school refugee camp.
- Disappearance after arrest from St. Lourd's Church, refugee camp, Palaiootu.
- Disappearance after arrest from Patchanoor refugee camp.
- Disappearance after arrest from Imperial Theatre refugee camp.
- Disappearance after arrest from Eastern University refugee camp.
- Disappearance after arrest from Alankerny Maha Vidyalaya refugee camp.
- Disappearance after arrest from Muslim Mahalir Vidyalaya refugee camp, Kinniya.
- Disappearance after arrest from Anpuvalipuram school refugee camp.
- Disappearance after arrest from Paaliootu school refugee camp.
- Disappearance after arrest from Sampoor Pathirakali Temple refugee camp.
- Disappearance after arrest during round-ups in various villages :
 - Muthur, Sampur, Thoppur
 - Alankerni, Kinniya, Periyakinniya
 - Sampalthivu
 - Kanthalai
 - Eachchilampathai
 - Bharathypuram
 - Mavadichchenai
 - Kooniththivu
 - Pulmoddai
 - Trincomalee Town and Suburbs
 - Extra Judicial killing at Nillavelly
- Disappearance after arrest during travel.
- Disappearance after arrest in Mac-Heyser Stadium.
- Disappearance after arrest from Base Hospital Trincomalee.
- Disappearance after arrest in Colombo.
- Disappearance after arrest at Sea.
- Disappearance after arrest in other Districts.

2.1 Disappearance after arrest from Thambalagamam Refugee Camp

39 persons testified to the arrest and subsequent disappearance of their near relatives (*i. e.* Husband or son).

According to the representative of the Divisional Secretary Thambalagamam following the out break of violence out of the 6,500 families in the village of Thambalagamam 4,650 families got displaced and took refugee at three camps viz. Pathinipuram, Thambalagamam kovilady and Mulipottana out of which the 1st one was a transit camp.

According to that representative 110 have disappeared after arrest and he produced a list of disappeared to the Commission.

All the complainants testified that the disappearances followed arrests by an army group referred to as "Buddhadasa" group headed by one Buddhadasa on being pointed out by the Muslim Home Guards.

The Refugee Camp at Thambalagamam Koviladdy was situated just opposite the army camp and the arrests have taken place at various dates at the whim and fancy of the Home Guards who at times called the victims to the army camp or pointed out to the army. Almost all have seen the arrested persons detained at the army camp at Koviladdy and subsequently transferred to the army camp at the 13th mile post. In the course of evidence it transpired that the said army officer was transferred out on 1.9.1990 and a new army group took over and none of those arrested up to that date were found in the camp after that date.

According to evidence given arrests had taken place from the camp on the following dates :

Date	No. Arrested
05.01.90	11
11.03.90	64
06.07.90	01
18.08.90	05
-do-	03
20.08.90	02
25.08.90	01
01.09.90	02
06.09.90	01
05.01.91	10

Even though according to Divisional Secretary 110 had been reported as disappeared only 38 have come forward to give evidence as regard 38 disappearance out of which 17 disappearances are from Thambalagamam Koviladdy refugee camp, 11 from their residence or while working in the paddy field, 7 while on travel from Thambalagamam to different places. Out of the 38 disappeared except for one who is a Muslim all others are of Tamil origin.

2.2 Disappearance after arrest from St. Joseph's Church Refugee Camp, Nilavelly

Evidence was given as regard the arrest and subsequent disappearance from the above said refugee camp on three different dates viz.:

Date	No. Disappeared
07.07.90	08
19.07.90	05
13.08.90	03
	16

The witnesses testified that the arrest was made by the army headed by Major Suresh Cassim of the army along with Muslim Home Guards and some masked men. The witnesses were able to identify that the army personnel were from the Nilaveli army camp.

In addition, evidence was also given as regard 4 other arrests from this village by the army camp at Nilaveli.

2.3 Disappearance after arrest from Gopalapuram School Refugee Camp

Evidence was given as regard the arrest followed by disappearances of 7 persons from the above said Refugee Camp. 3 of them were arrested on 05.07.90 and the balance 4 were arrested on 15.07.90.

Personnel attached to Nilaveli army camp were identified as the arresting authority by the witnesses.

2.4 Disappearance after arrest from St. Lourds Church Refugee Camp, Palaiootu

Evidence was given as regard the arrest followed by disappearances of 13 persons from the above said Refugee Camp. It also transpired in evidence that 20 males were picked up from this camp on 13.08.90 put into a bus and taken to the Plantain Point Army Camp. Out of whom 15 were released on different dates.

12 arrested on 18.08.90 have disappeared. The witnesses have identified Major Suresh Cassim of the army and one Dean staying at Dyke Road, Trincomalee working with the army and Richard Peiris of the Trincomalee Police as the persons who made these arrests.

Evidence was also given by 4 persons as regard round up of the village of Palaiootu in which 4 people were arrested. The witnesses identified Major Suresh Cassim and some Muslim Home Guards who came with him as those responsible for the arrest.

2.5 Disappearance after arrest from Patchanoor Refugee Camp

Representative of the Divisional Secretary, Muthur who was cited by the Commission testified that there were about 12,000 families in his Division and almost all of them got displaced in 1990. There were two refugee camps, one at Panchanoor Church and the other at Imperial Theatre. According to his records 60 have disappeared from his Division.

6 persons who were at the Panchanoor Refugee Camp testified. According to them there were 3,000 refugees in this camp who were rounded up by the Army and Home Guards on the following dates :

Date	Number Arrested
25.08.90	44 (19 released balance missing)
13.09.90	13
25.04.91	25 (4 released balance missing)

2.6 Disappearance after arrest from Imperial Theatre Refugee Camp

4 persons testified to arrest made from this Camp. On 14.09.90, 7 were arrested out of whom 4 had been released. Again on 25.08.90 the camp was rounded up and 15 to 20 men were taken into custody. There was no evidence as to the number released.

In all 2,000 had taken refugee in this Theatre building and witness identified Muthur Police and Army as responsible for the arrest and subsequent disappearance. There was a camp opposite to the Refugee camp that was manned by the Police and the Army.

2.7 Disappearance after arrest from Eastern University Refugee Camp

One person testified to the arrest of his son from the above camp on 05.09.90. He was among the 158 who have disappeared after arrest.

2.8 Disappearance after arrest from Alankerni Mahavidyalaya Refugee Camp

Two persons testified to disappearances after arrest from the above said camp. They identified army as responsible for disappearance.

2.9 Disappearance after arrest from Muslim Mahalir Vidyalaya Refugee Camp

Four persons testified to the arrests that were made from this camp on 05.07.90-13 were arrested.

On 06.07.90, 12 were arrested. Evidence was given as regard the disappearance of 14 persons.

The witnesses identified the Army and the Home Guards as responsible for the arrest. The Army that did the arrest on 05.07.90 was lead by Major Suresh Cassim.

2.10 Disappearance after arrest from Anpuvalipuram School Refugee Camp

Only one person testified as to the arrest of his son by Army headed by Major Suresh Cassim and Deen on 11.07.90 from this refugee camp. This witness stated that in all nine were taken into custody on that date.

2.11 Disappearance after arrest from Palaiootu school Refugee Camp

Three persons testified to three disappearances after arrest from this camp. They further testified that in all 13 were arrested on 06.07.90 by Col. Tennakoon of the Plantain Point Camp. A list of those was prepared by G.S. Ranjith Rajaratnam and Ajith Kumar (Alias Ramesh) who was working as a Co-ordinator did the interpretations. One of the persons who testified was one of the 13 arrested and released.

2.12 Disappearance after arrest from Pathirakali Temple Refugee Camp

Only one person testified to the arrests made from the camp. She testified that her son was among the 500 who were arrested by the Army on 07.07.90 from and among 4,000 to 5,000 refugees who were at the temple. She also testified that subsequently 7 bodies were recovered after arrest and among them was the body of her husband with injuries.

2.13 Disappearance during Village Cordon and Search Operation

(a) Muthur, Sampur, Thoppur

Inquiry No. PC 1/NE/T840. The Complainant gave evidence to state that her son was taken by Commando Vijayagoda and his present whereabouts are not Known She had given the address of the Commando.

17 testified to the disappearances of 17 persons from the above said Villages. All these disappearances were after arrest. 10 disappearances were attributed to Army, 1 to the Police, 1 to the Home Guards and others by unidentified persons.

(b) Trincomalee Town & Suburbs

53 persons testified to the arrests and disappearances in Trincomalee Town and its suburbs. Various authorities Viz. Army, Police, Home Guards and other Armed Groups were said to have made these arrests. In some cases the witnesses could not identify the authority that arrested.

(c) Extra Judicial Killing

One person in his evidence stated that 40 persons including her husband was killed in a shell blast at Nilaveli. Inquiry No. PCI/NE/T.23.

2.14 Disappearance after arrest During Travel

18 testified as to the disappearances of 18 persons during travel from Trincomalee to Various other Palces.

2.15 Disappearance after arrest at Mac-Heyser Stadium Trincomallee Hospital

5 Testified to the disappearances of 5 persons by arrest by the Army at the above said places.

2.16 Disappearance after arrest from other Districts

8 Testified to the disappearances of the 8 residents of Trincomalee from other districts other than Trincomalee. The witnesses have no information as to their whereabouts.

2.17 Disappearance after arrest at sea

7 persons testified to the disappearances of 7 persons while in boat in the Sea. Some of the Witnesses identified the Navy as responsible for the disappearance.

2.18 Disappearance after arrest from other Villages

The rest of the evidence was about the disappearances after arrest during cordon and search operations in Villages.

Annexure C

CONFIDENTIAL

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 P.O. Box

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 தலைமையகம், தேசிய பாதுகாப்பு அமைச்சு

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 இலங்கை மாவட்டம், கொழும்பு வ
 Bala Laksha Mawatha, Colombo 03

OPERATIONAL HEADQUARTERS, MINISTRY OF DEFENCE

S.C. Manica Vasagar Esqr
 Secretary to the Commission.
 Presidential Commission of Inquiry
 into Involuntary Removal or Disappearances of Persons
 in the Northern and Eastern Provinces.

Room No: 04
 Ministry of Justice
 Hultsorp,
 Colombo 12.

20 April 95
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PRESIDENTIAL COMMISSION OF INQUIRY INTO INVOLUNTARY REMOVAL OR DISAPPEARANCES OF PERSONS IN THE NORTHERN AND EASTERN PROVINCES.

Reference:

A. Your letter PCI/NE/T/11 dated 11th April 1995.

1. The above said letter addressed to the Secretary to the Ministry of Defence was referred to this Headquarters for a report.

2. There are no undisclosed detention camps maintained by the Army in existence.

3. The following detention camps are being maintained by the Army as per Govt Gazette Extraordinary No: 843/12 of 04 November 1994.

i.	Army Camp Thallady	No detainees in custody
ii.	Army Camp Thandikulam	No detainees in custody
iii.	Army Camp Palaly	One detainee in custody
iv.	Army Camp Well Oya	No detainees in custody
v.	Army Camp Ampara	No detainees in custody
vi.	Army Camp Poonani	No detainees in custody.

The details of the detainee held in custody at the Palaly Army Detention Camp is as follows: Yesume Fernando alias Kennedy. (D/O No: DM/ER2/T/1453) under 17 (1) of the Emergency Regulation. Investigations are being done by the Director of the Criminal Investigation Department, Colombo.

4. Forwarded for your information please.

W P Ranjith Senanayake
 Supdt of Police
 for Principal Staff Officer.

Copy to:

**PRESIDENTIAL COMMISSION OF INQUIRY INTO INVOLUNTARY
MOVEMENTS - NORTH EAST PROVINCE HOLDEN AT HIGH COURT
PREMISES, TRINCOMALEE FROM 14.09.1995 TO 25.09.1995**

Commissioners present :

Justice K. Palakidnar	-	Chairman
Mr. Walter Widyaratne	-	Member
Dr. W. N. Wilson	-	Member
Mr. S. C. Manicavasakar	-	Secretary
Mr. V. S. Ganesalingam	-	Attorney-at-Law Assisting the Commission

184 Testified regarding the disappearance of 184 persons.

24 Witnesses were cited by the complainants gave evidence.

A. G. A. Kuchchaveli testified as to the death caused by shell blasting in which 50 persons were reported to have died.

For the purpose of the report the evidence given is classified as follows :—

Place of Arrest/Abduction	Total Number of Informants who Testified	Number of Witnesses who Testified
1. Trincomalee	37	02
2. Chinabay	24	07
3. Thambalakamam	19	01
4. Kinniya	08	02
5. Nilaveli	09	03
6. Pulmotai	04	—
7. Uppuveli	05	02
8. Kantale	15	02
9. Eachchalampattai	15	02
10. Palayuthu	05	02
11. Muthur etc.	11	—
12. Hospital Premises	05	—
13. Mc. Haseer Stadium	03	—
14. Arrest at Sea	12	—
15. While travelling	08	—
16. CVF	01	—
17. Extra Killing	03	01
	184	24

01. Trincomalee Town - Number of Disappeared - 37

23 persons testified to the disappearance of 23 persons according to the evidence all these persons have disappeared after arrest on various dates by the Army/Police for which there were eye witnesses.

Further 14 persons testified to abductions of 14 persons on various dates by unknown persons. 01 witness cited by the informants also gave evidence. These arrests were by persons who came in vans without registration numbers during night hours. Of the 37 disappeared except for 4 who are students all others were bread winners for the family.

S. Ananthajothi testified to the abduction and subsequent disappearance of his parents, 6 brothers and a sister and an aunt. About 30 unknown persons came during the night on 14.07.1990 blind folded them and took them away in a bus. There had been a security check point about 200 meters from the place of abduction - vide proceedings in Inquiry No. T/01.

Sabaratham Aruldas in his evidence regarding the disappearance of his son stated that one Jainudeen is responsible for the arrest, saw his son was in an army jeep without registration number and Col. Tennekoon who was contacted by Abeyapura Buddhist Priest confirmed that his son is in army custody. He himself had seen his son at the Plantain Point Army Camp. He has information to say that his son is in a building behind the Plantain Point Army Camp - vide proceedings in Inquiry No. T/904.

02. China Bay - Number Disappeared - 24

Evidence was given by 24 persons regarding the disappearances of 24 persons. 7 witnesses cited by the informants testified as to disappearance. Of the disappeared except for 2 who are students, others are breadwinners for the family. China Bay had been an open field for arrests by Army/Navy/Airforce/Home Guards/Police and unknown groups.

Some of those who testified by name the persons who arrested - Home Guards - Nandana, Rajah, C. I. D. Personnel - K. P. Piyasena, Thanasekera, Ranjan.

03. Thambalahamam - Number Disappeared - 19

According to evidence given by 17 persons, 7 who were arrested by the army assisted by Home Guards in village round ups and 12 arrested by the army from the Kovilady Refugee Camp have disappeared. One witness has identified the Home Guards as Nandana and Rajah. The Refugee Camp was located just opposite the army camp and the arrests have taken place at various dates at the whims and fancy of the Army. Some of the witnesses have seen the arrested at the army camp.

04. Kinniya - Number Disappeared - 08

Evidence was given about the abduction 02 by the LTTE and rest were arrests by the Army. Suresh Cassim of the Army was identified by some as the person responsible for the arrests. All the 8 arrested have disappeared.

05. Nilaveli - Number Disappeared - 09

According to evidence given 7 were taken away by the Army from the St. Joseph Church premises and 2 were arrested from their homes by the Army. None of them were seen after arrest.

06. Pulmoddai - Number Disappeared - 04

Of the four that have disappeared according to evidence given except for the two abducted by Tigers the rest were taken away by the Army. Their present whereabouts are not known. Personnel attached to Pulmoddai Army Camp were alleged to be responsible for disappearances.

07. Uppuveli - Number Disappeared - 05

All the 05 had disappeared. There was no evidence of arrest. They went from their homes but never returned.

08. Kantale - Number Disappeared - 15

Except for one abduction by an unknown group all the disappearances have occurred after arrest by the Army and in some cases by the Police. Almost every witness stated that the arrested were taken to sugar factory where there was a detention camp of the army.

09. Echalampattai - Number Disappeared - 15

Of the 15 except for the one abducted by TELO and another by unidentified persons the rest were arrested by the Army and have disappeared. The person who testified as to the abduction by TELO identified the abductors as Kalirasa Pulendran, Rajesh, Yogan, Ganeshan Purnan, Mylan and Gnānam who are presently at the TELO camp at Trincomalee.

10. Palayuthu - Number Disappeared - 05

Of the 5 who have disappeared after arrest by the army 2 were taken away by the army from St. Lourds Church Refugee Camp. One witness who was also taken from the refugee camp and subsequently released have given in detail the torture meted out to those taken to Plantain Point Army Camp. Inquiry No. T/118. He has identified Suresh Cassim of the Army as the person responsible for the arrest.

11. Muthur, Thoppur and Kattaparichan Kiliveti - Number Disappeared - 11

10 persons have disappeared after arrest from this village by the army out of whom 7 during village round ups, three from refugee camp and one was abducted by ENDLF to join the CVF.

12. Trincomalee Hospital - Number Disappeared - 05

05 persons testified as to the arrest and disappearances of 05 persons from the hospital premises on 13.06.1990. The arrest was by the army.

13. From Mc. Hazer Stadium - Number Disappeared - 03

03 persons were arrested by the Army in a round up at the Mc. Hazer Stadium on 11.07.1990 and have disappeared. Army had been identified as responsible for the disappearances.

14. At Sea - Number Disappeared - 12

03 persons have disappeared after the arrest by Navy on their return from India. 09 others who went to sea for fishing and have not returned.

15. While on Travel - Number Disappeared - 08

08 persons have disappeared while travelling from Trincomalee to various other places.

16. Civil Voluntary Force (CVF) - Number Disappeared - 01

One person from Trincomalee who was in the CVF in Jaffna have disappeared in Jaffna.

17. Extra Judicial Killing

Chief Clerk, at the Divisional Secretary's Office, Kuchchaveli, testified that on 21.06.1990 there was shell blast at the Selvam Mill at Iqbal Nagar. At that time he said that about 150 people were staying at the Mill and he does not have any particulars as to the exact number who were killed by shell blast. However, he has come to know about 40 people have been killed.

Three other persons testified that three persons were found dead after arrest.

