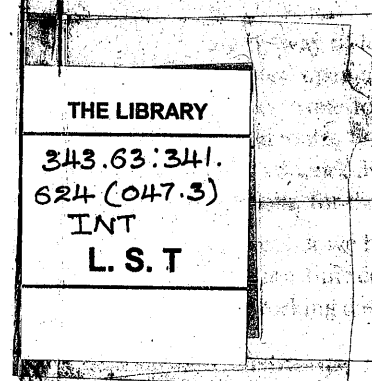


SESSIONAL PAPER No. III — 1997

**INTERIM REPORTS OF  
THE COMMISSION OF INQUIRY  
INTO THE INVOLUNTARY  
REMOVAL OR DISAPPEARANCE OF  
PERSONS IN THE CENTRAL, NORTH  
WESTERN, NORTH CENTRAL  
AND UVA PROVINCES**

Printed on the Orders of the Government



September, 1997

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 1

Price : Rs. 14.00

1-D 046039 1,665 - (10/09)

Postage : Rs. 4.00

### WARNING

Books should not be dis-  
figured or marked by readers.  
If any marks are already there  
in the book, readers should  
point them out to the issuing  
officer. In the absence of such  
a report, the book issued will  
be considered a perfect copy.

The penalty for a damaged  
book is the full cost of its  
replacement plus a fine.

CLASS	343.63:341.624
No	(044.3) S 62
ACC	
No.	✓ 5453

## COMMISSION OF INQUIRY INTO INVOLUNTARY REMOVAL OR DISAPPEARANCES OF PERSONS IN THE CENTRAL, NORTH WESTERN, NORTH CENTRAL AND UVA PROVINCES

### INTERIM REPORT — I

#### 1. Introduction

By a warrant dated 30th November 1994, I was appointed to the above Commission and named the Chairman. This warrant requires the Commission to submit its report within four months from the date of the warrant, namely 30.11.94. The said warrant reached us on 23rd December 1994. The Secretary was appointed on 4th January 1995.

#### 2. Preliminary Steps

2:1 The Commissioners and the Secretaries of the three Commissions were briefed by Hon. the Minister of Justice on 9th January, 1995. Notices were published in all the National Newspapers on the 15th and 16th January, 1995 calling for information regarding Disappearances of Persons etc., after 1st January 1988.

2:2 When the Commission started its work there were only 2 1/2 months left for it to complete its task in terms of the warrant. Considerable time was also spent in locating an office premises.

#### 3. Responses from the Public & Other Institutions

So far we have received over 6,000 complaints. Some are in formats while others are by way of letters. It takes about 10 minutes for an officers to sort out, read register, open a file and acknowledge a communication. On this basis the four officers (one for each Province within the purview of this Commission) who attend to this function, can handle only about 200 cases per day. Assuming that they all work 30 days a month (with overtime payments) it would take at least a month, for the preliminary clerical work to be attended to.

Thereafter we have to go to the various Districts to inquire into the complaints. This is a time consuming process. At most three or four cases could be recorded per working day. That would mean we may require more one year for that alone.

#### 4. Constraints

In addition we have to face administrative bottle necks. The Secretary had to make several trips to various offices to get even small matters attended to. A photo copier which is a must is yet to come. Typewriters were made available only a few days ago. Our application for a telephone was approved on a priority basis on 23rd January 1995; the connection has still not been given.

Requests for funds to pay the witnesses who come to give evidence and to meet the other exigencies when the Commission commences sittings in the Districts, too are yet to be approved. Exemption from the fuel limits has not been approved yet. Approval for the basic staff required for this Commission is still pending. So staff has been appointed pending approval. Application for this was made on 09.01.1995. In view of these and other constraints it is likely that more time will be needed to comply with the terms of reference. It will be appreciated if persons responsible could be directed to attend to requirements of Commissions expeditiously.

### 5. Progress so far

5: 1. We had discussions with some of the leading Non- Governmental Human Rights Organisations and Amnesty International and their co-operation solicited. Steps are being taken to get the lists of persons reported missing to the United Nations Working Group on Human Rights. We have also called for a list of detainees in Detention camps from the Inspector - General of Police.

Upto date 1,390 complaints have been processed and we are ready to commence inquiries. Steps are being taken to establish an Investigation Unit of handpicked police personnel. This entails provision of additional office space, vehicles etc., for the personnel of this Unit.

The Commission will proceed to the Districts and get as near as possible to the persons affected to record their evidence as soon as funds are made available and the logistical support is provided.

T. SUNTHERALINGAM,

Chairman,  
Presidential Commission of Inquiry into  
Disappearances etc., in the CP, NWP, NCP and  
Uva Provinces.

15th February 1995.

### INTERIM REPORTS OF THE COMMISSION ON DISAPPEARANCES IN THE CENTRAL, NORTH WESTERN, NORTH CENTRAL AND UVA PROVINCES

#### INTERIM REPORT - II

This Commission was constituted with a Chairman and two other retired High Court Judges, Mr. M. D. Jesuratnam and Mr. H. M. S. B. Madawala. However Mr. Jesuratnam declined the appointment due to ill-health, while Mr. Madawala requested that he be relieved of the membership of this Commission with effect from 01st April, 1995.

This Commission has received nearly 15,000 complaints of disappearances and involuntary removals from the Central Zone namely the Central, North Central, North Western and Uva Provinces.

Inquiries commenced in March 1995. Sittings were initially held in Colombo in respect of complaints where the complainants are living outside the Central Zone. Thereafter this commission had its first round of sittings in the principal towns of each of the four Provinces viz., Kandy, Badulla, Anuradhapura, and Kurunegala. The subsequent sittings were held at the Divisional Secretary's level.

Inquiries have so far been conducted into 775 complaints, as follows:

Central Province	227
North Central Province	204
North Western Province	197
Uva Province	147

The inquiries held at Kandy and Mahiyangana are dealt with in this report.

On an analysis of the evidence recorded it would appear:—

(a) That persons have been involuntarily removed either from their homes, at round ups, at check points or at random sites, by police personnel, members of the armed forces or others, not identified.

(b) In some cases lists of persons appear to have been given by politicians who belong to the United National Party. In most other cases, the evidence reveals that the persons involuntarily removed were either SLFP organizers or active supporters of the SLFP. It seems clear that political opponents of the then regime were eliminated under the guise of crushing the JVP.

The very large number of killings in the Central Zone (which covers four Provinces) points to the fact that the removals and killings were with the knowledge and tacit approval of those in political power at that time.

Attached hereto is a graph indicating the period during which killings and removals were at a peak. The graph establishes that the removals and killings showed a marked increase from the nominations for the Presidential Election in 1988 and continued in that manner until the general elections and thereafter. The security personnel who until then had dealt with the JVP

problem in a fair manner were goaded into indiscriminate removals and killings, after an alleged ultimatum purported to have been issued by the JVP, that unless the service personnel deserted their posts, members of their family would be killed. It is probable that this was a ploy adopted by the then government to use the security forces to crush their political opponents.

(c) In almost every case the persons removed had been taken away on the pretext that they had to be questioned and their statements recorded.

(d) In most of such cases the Police Stations or the Army Camps of the area had subsequently denied having removed such persons, inspite of some of the witnesses having indentified the persons who had participated in such removals.

(e) In some cases, persons so removed had been seen in custody at Police Stations and at Army Detention Camps, either by the complainants or by other persons whose evidence was made available to the Commission. No entries of arrest or detention appears to have been made in any of the books or registers maintained by the Police or Army in the case of persons who are said to have disappeared.

(f) When persons went to the Police Station to complain about the removals they were usually driven away and their complaints were not recorded. In the cases where the complaints had been recorded what was stated by the complainant had been recorded with distortions.

(g) A surprising feature is that complaints of abductions in most cases had been entered in the Minor Offences Information Book of the Police Station. Abduction with intent to kill is punishable under the Penal Code with rigorous imprisonment upto 20 years and a fine. The Officers in-charge of Police Stations concerned and their superiors should be held responsible for this default.

(h) There had been cases where the Police Headquarters had issued letters denying that certain persons had ever been taken to custody, when there are witnesses who had seen them in custody at the Police Stations.

(i) Personal rivalries account for the removals and killings in some cases.

Every effort was made by the Commission to put the complainants at ease so as to enable them to give their evidence without any fear. Evidence which might be inadmissible in Civil or Criminal proceedings, had been admitted notwithstanding the provisions of the Evidence Ordinance, (As per Section

7(d) of the Commissions of Inquiry Act.)

The Commission's Mandate is to inquire into and report on the following:-

(a) Whether any persons have been involuntarily removed or have disappeared from their places of residence in the Central Province, North Western Province, North Central Province and the Uva Province at any time after January 1, 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 ;

Interim Reports in respect of areas other Kandy and Mahiyangana will be submitted as soon as they are ready. A recommendation in respect of para (e) and (f) above will be submitted with the Commission's final report.

The persons identified by the witnesses as being responsible for the involuntary removals are mentioned in the annexed schedules, in respect of each case.

The Commission has already referred some of the cases where there is credible evidence against persons responsible for the removals and killings to the IGP. In other cases, where persons responsible for involuntary removals have been named, and referred to in the schedule the Commission recommends that an experienced team of investigators be assigned by the IGP to probe their involvement.

The evidence (inquiries) also revealed the existence of torture chamber at St. Sylvester's College in Kandy. These premises had been used during this period as a detention camp by the Counter Subversive Unit which came under the control of the then Superintendent of Police Kandy, Luxman Seneviratne, presently SSP Kandy Division. According to the evidence, about 1,000 persons were detained in this camp and systematically tortured before being taken away and killed (Complt. No.CEN/KND/152)

This too should be probed by the same team referred to above.

As a first step, the persons referred to by the witnesses as being responsible for the removal and killings should be transferred out of their present stations to enable the investigations to be conducted without any hindrance.

As regards the relief that is to be provided, this Commission has looked into the two schemes followed by the Ministry of Rehabilitation and Reconstruction. According to one scheme, assistance is given in terms of Public Administration Circular No. 21/88 of 13th July, 1988, an extract of which is appended.

"Para

**C. Compensation to dependants of a Public Officer, a Local Government Employee, a Public Corporation Employee killed in extraordinary circumstances due to terrorist violence in the performance of duties.**

(i) Payment of the full salary and allowance of the deceased officer, which was paid to him at the date of his death, till such time as he would have reached 55 years of age if he was alive, together with any increases in salary and allowances that would accrue to such officer from time to time if he was alive and in service.

(ii) Ex-gratia payment upto a maximum of Rs. 150,000 distributed as follows:-

- |           |   |
|-----------|---|
| (i) Wife- | - Rs. 75,000  |
| Children  | - A flat rate of Rs. 18,750 per-child below 18 years. |

(ii) If the wife is dead - Children below 18 years to be paid at Rs. 37,500 per child.

*Note:* (a) The total number of beneficiaries under (i) and (ii) to be 4. If the number of eligible children exceeds 4, the amount will be prorated among all children.

(b) In the case of a bachelor a sum of Rs. 75,000 will be paid to the parents of the deceased officer. If one parent is dead, the full amount will be paid to the surviving parent, or if both parents are dead, to dependants.

(c) Dependants mean parents irrespective of their income and, if the parents are dead before the officer would have reached the age of 55 years, his brothers under 18 years of age, and unmarried sisters who are not employed."

According to the other scheme, assistance is given on the following basis. (Rehabilitation Ministry Circular No.: M/R/R/UAS/MAP/1 of 26.09.88.)

"(i) Death of a married person : Rupees Fifty Thousand (Rs. 50,000).

This can be paid to the surviving spouse. If the spouse of the deceased is dead, the amount can be paid to the dependant children on an equitable basis or the next-of-kin, as the case may be. Recipients of assistance may be encouraged and suitable arrangements be made as far as possible to ensure the well being of dependant children.

(ii) Death of an unmarried adult (21 years of age and above) :  
Rupees Twenty Five Thousand (Rs. 25,000/-)

This can be paid to the next-of-kin.

(iii) Death of a minor (below 21 years of age) :  
Rupees Fifteen Thousand (Rs. 15,000/-)

This can be paid to the next-of-kin. (In interpreting the term "next-of-kin", you may use your discretion to choose a member of the family who will, in your opinion, be the best person to ensure the welfare of the dependants)".

In a few cases the evidence reveals that loss and damage had been caused to the properties belonging to those who were Involuntarily removed. Figures varying from Rs. 50,000 to Rs. 300,000 were given as the value of the damage sustained. In view of the practical difficulty of assessing the actual value of the property lost, and the time likely to be spent in such effort, it is recommended that a team of officers from the Valuation Department be assigned the task of assessing the loss and damages to the property of persons who have disappeared and payment made accordingly.,

Most of the persons who have disappeared are persons who are not "Public Officers etc." but unskilled employees, farmers, students etc. The Commission is of opinion that the disappearances/killings of these persons have been with the knowledge and tacit approval of the Government in power at that time. It is therefore suggested that the relief available to government employees be made available to other categories as well. If financial constraints do not permit such a measure the Commission suggests that an ex-gratia payment of at least Rs. 150,000 be made as suggested in para (c) of Public Administration Circular No. 21/88 of 13th July, 1988.

In the case of persons involuntarily removed and released thereafter the Commission suggests that a sum of not less than Rs. 25,000 be paid as compensation; the amount to vary according to the duration of the detention.

The problems faced by the complainants in getting death certificates in respect of those who have disappeared has been eased to a considerable extent, with the enactment of the Registration of Deaths (Temporary Provisions) Act No. 2 of 1995. Section 4 of the said Act requires that applications shall be accompanied by a report from the Grama Niladhari, confirming the fact that such person had not been seen alive or heard of, for a period of over one year.

The evidence placed before this Commission in a few cases indicates that the Grama Niladhari's themselves had been a party to the removal or disappearance. The loyalty of the Grama Niladhari's who have been appointed and/or working under the earlier regime for a period of well nigh 17 years in certain cases, is likely to be suspect. Therefore, the Commission suggests that Death Certificates be issued to the applicants on their affidavits alone where the Commission is satisfied that the person had been involuntarily removed.

The Commission is satisfied that there is credible evidence that the persons referred to in the annexed schedules have been involuntarily removed and their whereabouts cannot be traced.



It is recommended that the power to issue warrants of arrest etc. under section 11(4) of the Special Presidential Commission Law No. 07 of 1978 be given to the Commissions appointed under the Commissions of Inquiry Act probing disappearances.

The annexed schedules set out the findings of this Commission in respect of each of the complaints inquired into during its sittings in Kandy and Mahiyangana.

**T. SUNTHERALINGAM,**

**Chairman,**

**Presidential Commission of Inquiry into  
Involuntary Removal or Disappearance of Persons,  
(Central Region).**

12.10.1995

### INTERIM REPORT — III

This Interim Report deals with the complaints inquired into by this Commission in the Uva Province - at Badulla from 03rd to 07th April, 1995, Moneragala from 03rd to 14th July, 1995, and at Welimada from 16th to 27th October, 1995. The sittings were held in the Conference Halls of the Government Agents of Badulla and Moneragala and the Divisional Secretary's Conference Hall at Welimada. The observations made in pages 2 to 4 of Interim Report II of this Commission apply in respect of the Complaints inquired into in these Districts as well.

The evidence in some of the cases inquired into reveals that there had been torture chambers at Hali Ela Motors in Badulla, at the Community Centre Hall in Moneragala and the YMCA Army Camp at Welimada. Persons who were fortunate enough to have survived these torture chambers gave evidence before this Commission.

The one at Badulla had been in the Charge of ASP Karunaratne (presently SP Badulla) and SGT Bandara who were attached to the Counter Subversive Unit of Badulla Police. These two officers are still based in the same District. The one at the Community Centre in Moneragala had been maintained by an Army Unit which was in the charge of Lt. Mangala Perera and supervised by one Upali Samaraweera, a Provincial Council Member and nephew of the Chief Minister of the Uva Province, Mr. Percy Samaraweera. Several persons taken into custody in these Districts had been confined in these premises and tortured before being taken away and killed. At Welimada several severed heads had been displayed on spikes from one end of the electorate to the other.

The names of the persons responsible for these removals have been identified by witnesses. Their names are given in the annexed schedules in respect of each case. It is recommended that an experienced team of investigators be chosen by the Inspector General of Police to probe the involvement of the persons named. The probe into the facts elicited should start without any further delay as several years have lapsed since the disappearance had taken place.

The happenings in the said torture chambers as well as the disappearances should be probed by the special team of investigators referred to above. The Police, Army Officers and other persons whose names have transpired should be removed from the stations where they are alleged to have committed the deeds complained of. This would enable the investigation to be conducted without any hindrance, as suggested in Interim Report II.

The relief recommended and the observations made in Interim Report II at pages 8, 9 and 10 apply to these complaints as well. It is further recommended that scholarships be awarded to the children, if any, of the persons who have disappeared or tortured and released. In respect of Death Certificates too, the recommendation in Interim Report II, applies.

The evidence placed before this Commission confirms the fact of the disappearances of the persons alleged to have been removed. The findings of the Commission in respect of each of the complaints inquired into at Badulla, Moneragala and Welimada on the dated stated above are set out in the annexed schedules.

Reports in respect of the other complaints already inquired into would be handed over shortly.

**Dr. T. S. Senthalingam,**  
**Chairman.**

10th November, 1995.

The following is a list of the names of the persons who have been elected to the office of Mayor of the City of New York, and the names of the persons who have been elected to the office of Alderman of the City of New York, for the year 1901.

[illegible]

The findings of the present research are consistent with the findings of previous research. For example, the findings of the present research are consistent with the findings of previous research. For example, the findings of the present research are consistent with the findings of previous research.

The following is the information as to the results of the investigation conducted by the Bureau of the Census, Department of Commerce, in connection with the above-captioned matter.

The child's development and the observations made in the field suggest that the child is not yet ready to be placed in a regular classroom. The child's behavior is still very disruptive and the child is not yet able to follow directions. The child's social skills are still very poor and the child is not yet able to interact with other children. The child's academic skills are still very poor and the child is not yet able to learn from the teacher. The child's overall development is still very poor and the child is not yet ready to be placed in a regular classroom.

## INTERIM REPORT — IV

This report deals with the complaints inquired into by this Commission upto date in the North Central Province. Sittings were held in Anuradhapura from the 17th to 28th April, 1995 ; at Kekirawa from the 24th July to 04th August, 1995 ; and at Polonnaruwa from the 13th to the 24th November, 1995. During these sittings a total of 362 complaints have been inquired into in respect of 305 persons. (The difference in these numbers is due to the fact that several complaints have been received in respect of some persons). At Anuradhapura and Polonnaruwa, the sittings were held at the respective Kachcheris, while at Kekirawa they were at the Divisional Secretary's Office. The observations made in the earlier Interim Reports of this Commission apply in respect of the complaints relevant to this Report as well.

The names of the persons responsible for many of the removals in these areas have been mentioned and they are given in the annexed schedules in respect of each of the complaints inquired into (*vide* Volume II).

The names of some leading politicians have been mentioned as the persons who had a hand in the removal of some of those who disappeared. Amongst them, the names of Mr. G. D. Mahindasoma, the Chief Minister of the North Central Province, Mr. A. M. S. Adhikari, a Cabinet Minister in the then Government, and Mr. H. G. P. Nelson, MP for Polonnaruwa, stand out. Even the body guard of one of these politicians is alleged to be responsible for some of the removals and disappearances.

In the relevant inquiries there are a few killings for personal reasons. One such complaint was against SGT. Weerasinghe who was then attached to the Polonnaruwa Police. He is alleged to have removed and killed a person who had not complied with his request to harvest his paddy field for fear of JVP reprisals.

The recommendations in respect of the cases relevant to this Report and those made in the earlier Reports, are recapitulated below for convenience :—

- (a) There are cases where the names of persons responsible are not mentioned, but evidence is available indicating that the person removed was seen or was confined in a police station or an Army Camp. In such cases the officer-in-charge of such station or camp should be held responsible for the disappearance. A list of such stations and camps and the names of those in charge of them at the relevant time would be given in the Reports which would be submitted in due course.
- (b) The relief recommended is as follows :—
  - (i) Compensation is to be paid as set out in the relevant Rehabilitation Ministry and Public Administration Ministry Circulars, but without and distinction in respect of State Officers and members of the Public. The present value of the rupee is to be taken into consideration when determining the quantum.

- (ii) As regards damage to property, the quantum of compensation to be decided by a team of officers from the Valuation Department.
- (iii) Children of persons affected to be awarded scholarships for their education.
- (iv) Death Certificates are to be issued in respect of those persons whom the Commission has held to have disappeared, on the affidavit of the applicant without the need for any document from the Grama Niladhari confirming this fact.
- (v) Those who had been involuntarily removed, tortured, and released or escaped are to be paid Rs. 25,000.

- (c) All Police and Army personnel named as suspects should be transferred out of the Divisions in which they are alleged to have caused the removals/disappearances, in order to facilitate investigations.

It is relevant to mention here the position regarding the transfer of Police Officers in the Uva and North Central Provinces. The Chief Minister of the Uva Province is Mr. Percy Samaraweera and the Chief Minister of the North Central Province is Mr. G. D. Mahindasoma. In the Uva Province Mr. Percy Samaraweera's nephews Upali Samaraweera and Ravindra Samaraweera and in the North Central Province Mr. Mahindasoma and his bodyguards are linked with several disappearances. Both these Chief Ministers belong to the United National Party.

Several of the Police Officers who had been in these Provinces have served there for quite a length of time. Some of them have risen from the ranks of Officers-in-Charge to the rank of Assistant Superintendents of Police and are either still in the same stations or have been moved to other stations within the respective Provinces. Inspector of Police A. M. Keeragala and Inspector of Police J. A. C. Jayasekara were in charge of the Polonnaruwa Police Station during the relevant period. They are now ASPs in charge of Polonnaruwa. Police Inspector B. Wijesekara who was in charge of the Welimada Police is at present Headquarters Inspector of Police, Bandarawela. Details of such instances are given in the Annexures in Volume II.

- (d) In selecting the Team of Investigators, efficient committed and Impartial Officers should be chosen. In choosing such a team care should be taken to avoid the investigations being handed over to the DIGs of the respective Provinces.
- (e) Where there is evidence indicating the Police/Army Officer who had removed the person who had disappeared or where there is evidence that such persons were held in custody, disciplinary action should be taken against such officers for not following accepted procedures and departmental rules.

- (f) It is recommended that the Army Commander be directed to provide all assistance to the special team of investigators recommended in Interim Report III at page 2, to enable investigations into complaints where names of military personnel or Army Camps have been mentioned as involved in removals and disappearances.

- (g) The power to issue warrants of arrest given to the Special Presidential Commission of Inquiry under section 11 (4) of Law 7 of 1978 should be given to the Presidential Commissions appointed to report on Involuntary Removals and Disappearances of Persons.

The recommendations on terms of reference (e) and (f) would be given in the Final Report. Inquiries and investigations into the other complaints are proceeding. Further Interim Reports will be sent in due course.

T. SUNTHERALINGAM,  
Chairman.

26th December, 1995.



**INTERIM REPORT — V**

This report is in respect of the complaints inquired into by this Commission in the North Western Province at Kurunegala from 08th to 19th May, 1995, at Polgahawela from 21st August to 01st September, 1995 and at Galgamuwa from 11th to 22nd December, 1995. During these sittings a total of 338 complaints have been inquired into in respect of 277 persons. The difference in these figures is due to the fact that more than one complaint had been received on the disappearances of some of the missing persons. At Kurunegala the sittings were conducted in the Agrarian Services Centre; at Polgahawela it was in the Divisional Secretary's Office, and at Galgamuwa in the Janasetha Samurdhi Centre.

The Observations and recommendations made in the earlier Interim Reports apply in respect of the complaints relevant to this report as well.

Handpicked Police Officers were entrusted with the special task of investigating the conduct/involvement of persons in respect of whom this Commission has found, that there is credible material, indicative of their responsibility for the removal and/or disappearances of specified persons.

Considerable progress was made in the investigations which commenced on 4th January, 1996 in respect of Interim Report II, submitted to Her Excellency the President. The said investigations were conducted till 18th January, 1996, but the investigations could not be completed as a result of the problem that has arisen over the payment of subsistence to the officers. Over two months have elapsed and further investigations have not yet recommenced.

The Commission urges that officers conducting investigations should be given all the assistance and "have at their disposal all the necessary budgetary resources for effective investigations".

Action should be taken promptly on the directives issued by Her Excellency the President and should be complied with, within the given time. To ensure that this is done the implementation should be monitored closely.

It should also be remembered that persons whose loyalties are in doubt can place obstacles in the way of effective investigations.

This Commission therefore recommends that immediate steps be taken to provide the necessary facilities to the officers in the Special Investigating Team.

Volume II of this report has more information. It contains an index giving the schedule numbers and the corresponding complaint numbers. In addition persons responsible for the disappearance/removal are categorized under the heading Police, Army, Politician and others etc.

This Commission's sittings are continuing and a further Interim Report would be submitted soon.

**T. SUNTHERALINGAM,**  
Chairman,  
Presidential Commission on  
Disappearances (Central Zone)

09th April, 1996.

### INTERIM REPORT VI

This report is in respect of the complaints inquired into by this Commission in the central province at Matale, from 18th to 29th September, 1995, at Walapane from 05th to 09th February, 1996, and at Kotmale from 12th to 16th February, 1996. During these sittings 358 complaints in respect of 199 missing persons and 15 involuntarily removed persons were inquired into. The difference in these figures is due to the fact that more than one complaint had been received in respect of some of the missing persons. At Matale the inquiries were held in the District Secretary's Office ; at Walapane, in the Wathumulla Community Centre, and at Kotmale, in the Divisional Secretary's office.

The observations and recommendations made in the earlier Interim Reports apply in respect of the complaints relevant to this report as well.

From the material placed before this Commission, the Commission is of the view that the persons referred to in the complaints have in fact been involuntarily removed and/or disappeared. (Vide Annex I).

There is credible material indicative of the person or persons responsible for the removals and/or disappearances relevant to this report. A list of such persons is given in Annex II.

Not much progress appears to have been made in dealing with the persons responsible for the disappearances already named by this Commission as being "responsible", in its earlier Interim Reports.

It is imperative that a Special Investigation Team be chosen for this purpose and that the investigations be conducted thoroughly, promptly and impartially. In choosing such a team, it is repeated that one should not lose sight of the fact that persons whose loyalties are in doubt could place obstacles in the way of effective investigations.

This Commission has inquired into 4828 complaints, leaving a balance of 9940. More than one complaint has been received in respect of some of the missing persons. This Commission has an approved cadre of 43 but was functioning with 23 ; it is to be reduced to 18 from 01st July, 1996. This Commission will sit in the outstations for three weeks every month instead of two weeks as at present. The one week in Colombo is to be set apart to process the evidence and prepare the Interim Report.

Volume II of this report contains the annexures referred in this report in respect of the complaints inquired into during the relevant period.

T. SUNTHERALINGAM,  
Chairman,

Presidential Commission of Inquiry into  
Removals/Disappearances (Central Zone).

Date : 28th June, 1996.

## INTERIM REPORT— VII

This Commission conducted inquiries at Kataragama from 8th to 12th January, 1996, at Embilipitiya from 16th to 19th January, 1996, at Anamaduwa from 5th to 15th March, 1996, and at Nikaweratiya from 10th to 21st June, 1996. This report is in respect of the complaints inquired into during these sittings. A total of 636 complaints in respect of 385 persons were heard at these sittings out of which 19 were from persons who had been involuntarily removed, tortured and released or escaped subsequently. The difference between the number of persons and the number of complaints is due to the fact that more than one complaint has been received in respect of some of the missing persons.

The findings of the Commission in respect of the complaints inquired into at these sittings are set out in the schedules annexed (vide Annex I, Parts I and II). **The fact of the disappearance of all the persons who are alleged to be missing in these complaints has been established.**

A list of persons against whom credible material indicative of their responsibility for the removals and/or disappearances, has been placed before this Commission, is annexed, (vide Annex II Parts I and II).

The observations and recommendations made in the earlier Interim Reports apply in respect of the complaints, relevant to this report as well.

There appears to be very little progress in implementing the recommendations of the Commission especially with regard to the action to be taken against persons against whom credible material indicative of such persons being responsible for the removals and/or disappearances, have been made available to the Commission.

Most of the complainants do not seem to be interested in receiving compensation as much as seeing those responsible being punished. Some of such persons continue to be serving in the very same areas some in higher positions than before. The anguish and anxiety of the complainants, who keep asking us what happened after the inquiry, is understandable as no action appears to have been taken against the persons whom they have mentioned as responsible at the inquiries before this Commission.

This is Particularly so in the case of those complainants who had been involuntarily removed, tortured and released or escaped. So far we have inquired into a total of 129 complaints of removals. Such persons came before this Commission to give evidence of the persons who had removed and tortured them, braving possible reprisals. Most of them show signs of the effects of trauma. Most of them have been debilitated or incapacitated. They came before this Commission in the hope that their

torturers would be brought to book and that they would be adequately compensated for the injuries they had suffered, the loss of their properties and their earning capacity. If their grievances are not looked into and relief granted, it is inevitable that such persons would live with a grudge against society in general; and in particular against those for whom they had to suffer. Most of those who gave evidence before this Commission are active supporters of the peoples Alliance. Therefore it is important to deal with the reports in respect of removals too as quickly as those of persons who had disappeared.

The recommendations already made are briefly set out below :

- (i) Where there is credible material indicative of the person or persons responsible for removal and/or disappearance the names of such persons are given in the schedules annexed to the Interim Reports submitted.
- (ii) Immediate action to be taken to choose efficient, effective, committed and impartial officers to constitute the Special Team of Investigators already recommended.
- (iii) The Inspector General of Police and Army Commander to be directed to provide all assistance to the Special Team of Investigators.
- (iv) Where such person against whom evidence indicative of involvement is available and when such persons is an employee of the state, prompt disciplinary action to be taken against them by the respective Departments.
- (v) All police, Army or other officials whose names have transpired be sent on compulsory leave to facilitate investigations and prevent interference with witnesses. Failing which they should be transferred out of the province concerned.
- (vi) Prompt financial relief be granted to the heirs of the victims in terms of existing public Administration Ministry Circulars and Rehabilitation Ministry Circulars.  
These circulars do not provide for relief to persons who had been removed, tortured and released or escaped. The payment of at least Rs. 25,000/- to such persons be earnestly considered.
- (vii) Damage to property to be assessed by a team of officers from the Valuation Department and the victims be compensated accordingly.
- (viii) The children of affected persons to be awarded scholarships for their education.
- (ix) Death certificates be issued to victims dispensing with the requirement of a certificate from the Grama Niladhari where such disappearance has been confirmed by this commission (vide para 2 of this report)
- (x) It is further recommended that the operative period of the recent amendment to the Registration of Births and Deaths Act be extended further.

Details of these recommendations are available in Interim Report IV.

In the course of the inquiries, evidence of the existence of places where persons removed had been confined and systematically tortured came to light. Such places which could be called "torture chambers" had existed at the following locations:—

	Referred to in Complaint No.
St. Sylvester's College at Kandy.	- CEN/KND/ 67,364
YMCA Camp at welimada.	- CEN/KND/05
Community Centre (Praja Salawa) at Moneragala	- UVA/BAD/ 463,
Sudampaya at Anamaduwa	1003,25
Hali Ela Motors at Badulla	- UVA/MON/ 462
Beragala Army Camp, Haputale	- NWP/PTL/270
Paddy Marketing Board Stores at Walapane	- NWP/PTL/416
St. Ritas Camp, Nuwara Eliya	- UVA/BAD/84
	- UVA/BAD/179
	- UVA/BAD/907
	- CEN/NEL/196
	- CEN/NEL/109

The terms of reference of this Commission do not warrant investigations into matters pertaining to such "torture chambers". Several persons are alleged to have been done to death in such places and the bodies had been disposed of.

It is recommended that a separate investigation be conducted through an appropriate authority into these places to bring to book those responsible for incidents that are alleged to have taken place in them.

In view of the large number of complaints yet to be inquired into viz about 9500, it would be prudent to commence implementing the recommendations forthwith without waiting for the final report. Delay would enable the persons responsible for the disappearances and removals to intimidate or otherwise harass the complainants and their witnesses who had given evidence before the Commission. Most witnesses who had experienced such threats cannot be expected to make complaints to the Police in view of their previous experience. This could be averted if prompt action is taken to send those named as responsible for removals/disappearances on compulsory leave prior to taking disciplinary and/or legal action against them.

In most of the complaints inquired into at Anamaduwa the name of ASP Indran who is now attached to the Sri Lanka Police Reserve Headquarters, has surfaced along with others as being responsible for disappearances in that area. He was the Officer-in-charge of the Anamaduwa Police Station at that time. Mr. Asoka Wadigamangawa was the Member of Parliament during that period for this area. There is credible material placed before this Commission indicating that this ASP had threatened some of the witnesses who had given evidence before the Commission.

**It is therefore recommended that ASP Indran be sent on compulsory leave immediately to prevent him interfering with the witnesses any further, and to enable investigations into complaints where he is involved to commence.** (vide schedules Nos. 1275, 1270, 1192, 1199, 1206, 1215, 1217 annexed to this Report).

This Commission is aware that as far back as in February 1996 a directive had been issued by the Presidential Secretariat to send such persons on compulsory leave, within a month. But so far no action appears to have been taken on such directive. It might not be opportune to send military personnel involved on compulsory leave in view of the security problems faced by the armed forces in the North and East. This would not apply in respect of police personnel.

Most of the complainants had to wait for over five years to get a hearing. Now that they have come before the Commission, Relief and redress should not be delayed any further.

If any extension of the existing warrant of this Commission is to be given, such intention should be conveyed to the Commission well in advance, so that the work of the Commission could continue without any interruption.

Consequent to a request by the secretary to the President, it has been decided not to entertain any new complaints henceforth. It was made to understand that such complaints are to be passed on to the Human Rights Commission, which is to be established shortly.

T. SUNTHERALINGAM,  
Chairman.

18th October, 1996.

**INTERIM REPORT—VIII**

Five hundred and twenty three complaints of involuntary removals and/or disappearances of persons from the Divisional Secretary's areas of Wellawaya, Haputale (Diyatalawa), Girandurukote, Bibile and Uva Paranagama in the Uva Province have been inquired into during the period relevant to this Report. The dates when inquiry sessions were held in these areas and the respective places where such sessions were held are set out in annex I.

The findings of the Commission pertaining to the terms of reference on which the Commission was instructed to inquire and report are set out below :

- (a) The fact of the disappearance of all the persons in respect of whom complaints of involuntary removals and/or disappearances from their places of residence had been complained of pertaining to the inquiries conducted during these sessions had been established.
- (b) The evidence available to establish such alleged removals and/or disappearances are set out in the schedules to annex II at column 2.
- (c) The present whereabouts of such persons or as to what happened to them, where evidence is available, is also set out in the schedules at column 3 in annex II.
- (d) The persons against whom credible material indicative of their responsibility for the removal and/or disappearances had been placed before this Commission are set out in annex III under three categories, Army, Police, Politician and others.
- (g) The relief that should be afforded to the parents, spouses and dependents of the persons alleged to have been so removed or to have so disappeared, have been set out in column 7 of the schedules in annex II. Such relief recommended is in line with the existing Public Administration and Rehabilitation Ministry circulars.

The recommendations in respect of terms (e) and (f) of the warrant would be given in the Final Report.

The recommendations and observations made in the earlier Interim Reports apply in respect of the complaints relevant to this Report as well.

The secretary to the President informed the Chairman and Secretaries of the three Commissions on Disappearances, at a meeting, that a separate unit of the CID is to be established shortly to deal with persons against whom these Commissions had found credible material indicative of their involvement in involuntary removals and/or

disappearances. It is hoped that such a unit has commenced work. It was also stated at the said meeting that no new complaints should be accepted and that they would be looked into by the Human Rights Commission which was to be appointed.

A recommendation was made in Interim Report VII that an Assistant Superintendent of Police be sent on compulsory leave for threatening a witness who gave evidence before the Commission. It is believed that this recommendation had been implemented. Delay in implementing such recommendations made by the Commission is likely to lead to undesirable consequences.

T. SUNTHERALINGAM,  
Chairman.

08th January, 1997.



*Annex I***PARTICULARS ARE THE INQUIRY SESSIONS PERTAINING TO  
THIS REPORT***Place of Inquiry**Period*

Wellawaya	15th to 19th April, 1996.
Haputale (Diyatalawa)	22nd to 26th April, 1996.
Girandurukotte	12th to 16th August, 1996.
Bibile	19th to 23rd August, 1996.
Uva Paranagama	26th to 30th August, 1996.
Colombo	From time to time where complaints are residing closer to Colombo

Total number of complaints inquired  
inquired into during these sessions.

- 523

