

AMNESTY INTERNATIONAL

SRI LANKA:

THE INDIAN PEACE KEEPING FORCE AND "DISAPPEARANCES"

September 1990

SUMMARY

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This document gives evidence of 43 "disappearances" reported from the northeast of Sri Lanka between mid-1987 and early 1990, the period when Indian Peace Keeping Force (IPKF) personnel were deployed there under the terms of the Indo-Sri Lanka agreement of 29 July 1987. The largest armed separatist group in the area, the Liberation Tigers of Tamil Eelam (LTTE), was soon fighting against the Indian forces, whose presence they opposed.

During this time, IPKF soldiers were accused of human rights violations, including torture, extrajudicial execution and "disappearances". They also held thousands of prisoners without reference to the provisions of either Sri Lankan or Indian law. This document concentrates on reports of "disappearances" only.

In all documented cases, Amnesty International has sworn statements from witnesses that IPKF personnel were responsible for the arrest of these people and that, despite repeated attempts by relatives to trace them in custody, their fate or whereabouts remain unknown. The large majority of these cases were reported from Jaffna District during, and immediately after, the IPKF October 1987 offensive against LTTE strongholds in the area. These people were often arbitrarily arrested from the street or the compound of their home. The "disappearances" occurring in November 1987 often followed large-scale arrests, resulting in the release of most people and the detention and subsequent "disappearance" of some. Those released provided evidence of the likely fate of others who "disappeared". They also often named the IPKF officers responsible. Another common pattern was for IPKF troops to round up groups of young men in the immediate vicinity of an LTTE attack. They are subsequently thought to have been killed in reprisal for the LTTE attack but IPKF officials denied all knowledge of their arrest and detention.

Amnesty International is urging the Governments of India and Sri Lanka to investigate each case of "disappearance" for which the IPKF were reportedly responsible. The organization hopes that when conditions in Sri Lanka permit, the two governments will collaborate to ensure the full, impartial investigation of these cases. In the meantime, however, Amnesty International hopes the Government of India will investigate these reported "disappearances" as fully as possible, using all available military records and calling for evidence from members of the IPKF.

This summarizes the attached 10-page document, Sri Lanka: The Indian Peace Keeping Force and "Disappearances" (AI Index: ASA 37/30/90), issued by Amnesty International in September 1990. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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Amnesty International
International Secretariat
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Sri Lanka:

The Indian Peace Keeping Force and "Disappearances"

Introduction

In July 1987 the Governments of India, led by Prime Minister Rajiv Gandhi, and Sri Lanka, led by President Junius Richard Jayewardene, signed an agreement which brought Indian troops to the north and east of Sri Lanka to take charge of security there.

There had been serious fighting in the northeast between Sri Lanka security forces and various armed Tamil separatist groups for several years before the signing of the accord. After the accord, the largest armed separatist group -- the Liberation Tigers of Tamil Eelam (LTTE) -- was soon fighting against the Indian forces, whose presence the LTTE opposed. However, several other militant Tamil groups allied with the Indian forces. From an initial deployment of 3,000 troops, the Indian military presence grew to a peak of an estimated 70,000 (some reports put it as high as 100,000) during its stay in Sri Lanka. The Indian Peace Keeping Force reportedly lost 1,200 soldiers during its two and a half years in Sri Lanka. An estimated 10,000 civilians are believed to have died in the context of the armed conflict in the northeast in the same period. Following the gradual withdrawal of Indian forces in late 1989 and early 1990 the LTTE took control of the north and east. In June 1990 heavy fighting again broke out between the LTTE and the Sri Lanka Government after the LTTE captured several police stations in the east, and took several hundred policemen as prisoners, many of whom they are then believed to have killed.

During their time in Sri Lanka, Indian troops were the subject of complaints of human rights violations including widespread detention without charge or trial, torture and extrajudicial executions. In addition there were dozens of reported "disappearances" of people detained by Indian troops. Amnesty International has detailed evidence of 43 such "disappearances". All but four of these occurred in Jaffna district, where the LTTE has always had its strongest presence. Most of the documented cases occurred between October and December 1987 when the IPKF mounted a major offensive against the LTTE in the Jaffna peninsula.

Background

The Indo-Sri Lanka accord came after many years of growing violence between the Government of Sri Lanka and the Sri Lankan Tamil minority who live in the north and east of the island. The Tamil movement for violent secession from the Sri Lankan state started in the late 1970s with attacks on police stations, politicians and state employees, and escalated rapidly after the anti-Tamil communal riots of July 1983 in Colombo and other towns

in the south. The Government of India, which has a large Tamil population of its own in the southern state of Tamil Nadu, expressed concern on a number of occasions over the excesses committed by the Sri Lankan security forces. The Sri Lankan Government in turn complained that India provided a safe haven for the LTTE and other militant groups, and also alleged that the Indian Government provided training and other support for the militants.

In May 1987 the Sri Lankan security forces launched a major offensive on parts of the Jaffna peninsula under LTTE control. Under pressure from the state government of Tamil Nadu, the Indian government first expressed concern, then announced its intention of delivering humanitarian aid to the affected area in defiance of the Sri Lankan Government. Although a flotilla was turned back by the Sri Lanka Navy, they were unable to prevent the Indians dropping relief supplies on Jaffna from the air. Shortly after this talks were resumed between the Indian and Sri Lankan Governments out of which emerged the eventual agreement which was signed by both parties on 29 July 1987.

None of the three militant Tamil groups were signatories to the accord and the IPKF was unable to disarm them, although the surrender of arms to the IPKF by the militants was a provision of the accord. The accord also included provisions for the state of emergency to be lifted and for an amnesty for political prisoners and combatants held under the Prevention of Terrorism Act (PTA) and other emergency laws. Hundreds of prisoners were released in the weeks after the accord, but the release program then slowed down. Approximately 3,750 Tamil prisoners out of some 5,400 held at the time of the accord were released during 1987; by the end of 1988 about 250 remained in jail. By the end of 1989 all pre-accord prisoners from the northeast had been released.

Other provisions in the accord included the devolution of power to provincial councils and the creation of a single new integrated Northeastern Province in the area where the greater majority of Tamils live. The agreement also provided for a ceasefire between Sri Lankan government forces and Tamil separatist insurgents. Elections for provincial councils were to be held by 31 December 1987 and, in a referendum to be held before 31 December 1988, the inhabitants of the Eastern province were to decide whether the merger with the Northern province should remain in force. Elections for provincial councils indeed took place, the Eelam People's Revolutionary Liberation Front winning the majority in the northeast, but the referendum in the east was postponed several times and, at the time of writing, had not taken place.

By August 1987 the LTTE was openly engaged in attacks on rival militant groups. In early October 1987 a group of 15 LTTE detainees committed suicide with cyanide capsules as they were about to be transferred from Jaffna to Colombo, for interrogation by the Sri Lankan authorities. This prompted the LTTE to "repudiate" the July accord. They killed eight Sinhalese soldiers and police whom they had held prisoner since March 1987, as well as four Sinhalese members of a television team and two Sinhalese officials in Kankesanthurai. They also attacked Sinhalese residents of Eastern Province, killing some 200 people. On 10 October 1987 the IPKF launched a major offensive in the Jaffna peninsula, declaring Jaffna itself a "free city" on 25 October. The LTTE regrouped away from Jaffna and continued to attack the IPKF, as well as Sri Lankan military and civilian targets, especially in the Eastern Province. During the period of gradual withdrawal by the IPKF, fierce fighting was reported between the LTTE and the armed cadres of Tamil groups which had allied with

the Indian forces, with heavy loss of life. When Indian troops finally withdrew from Trincomalee in March 1990, thousands of members and supporters of Tamil groups which had fought the LTTE fled to India.

"Disappearances"

Amnesty International has detailed evidence on 43 "disappearances" in which members of the IPKF are implicated. (For full details about individual cases, see [Appendix](#)) The number is not the total because full details in all cases are not available. The large majority of the 43 cases were reported from Jaffna District and one each in Amparai and Trincomalee Districts and two in Vavuniya district. Thirty six "disappearances" occurred between October and December 1987, five in 1988, and another two in 1989. In all these cases Amnesty International has sworn statements from witnesses to arrests.

The majority of those who "disappeared" were unmarried men under the age of 30. Only five of the "disappeared" are women. Those who "disappeared" were all Sri Lankan, except one Indian national. All were Tamil.

The majority of "disappearances" occurred during, and immediately after, the IPKF October offensive in Jaffna District in 1987. These "disappearances" follow one of two patterns. A number of people were arbitrarily arrested during the curfew in the first days of the offensive. Usually they were simply taken from the street or the compound of their home, apparently at random. In very few of these cases is there any clear information about the Indian units responsible for the "disappearance". The second pattern emerged about a month later, when Indian forces carried out widespread arrests, often of individuals who they sought out by name. In these cases the evidence of those detained but subsequently released, as well as eye-witnesses to the arrests, provides a clearer picture of those responsible and, in a few cases, of the likely fate of those who "disappeared".

At the start of the October 1987 offensive a curfew was imposed and many people took refuge at temples and designated refugee camps. Others were trapped in their homes or places of work. For example, Kumaraswamy Selvarajah was a 50-year-old blacksmith with a workshop in the centre of Kankesanthurai but whose home was 15 miles away in Puttur. Because of the curfew he was forced to stay at his workshop with his assistant. According to this assistant, on 13 October 1987 IPKF personnel broke into the workshop and assaulted both of them. They were taken to a nearby IPKF camp and further assaulted. The assistant was released soon afterwards but Selvarajah, who had been beaten on the head, was kept behind:

"When I last saw Selvarajah he was squatting on the ground in the camp dressed only in his underwear with blood streaming down on his body from the head injury received by him as a result of the soldiers assaulting him with sticks and iron rods."

The assistant told Selvarajah's wife of his arrest and assault the next day but her attempts to trace her husband were severely hindered by the curfew. After writing letters to various senior Indian officials in June 1988 she eventually received a form letter from the IPKF stating that her husband was not in their custody.

Other people were arrested in their homes, or while travelling between home and camp, or in some cases were taken from designated refugee camps by IPKF soldiers. Their relatives were often unable even to start the process of tracing them because of the curfew. When the curfew was lifted enough for them to approach the IPKF camps they received little or no information. Kumaraswamy Selvarajah's wife describes this situation in a letter written in December 1989 to Amnesty International members investigating the "disappearance" of her husband. She says:

"The 24 hours curfew was prolonged for more than a month. Later it was relaxed for a few hours daily. The relaxation hours were increased as days passed on and totally removed after, I remember, three months. One day, during the relaxed hours, ... [name withheld] came and informed me that my husband was assaulted in the camp too by the soldiers and that he saw him lying unconscious and bleeding. It was a shock for me for I thought that he was safe in his workshop cum residence and couldn't come home, because of the curfew. No one dared to take me to the IPKF camp at Kankesanthurai. I walked up through the inner lanes, avoiding main roads, and went to the respective camp and made inquiries about my husband giving all detail about him. They were very evasive and told me that there is no such person in custody. I was sent to different camps but there was no trace of him. I wrote to the Commander, IPKF, Kankesanthurai on 24 January 1988. I approached the HQ Town Commander, Jaffna ... without any avail. Later, I wrote to the Indian High Commissioner in Sri Lanka on 5 February 1988 to help me to trace my husband. Ultimately, I was sent a stereotype reply by the Civil Affairs Cell, Indian Peace Keeping Force, North Palaly on a cyclostyled memo with the name of my husband written in ink, dated 17 June 1988 that my husband is not held in the custody of the IPKF, Jaffna. There is no trace of him up to now."

In November 1987 a somewhat different pattern of detentions and "disappearances" emerged. IPKF soldiers at this time appeared to be acting on the basis of their own intelligence reports and made a number of arrests of groups of known, named individuals. A wave of these occurred on 16 November. A 36-year-old woman, Annama Nagamuthu, was arrested along with five young men by IPKF soldiers who took them from a refugee camp at Manipay Hindu College. The young men were subsequently released over the following 10 days; the last to be released said he saw Annama Nagamuthu at Uduvil IPKF camp on 23 November. A Roman Catholic priest who knew the family tried unsuccessfully to trace her. He was told by an IPKF officer at Manipay that no arrests had been made by them and that no-one was detained in their camp. Later that day, an IPKF soldier reportedly told him that all persons arrested had been taken to the main camp at Allady. But when he went to make inquiries there he was not allowed to enter the camp and was told to come back two days later and that they would be released once the investigations were over. The five young men were indeed released but Annama Nagamuthu was not. When the priest returned to the camp to ask about her he was told that Annama Nagamuthu was never arrested by them. Later he was told by another detainee that Annama Nagamuthu had been shot, although this has not been officially confirmed, and her body has not been found.

Often co-detainees were the only source of information for the family of the "disappeared" person. On the morning of 16 November the IPKF arrested six young men from the town of Valvettitturai, apparently acting on informants' information. One of those arrested was Munusamy Baburaj.

Another of the six men arrested with him has described how they were beaten and tortured to the extent that one of them died in detention. The survivors were then driven to a remote spot about 100 yards south of the Muniappar temple between the fourth and fifth mile post along the Valvettitturai--Jaffna road, and ordered to dig graves; Baburaj was told to get into the grave where he was shot by the IPKF officer:

"The Officer then informed us that Baburaj promised to show the LTTE camps but had not done so and if we too failed to keep our promises we would be brought there and shot. We were immediately asked to give particulars as to where the LTTE camps were located ..."

Despite this testimony, the authorities have not acknowledged Baburaj's death. His mother, in a statement of May 1988, says:

"I kept on going to the IPKF Camps at Udupidy, Polikandy, Puldy, Pallaly and Jaffna ... and made inquiries as to whether my son was held there but got replies only in the negative. The Valvettitturai IPKF Camp officers always told me that the inquiry against my son was not yet over."

To Amnesty International's knowledge, Munusamy Baburaj's body has never been found.

In a well-publicized case in Nallur, a 51-year-old woman Thangaratnam Sangaralingam, and her three daughters aged 10, 12 and 17, were detained on 12 November 1987 by IPKF soldiers who were using a neighbouring house as a base.

At first, they were held in the next house, then they were taken to another base. A relative was briefly detained and assaulted by the same unit who asked if she had come "to give a message to the 'Tigers'". She caught a glimpse of Thangaratnam Sangaralingam's 10-year-old daughter before being released -- the last that anyone saw of the mother or her children. Many inquiries were made at local IPKF Camps and at the Jaffna IPKF Town Commandant's office were made but on each occasion, the officials denied that Thangaratnam and her three daughters were in IPKF custody. Mrs. Thangaratnam Sangaralingam and her three daughters,

Chanthiraka, Kanagambikai and Kayathiro Vino.

Another common pattern was for IPKF troops to round up groups of young civilian men in the immediate vicinity of an LTTE attack. Early in the campaign, on 11 October 1987, around 5.30am, an IPKF vehicle hit a landmine in Alaveddy.

Five minutes later IPKF soldiers entered the house of Sinnarasa Sivapalan nearby and arrested him with his nephew, 18-year-old Thangavel Aathmanathan. Neither has been seen since. Aathmanathan had been sent away from his house in Trincomalee District because the family believed the area too dangerous for young men. Despite numerous appeals to IPKF and Indian Government officials, their relatives have not been given any information about their fate or whereabouts.

On 7 September 1988 two IPKF soldiers were shot and killed in Pandateruppu. Early the next morning the IPKF cordoned off part of the town and arrested all the able-bodied men in the area. George Alexis, a 29-year-old carpenter, was arrested with his brother-in-law. Later that day his wife, along with all the other wives whose husbands had been arrested, went to a nearby IPKF camp at Thottilady near Sandilipay. There she saw detained men being paraded past an informant in a sentry box; she recognized her husband in a group of about 15 who were separated off from the other detainees and marched off to the main camp at Pandateruppu. He has not been seen since.

In George Alexis' case the IPKF admitted that he was detained. On 10 September 1988 a group of his relatives went to the IPKF camp at Pandateruppu. They were told by the camp commandant, who gave his name, that George Alexis had been released at 4pm the previous day. He showed them pieces of paper with records of arrest; against George Alexis' name was a discharge entry apparently confirmed by a thumb print by George Alexis himself.

The family were puzzled by two aspects of this story. Firstly, George Alexis was an educated man, quite capable of signing his own name; to this, the IPKF officer replied that he had seemed "in a disturbed state of mind and was shivering and therefore could not place his own signature". Secondly, there had been an all-day curfew on 9 September, making it unlikely that the IPKF would have released a detainee to find his own way home. Despite these inconsistencies the IPKF have repeated this version of events: in a letter to George Alexis' wife in February 1989, Colonel Prakash Gokarn, Military Liaison Officer at the Indian High Commission in Colombo, has confirmed that George Alexis was arrested on 7 September but released on 9 September "since his behaviour was abnormal, and as he appeared to be mentally disturbed". He also said that George Alexis was no longer in IPKF custody and suggested "it is possible he has strayed on his way to your home". George Alexis' home is only 200 metres from the camp from which he was allegedly released.

In general the families of those who "disappeared" received little or no hard information from the military authorities. Many received advice from individual officers who provided them with chits to take to other camps where their relatives might have been detained, and many received form letters, either from IPKF Jaffna headquarters or from the Indian High Commission in Colombo, denying that the person in question was being held by the IPKF.

In a number of cases, though, families received confused or contradictory information from the Indian authorities. After the IPKF had searched his house and arrested a male relative in his place, Nadarajah Kirupakaran, a 19-year-old youth from Chunnakam, surrendered himself to the IPKF in the presence of members of the local citizens' committee on 23 February 1988. He was taken back to his house by Indian soldiers for a further search and assaulted in the presence of his mother. That day the mother spoke to the camp commander who told her that her son would be released the following day, but when she went to the camp the following day she was told instead that her son had been released the previous night, which would have been during the hours of the curfew. She has not seen her son again.

Thambaiyah Mathiswaran was a 20-year-old student arrested by the IPKF on his way to school in Nedunkerny, Vavuniya District on 31 October 1988. Various local people, including the teachers at Thambaiyah Mathiswaran's

school and members of a local citizens committee, went to the IPKF camp and spoke to a major about the case. On 2 November they were told that Thambaiyah Mathiswaran was not well and might have to be admitted to hospital; that same day the major also spoke to the Medical Officer at Nedunkerny hospital about admitting Thambaiyah Mathiswaran. On 3 November the family were first told to wait for Thambaiyah Mathiswaran at the hospital, but then told that he had instead been taken out "to a site to verify a statement he had made". On 4 November they were told that Thambaiyah Mathiswaran and those who had accompanied him had still not returned. On 8 November they were told that Thambaiyah Mathiswaran, who was thought sufficiently ill to require hospital treatment a few days earlier, had "escaped", and this was repeated by the major the next day. In February 1989 the family approached the IPKF commander in Vavuniya and he promised to make enquiries from the Nedunkerny camp. This time they were told that Thambaiyah Mathiswaran has been released. In June 1989 Colonel D.N. Sabarwal, Military Liaison Officer at the Indian High Commission in Colombo, wrote to tell Thambaiyah Mathiswaran's father:

"Your case has been thoroughly investigated and it is confirmed that your son was never apprehended by the IPKF and that he is not in their custody."

In May 1989, the father filed a habeas corpus petition in the Colombo court. Apparently the Attorney General of Sri Lanka refused to appear for the IPKF officers and said that his legal obligation to do so had not been properly set out in the petition of the complainant. The court accepted the Attorney General's argument and reportedly refused an application by the lawyer appearing for the father of Thambaiyah Mathiswaran to amend the petition. It was subsequently withdrawn.

A number of reports of "disappearances" linked to the IPKF mention that members of Tamil militant groups allied with the IPKF were also involved in detaining LTTE suspects. The IPKF soldiers who first searched the home of Nadarajan Kiruparakan (see above) were accompanied by young men in civilian clothes, identified by witnesses as members of a rival Tamil militant group.

In the only documented "disappearance" in Amparai District for which the IPKF are believed responsible, Thambirajah Devarajah was seized, on 19 July 1988, by a group of IPKF soldiers who were accompanied by the local leader of the People's Liberation Organization of Tamil Eelam (PLOTE). When the family made inquiries, the IPKF referred them to the local office of PLOTE, but PLOTE referred them back to the IPKF. At a meeting of the citizens committee, attended by Major H.N. Sharma of the IPKF, the PLOTE leader said:

"that he took [Thambirajah Devarajah] to Kanchikudy Aru to show the LTTE hide-out and as they approached the area there was heavy firing from the side of the LTTE. The IPKF and the PLOTE ran for safety while Thambirajah Devarajah was lost"

Thambirajah Devarajah has not been found.

On 31 December 1987 23-year-old Thuriappah Jeyarajasingham was arrested in Chunnakam by members of the IPKF accompanied by members of "Three Star" (a name given at that time to an alliance of anti-LTTE groups). He was brought back to his house where he was assaulted in the presence of witnesses. On 3 January 1988 his mother was told by a sentry at Chunnakam IPKF camp that he had escaped during the night. When the family drew their own conclusion and organized funeral rites for the boy,

they were told by the Indian authorities that he was still in custody. But another youth from the area who shared a cell with Thuriappah Jeyarajasingham (who, he says, was at that time no longer able to use his hands to feed himself) told the family that Thuriappah Jeyarajasingham had been taken away from the camp in a jeep by a group from "Three Star" accompanied by three members of the IPKF.

That was on 2 January 1988 and Thuriappah Jeyarajasingham has not been seen since. In a letter of 4 July 1988, Major Sarabjit Singh of the IPKF informed Thuriappah Jeyarajasingham's mother:

"After detailed investigation it is revealed that Mr T. Jeyarajasingham was released after interrogation. Since he was a supporter of the LTTE, it is likely that he may have joined the militants".

It is not clear why the IPKF would have released Thuriappah Jeyarajasingham if, as they claim, he really was a LTTE supporter.

Conclusions

Amnesty International believes that all cases of "disappearance" should be fully and independently investigated, and that the results of the investigation should be made public. The relatives of the "disappeared" have a right to know what has happened to their kin, and if security forces personnel are found to have been responsible for crimes resulting in the "disappearance", the government should ensure that they are brought to justice and that relatives are compensated.

Amnesty International is urging the Governments of India and Sri Lanka to investigate each case of "disappearance" for which the IPKF were reportedly responsible. The organization hopes that when conditions in Sri Lanka permit, the two governments will collaborate to ensure the full, impartial investigation of these cases. In the meantime, however, Amnesty International hopes the Government of India will investigate these reported "disappearances" as fully as possible, using all available military records and calling for evidence from members of the Indian Peace Keeping Force.

According to the 1989 report of the United Nations Working Group on Enforced or Involuntary Disappearances, 23 cases of "disappearances" which had occurred in Sri Lanka and for which the IPKF was allegedly responsible were forwarded to the Indian and Sri Lankan Governments during 1988. The Working Group explains that it decided to "bring them to the attention of the Indian Government, ..., motivated by the purely humanitarian objective of its mandate" and "hoped that investigations would be facilitated in order to clarify the fate and whereabouts of the persons reported missing." A further 13 cases were similarly submitted to both governments during 1989. To Amnesty International's knowledge, neither of the governments has so far responded to the Working Group with regard to these 42 cases. Amnesty International therefore urges both governments to cooperate with the UN Working Group and reply as soon as possible on the reported cases of "disappearances".

Appendix

"DISAPPEARANCE" CASES ARRANGED IN CHRONOLOGICAL ORDER

	<u>No.</u>	<u>DATE OF ARREST</u>	<u>AREA OF ARREST</u>	<u>NAME</u>
THANGAVEL		(1)	871011	JAFFNA
SINNARASA		(2)	871011	JAFFNA PONNAN
		(3)	871013	JAFFNA KUMARASAMY
		(4)	871013	JAFFNA ANTONY
SEBAMALAITHAS	(5)	871014	TRINCOMALEE	KARTHIGESU
THAMBIMUTHU	(6)	871019	JAFFNA	MANMATHARAJAN
PONNAMBALAM	(7)	871021	JAFFNA	KANDIAH
SRITHARAN	(8)	871021	JAFFNA	KANDIAH
MAHENDRARAJAH	(9)	871021	JAFFNA	KUMARASAMY
THULASITHASAN	(10)	871022	JAFFNA	SINNATHAMBY
MARIATHAS	(11)	871024	JAFFNA	POORANALINGAM
BALAKRISHNAN	(12)	871023	JAFFNA	SUBRAMANIAM
MURUGAR	(13)	871024	JAFFNA	THAMBIRAJAH
THAVENDRAN	(14)	871025	JAFFNA	NADARAJAH
SATHANANTHALINGAM	(15)	871025	JAFFNA	KANDIAH
SIVAPATHAM	(16)	871028	JAFFNA NADESALINGAM	SRI
RANJAN	(17)	871103	JAFFNA ARULIAH	SELVARAJAH
	(18)	871103	JAFFNA VELLAYAR	GNANAKUMAR
	(19)	871108	JAFFNA MANIKAM	KANTHASAMY
(20)	871108	JAFFNA APPAPILLAI	VIGNESWARAN	(21)
871108	JAFFNA THANGARASA	MAHENTHRA		(22)
871111	JAFFNA NADARASA	RAVINTHARAN SATHIS	(23)	871111
	JAFFNA SANGARALINGAM	THANGARATNAM	(24)	871112
JAFFNA SANGARALINGAM	CHANTHIRIKA	(25)	871112	JAFFNA
SANGARALINGAM	KANAGAMBIKAI	(26)	871112	JAFFNA
SANGARALINGAM	KAYATHIRI VINO	(27)	871112	JAFFNA
NAGAMUTHU	ANNAMMA	(28)	871116	JAFFNA
MUNUSAMY	BABURAJ	(29)	871116	JAFFNA
PARAMASAMY	PARAMANATHAN	(30)	871116	JAFFNA
SHANMUGARAJAH	VARATHARAJAH	(31)	871116	JAFFNA
PITCHAIMUTHU	SIVAGNAMAM	(32)	871117	JAFFNA
PONNIAH	KAANTHARUPAN	(33)	871119	JAFFNA
THANGARAJAH	YASOTHARAN	(34)	871217	JAFFNA
KANAPATHY	KATHIRGAMANATHAN	(35)	871226	JAFFNA
THURAIAPPAH	JEYARAJASINGHAM	(36)	871231	JAFFNA
KANDIAH	MAHALINGAM	(37)	880111	JAFFNA
NADARAJAH	KIRUPAKARAN	(38)	880223	JAFFNA
DEVARAJAH	THAMBIRAJAH	(39)	880719	AMPARAI
GEORGE	ALEXIS	(40)	880908	JAFFNA
THAMBIAIYAH	MATHISVARAN	(41)	881031	VAVUNIYA
PARAMANATHAN	THEVARUBAN	(42)	890513	JAFFNA
KATHIRESU	UTHAYANATHASIVAM	(43)	890515	JAFFNA

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SRI LANKA:

"DISAPPEARANCES" IN THE NORTHEAST UNDER THE IPKF

SARAN No. 9/90

Since the Indian Peace Keeping Force withdrew from the northeast of Sri Lanka at the end of March 1990, Amnesty International continues to approach both governments concerned with respect to human rights violations which took place during their deployment there.

Letter-writing to Indian Government authorities is part of the Sri Lanka campaign scheduled for 19 September 1990 till 31 December 1990. AI groups participating in the Sri Lanka campaign will among other things be writing about all allegations of human rights violations by the IPKF, including reprisal killings.

The purpose of this SARAN Action is to highlight reports of "disappearances" after arrest by IPKF personnel. The attached document tries to illustrate the particular aspects of "disappearances". We recommend that you concentrate your letter writing activities on the Indian authorities with direct responsibilities, namely the Minister of State for Defence and the Chief of Army Staff in New Delhi and the Indian High Commissioner in Colombo. Each of these officials should get at least five letters from each group during the term of the action. You may send copies of some of your letters to the Minister of External Affairs or to the representative of India in your country. It is also important that you write to the President of Sri Lanka, the Prime Minister, Minister of Foreign Affairs, Minister of Justice and the Minister of State for Defence, but less letters need be sent to them. (For addresses, see the attached lists).

Groups should write on behalf of individual cases of "disappearances" allocated to them by their SARAN Coordinator.

IN YOUR LETTERS TO THE INDIAN AUTHORITIES PLEASE RAISE THE FOLLOWING POINTS:

- acknowledge that the IPKF has now fully withdrawn from Sri Lanka;
- express concern at reports that while on duty in Sri Lanka, Indian military personnel are alleged to have committed human rights violations against Sri Lankan citizens, including extrajudicial executions, "disappearances", torture and arbitrary arrest;
- say that AI is aware that the IPKF was facing armed opposition and that many of its members died in armed combat with the LTTE;
- point out that internationally recognized human rights standards provide

that even "in times of emergency, the protection of human rights becomes all the more important";

- express particular concern that the relatives of . . . (name of "disappeared" allocated to your group) who was last seen in the custody of IPKF soldiers at . . . (give further details including exact place, date, camp, etc) have still not been able to establish his fate or whereabouts;
- request that the government investigate all reports of "disappearances" during the period when the IPKF were deployed in northeast Sri Lanka, if they have not already done so, and that the findings of any such investigations be made public;
- ask the Government of India to cooperate fully with the UN Working Group on Disappearances with respect to "disappearances" attributed to the IPKF;
- urge that, should any evidence emerge that IPKF personnel were responsible for "disappearances" or unlawful killings, they be brought to justice;
- request that, in such cases, adequate compensation be paid to the families;
- explain that you have written to the Government of Sri Lanka to make the same requests;
- express the hope that, when conditions in the northeast of Sri Lanka permit, both governments will collaborate to ensure the full, impartial investigation of these cases.

IN YOUR LETTERS TO THE SRI LANKAN AUTHORITIES PLEASE RAISE THE FOLLOWING POINTS:

- briefly introduce yourselves as members of an AI group in your country investigating a case of "disappearance" after arrest by the IPKF (give name etc.);
- say you have written to the Indian authorities and urged them to clarify the fate or whereabouts of those people reportedly arrested by the IPKF who are subsequently unaccounted for;
- express the hope that, when conditions in the northeast of Sri Lanka permit, both governments will collaborate to ensure the full, impartial investigation of these cases;
- welcome the fact that in October 1989 the Government of Sri Lanka invited the International Committee of the Red Cross to Sri Lanka and that the ICRC continues to work in the country; also welcome the fact that in December 1989 the government invited the United Nations Working Group on Enforced and Involuntary Disappearances to visit the country. Urge the Sri Lanka Government to continue to allow access to humanitarian and human rights organizations and to fully cooperate with them;
- request that the government appoint a fully independent commission of inquiry into all reports of "disappearances" regardless of where they have occurred, and that the findings of such investigations be made public;
- request that adequate compensation be paid to the families.

In your letters to both sets of government authorities you can quote General Comment 6 (16) of Human Rights Committee on Article 6 of the International Convention on Civil & Political Rights of 15 May 1989:

"State parties should . . . take specific and effective measures to prevent the disappearance of individuals, something which unfortunately has become all too frequent and leads too often to arbitrary deprivation of life. Furthermore, States should establish effective facilities and procedures to investigate thoroughly cases of missing and disappeared persons in circumstances which may involve a violations of the right to life."

LIST OF ADDRESSES

1. Indian authorities

Dr Raja Ramanna State for Defence Army South Block New Delhi 110 011 011 India	General S F Rodrigues Minister of Chief of Staff of the Army Ministry of Defence Headquarters South Block New Delhi 110
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His Excellency Dr Jha of India in Sri Lanka 110 011 Colombo 1	Mr Inder Gujral High Commissioner Minister of External Affairs 3rd Floor Ministry of External Affairs State Bank of India Building South Block Sir Baron Jayatilleke Mawatha New Delhi India Sri Lanka
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2. Sri Lankan authorities

His Excellency Ranasinghe Premadasa Secretariat P Republic Building Sri Lanka	The Hon Harold Herat President Minister of Foreign Affairs Presidential Ministry of Foreign Affairs Republic Square Box 583 Colombo 1 Colombo 1 Sri Lanka
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The Hon Ranjan Wijeratne Plantation Industries & Minister of State for Defence of Plantation Industries Sri Lanka Colombo 10 Sri Lanka	The Hon D B Wijetunga Minister of Prime Minister Prime Minister's Office Ministry 58 Sir Ernest de Silva Mawatha P O Box 1652 Colombo 7 No. 349 Galle Road
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TIMING OF THE ACTION

This action is scheduled to take place from mid-September 1990 to coincide with the start of the Sri Lanka campaign on 19 September 1990. Groups can continue letter-writing till the end of December 1990.

ALLOCATION OF CASES PER SECTION (SARAN Coordinators should divide further,

if necessary)

<u>Section</u>	<u>Cases</u> (Numbers correspond to those given in Appendix of document)
Australia	1-7 Austria
Belgium	8-17
25-36 Norway	18-24 Denmark
1-9 Switzerland	37-43 Sweden
16-35 Republic of Ireland	10-15 France
40 Japan	36-39 Luxembourg
1-11 FRG	41-43 Canada
35-43 Italy	12-34 USA
5-20 Netherlands	40-43 UK
	21-30

INTERNAL (for AI members only)

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SRI LANKA:

THE INDIAN PEACE KEEPING FORCE AND "DISAPPEARANCES"

SARAN No. 9/90

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference.

In addition please undertake as many of the following recommended actions as possible.

1. Sections and press officers are asked to distribute this document along with the research paper and/or the briefing that will be published at the start of the Sri Lanka campaign on 19 September 1990. This document is not under strict embargo itself.
2. Sri Lanka and India coordinators are asked to send a copy of this document to the representative of the respective governments in their country. Please refer to the conclusions in the document for suggestions of points to raise in your covering letter.
3. SARAN Coordinators and SARAN Groups will be sent more extensive Recommended Actions through the usual network.

DISTRIBUTION BY THE IS

This circular has been sent direct to the IS to:

- Sri Lanka Coordinators - India Coordinators - Campaign Coordinators - SARAN Coordinators for immediate transmission to SARAN Groups