

EXTERNAL

AI Index: ASA 37/28/95

This is a limited action. Please restrict appeals to 30 per section.

UA 273/95 "Disappearance" / Possible extrajudicial execution 11 December 1995

SRI LANKA Sivanantham Jayagothy (f), aged 29

Arumaithurai Athisdan, aged 17

Siripala Vickneswaran - killed

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Sivanantham Jayakothe and her cousin, Arumaithurai Athisdan, have been missing since around 6.30pm on 26 November 1995, when they left their home at Kannakipuram, Valaichenai, Batticaloa District to visit an aunt nearby who was ill.

Around 9pm, when Sivanantham Jayakothe and Arumaithurai Athisdan had not returned home, a relative, Siripala Vickneswaran, went looking for them. When he made inquiries from the aunt, she told him that the two had never arrived at her home. About 15 minutes after Vickneswaran left her house, a shot was heard. The next morning, Siripala Vickneswaran's body was handed over to the Valaichenai hospital by Valaichenai police. He was dressed in a camouflage uniform and had a cyanide capsule around his neck. (Amnesty International has documented previous cases where the bodies of civilians accidentally or deliberately killed by the army have been dressed in the uniform of the Liberation Tigers of Tamil Eelam (LTTE)).

A coroner certified the death, but no magisterial inquiry has been held into the killing. Police at Valaichenai allegedly refused to hand over the body to his parents unless they signed a statement saying he was a member of the LTTE. They refused to do so. With the help of the *grama sevaka* (village headman), they were finally able to get the body released on 28 November and bury him.

Since then, further inquiries have been made to try and establish the fate or whereabouts of Jayakothe and Athisdan. A local member of parliament and a representative of the Human Rights Task Force at Batticaloa were informed of their "disappearance". Inquiries were made with the Valaichenai police and the commander of the army at Valaichenai but both denied that they were in their custody.

According to unofficial sources, Jayakothe and Athisdan were seen in a jeep driven by the commander of the Paper Mill army camp on 29 November. However, as of 8 December, the army authorities continued to deny that the two are in their custody.

#### BACKGROUND INFORMATION

There have been several reports of alleged "disappearances" from Valaichenai area in the period September to November 1995 against a background of continuing armed conflict in the northeast of the country between members of the LTTE and the security forces. At least six people, including the two above, have been reported "disappeared" although the specific evidence about the identity of the arresting authorities is so far scant.

The area of Valaichenai in the east is an area with a mixed Tamil/Muslim population. The security forces control the town and the main roads in the vicinity; the LTTE is present in the villages in the surrounding areas. From there, the latter have repeatedly attacked military targets. For instance,

on 19 November, an army patrol guarding the railway line at Santiveli, south of Valaichenai, was attacked and 38 soldiers were killed. In reprisal for these killings, at least three civilians were reportedly extrajudicially executed by the security forces in the area.

Amnesty International is calling for a full, impartial investigation into the "disappearances" reported from this area in order to ascertain their fate or whereabouts. Those found to be responsible should be brought to justice and all necessary steps should be taken to prevent further "disappearances" and extrajudicial executions from taking place.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:**

- expressing fears for the safety of Sivanantham Jayakothy and Arumaithurai Athisdan, who reportedly "disappeared" on 26 November at Valaichenai, possibly after arrest by the army;
- urging that the government swiftly investigate their whereabouts and welfare, and make its findings public;
- calling for an immediate and independent investigation into the killing of Siripala Vickneswaran, and for anyone found responsible to be brought to justice;
- urging the government to ensure that the safeguards on arrest and detention recently introduced are fully implemented and that steps are taken to discipline any member of the security forces who fail to enforce them.

**APPEALS TO:**

Her Excellency President Chandrika Bandaranaike Kumaratunga  
 Presidential Residence  
 "Temple Trees"  
 Colombo 3, Sri Lanka  
**Faxes: + 94 1 33 37 03**  
**Telegrams: President Kumaratunga, Colombo, Sri Lanka**  
**Salutation: Your Excellency**

The Hon (Colonel) Anuruddha Ratwatte  
 Deputy Minister of Defence  
 Ministry of Defence  
 15/5 Baladaksha Mawatha  
 Colombo 3, Sri Lanka  
**Faxes: + 94 1 54 15 29 or 68 77 68**  
**Telegrams: Deputy Defence Minister, Colombo, Sri Lanka**  
**Salutation: Dear Minister**

W G Rajaguru  
 Inspector General of Police  
 Police Headquarters  
 Colombo 1, Sri Lanka  
**Faxes: + 94 1 43 89 15**  
**Telegrams: Inspector General of Police, Colombo, Sri Lanka**  
**Salutation: Dear Inspector General of Police**

**COPIES TO:** diplomatic representatives of Sri Lanka accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 January 1996.