

"I Speak without Fear..."

WHERE ARE OUR LOVED ONES WHO HAVE BEEN
ABDUCTED, ARRESTED, AND DISAPPEARED?



The Oakland Institute

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Acknowledgments

This report, authored by Anuradha Mittal, is based on research and fieldwork conducted between January 2014 and April 2015.

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We want to especially acknowledge people who met with us and shared their tragic experiences despite living in an atmosphere of fear and intimidation in a politically charged environment, prior to the January 2015 elections. This report is dedicated to them and the families of thousands of others who went missing during and after the war.

The views and conclusions expressed in this publication are, however, those of the Oakland Institute alone and do not reflect opinions of the individuals and organizations that have supported the work of the Institute.

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About this Report

In December 2014, the Oakland Institute carried out research and fieldwork in Sri Lanka in order to understand and document the state of land conflicts and displacement amid accusations of land grabs experienced by the Tamils and other minorities at the hands of the Sri Lankan army and the government. While investigating the land grabs, the research team witnessed discrimination, harassment by the police, and horrors of the civil war that continue to torment minority groups, especially the Tamils, even today.

During our fieldwork we heard and collected first-hand accounts of disappearances. Despite our focus on land issues, we heard testimony from fathers, mothers, wives, sons, and daughters about their missing loved ones. Six years after the end of the bloody conflict, they await answers to learn the fate of those missing.

The Sri Lankan government has worked hard to prevent this type of evidence from leaving the country's shores. Below we share a few of the many testimonies that the research team heard while conducting fieldwork. We felt it important to make public these testimonies with the intent that both the people of Sri Lanka who aspire for a truly democratic and peaceful society and the international community, which has been lackadaisical in its response, will take the appropriate and much-needed action. In the meantime, let this fact be known: While domestic and international observers have been praising the peaceful transfer of power in early January 2015, a silent war, impaled by cries of grieving family members, continues.



Subramaniam Ramachandran

In 2007, 37-year-old Tamil journalist Subramaniam Ramachandran, the regional correspondent for the newspapers *Valampuri* and *Yaazh Thinakkural*, was arrested by the Sri Lankan army at Kalikai Junction in Jaffna. Eight years later, Ramachandran's 85-year-old father and 83-year-old mother languish without news of their son while his nine- and twelve-year-old children wait for their father to return. As for his parents, they wail, "We want to see him before we pass away."¹

Lapped by azure waves, palm tree-studded beaches, and lush highlands, Sri Lanka has an international reputation as a tourism destination.² The bucolic scenes in travel brochures belie a bloody past mired in civil war and human rights concerns regarding minority groups, especially the Tamil population. The country has been dominated by the Sinhalese Buddhist majority since independence in 1948, and the Tamils have experienced decades of systematic discrimination. This repression and violence fueled the Tamil separatist movement in the Northern and Eastern provinces, which was eventually headed by the Liberation Tigers of Tamil Eelam (LTTE). In 1983, the country was plunged into a civil war, which ended in 2009 when the Sri Lankan army overran the last LTTE-controlled territory in the Northern Province. The 26-year-long war claimed some 200,000 lives,³ displaced more than a million people,⁴ destroyed infrastructure, and took a heavy toll on the lives and livelihoods of the population in the Northern and the Eastern Provinces of the country.

Six years after the end of the war, the nation has yet to heal. Continued military occupation of the Northern and Eastern Provinces and the conflation of "land, race, and religion" among the majority has denied basic economic, cultural, and political rights to the country's non-Buddhist minority groups, especially the Tamils. The horrors of war weigh upon the psyche of the nation. Worst is the absence of accounting for thousands who went missing during and after the war.



“In 1990, my mother went to the market. She, like the others, was disappeared by paramilitary leader Plote Mohan, who believed that the villagers were supporting the LTTE. We registered her with the missing persons to everyone, including the Red Cross. Even today, I don’t know where my mother is. I wait for her return.”

—Mr. Rasamanickam Sivasankar, resident of Puliyadimadu, Kannankudah⁵

“My son disappeared in Vakaneri in May 2007. He had gone to the river to get sand, but never returned home. The area was occupied by the army. I made complaints to the President’s Commission and registered him in missing persons. My son was 27 years old. Where I live, many are missing. There are too many conflicts between the Tamils, Muslims, and the Sinhalese, who were settled there by the government.”

—Mr. Vannamani Yogarasa, resident of Karuvakesni, Valaichenai⁶



“I am 38 years old. When I was 21, I went to the temple and never returned home. I had joined the LTTE. My mother died looking for me after four years. I heard about my mother’s death. But I could not return home. My return would have resulted in my family being punished by the security forces. So I stayed in Vanni.”

In 2002, I returned to Batticaloa as a combatant. At that time, peace was declared. We had no arms—LTTE women group was unarmed. In 2004, we were attacked by the paramilitary and the Sri Lankan army. I lost the use of my arms. I recovered in Jaffna hospital and was then moved to Vanni where I was educated at an Institute for the Disabled, run by the LTTE. I got married in Vanni and in January 2009 had a baby.

Towards the end of the war, we were in a bunker for four days. I was thirsty. My husband went to get water for me when the bombing started. My husband was wounded and taken away to the only hospital in Vellimullivaikkal. Even today I have no news of him.

I have made complaints to everyone. But there has been no response. I surrendered to the army and was taken to the IDP [Internally Displaced Person] camp. With my baby I returned to Batticaloa in October 2009 to live under the tin sheet temporary shelter provided by the UNHCR. My sister gave some of her land for me to live on. Only LKR 100,000 (\$752.66) was given to me to repair my house—when the policy is to give LKR 300,000 (\$2,257.98) to the war returnees for a house. My house is roofless, windowless, doorless. And now I am forgotten.

The government abuses the war widows. Government officials are protected by law but people are helpless.”

—Mrs. Sathees Jeyakumari, resident of Ampilanthurai North, Kakkaddicholai



“My husband was killed by the Sri Lankan army. He was dragged out and then killed for political reasons in 1990. I was given promises that I will have the truth but nothing has emerged. There is no transparency. We are voiceless. I live on my land under a tin sheet house. War victims have no support.”

—Mrs. Yogarasa Janaki, resident of Mankadu Cheddipalayam

“In 2008, my son was abducted by the paramilitary—taken away from his house in a white van. He had two young children. Even today we have no news of him. He had returned to the country after working in Qatar to save money for his family. I have made many complaints but no action has been taken. Two children are fatherless and I have no one to depend on.”

—Mr. Ponniah Kanapathipillai, resident of Kannakipuram Valaichenai⁸

“I live in a village near Pasikudah in Batticaloa. My 17-year-old son, Theepan, disappeared in 2006. I received information that he was seen working in an army base. I went there to look in 2014 but did not find him. I know he is alive, and that he is somewhere.”

—Mrs. Sinnathamby Meenadsi, resident of Kinnayady, Valaichenai⁹

“My husband was a vendor selling things on a bicycle. During the war we were displaced in the 1990s and lived in an IDP camp. He left the camp to get things from a fair to sell in the camp. But he was abducted by the SLA [Sri Lankan army]. Till today I have no news of him.

I have seen him in the army camp. But the army says that they do not have him and blame the LTTE. I registered the case of my husband with the ICRC and the government officers. But there has been no response. 24 years later, I am still struggling to live. I have five children. To make ends meet I pound paddy and sell rice and raise chicken. There is no one who can help. I live under the tin sheet shelter with no toilet facilities, access to water, or electricity. I remain hopeful that my husband will return home one day.”

—Mrs. Vinasithamby Ariyamalar, resident of Santhively Vinasiyar Rd, Kiran¹⁰



The Working Group on Enforced or Involuntary Disappearances (WGEID) of the UN Office for the High Commissioner for Human Rights recorded 5,671 reported cases of wartime-related disappearance in Sri Lanka.¹¹ However, this number does not include those who went missing in the final stages of fighting between 2008 and 2009. According to the Bishop of Mannar, Rayappu Joseph, an estimated 147,000 people, largely from the Vanni region, remain unaccounted for following the end of the war.¹²



Mullaitivu¹³

I have three children. On March 18, 2009, at 5:30 am, my husband and his friend were arrested while trying to surrender to the navy. A former LTTE combatant, my husband had left the Tigers in 2007. In 2009, he was no longer active, but I was still with the Tigers.

After their arrest, both my husband and his friend disappeared. A news article on their arrest appeared in a Tamil newspaper, which reported that the ICRC had made these arrests known to the family members. I have the ICRC report, and four reports I made to the police about my husband missing. According to the ICRC my husband cannot be found.

I was injured in April 23, 2009 so I went to Trincomalee with the hope to look for my husband. The navy officers informed me that he was there. As a mother

with three children, I was allowed to resettle in October 2010. I then received a call from someone who introduced himself as a CID [Criminal Investigation Department] officer and claimed that my husband will be released if I paid LKR 300,000 (\$2,257.98). I had no resources but I somehow collected LKR 100,000 (\$752.66) and arranged for a place to meet. I went with my children and family. I was told to deposit the money in the account of S.K. Samaraveera, at the Bank of Ceylon. I have the deposit slip. Five other families did the same.

An army commander visited me later and advised me not to deposit any more cash. I was taken to the police station where I registered a complaint. The phone number for the CID officer was switched off. The police filed a case. When the case was heard, I arrived late and was told the hearing had finished and there was nothing more.

For the last two months, I have not had visits from the CID. Previously, they visited me regularly. The Intelligence Unit, army, and police all came to enquire about my husband and the visits were always after 5 pm in the evening.

Yesterday at 4 pm, two men came to my workplace and warned me not to talk to anyone. They told me to stay indoors and not go out 'till January 8, 2015, the day of the elections.

I believe my husband is alive. Or why they ask so many questions about him? They tell me if I leave the village or go out, I have to report to them. I even informed the President's Commission but nothing came of it and I had to face harassment from the CID. My 13-year-old son asks about his father. I have to take him to the hospital twice a month. He does not speak to anyone. He has been silenced by the war.



In August 2013, then-President Mahinda Rajapaksa set up the Presidential Commission to look into complaints regarding missing persons. In July 2014, the Commission's mandate was expanded to investigate allegations of war crimes and violations of international humanitarian law by the LTTE and the Sri Lankan armed forces, thereby weakening its original mandate. By August 2014, family members of nearly 20,000 people, including 5,600 family members of Sri Lankan army personnel who went missing during the decades-long war, had petitioned the Commission.¹⁴



Jayakumari at a protest for the missing

The search for the loved ones has been met with intimidation, threats, and surveillance. Protests organized by the families of the missing were blocked by the previous government. In March 2013, families of the disappeared, who were travelling to attend a demonstration outside the UN building in Colombo that coincided with the submission of the US resolution on Sri Lanka at the UN Human Rights Council, were stopped at the Omanthai check post and detained in Vavuniya. A total of 700 individuals were kept under military detention.¹⁵

On March 10, 2015, Tamil activist Jayakumari Balendran was released on conditional bail—though she was never charged with a specific crime—after being held under suspicion by the Terrorism Investigation Division (TID) for more than a year while her 13-year-old daughter was kept in the custody of the child protection authorities.¹⁶ Balendran had been involved in efforts to find missing people from the war. Her own son was forced into the ranks of the rebel army as a child and has been missing since 2009, when he reportedly surrendered to government forces.¹⁷

In their search for loved ones, families have been offered compensation if they accept a death certificate for their family member. Refusal to accept the death certificate has meant additional expenses of pursuing justice (e.g. travel, accommodation, translation, etc.) while facing harassment from public officials.



Jayakumari Balendran's daughter, Balendran Vibushika, released from probationary custody in a children's home



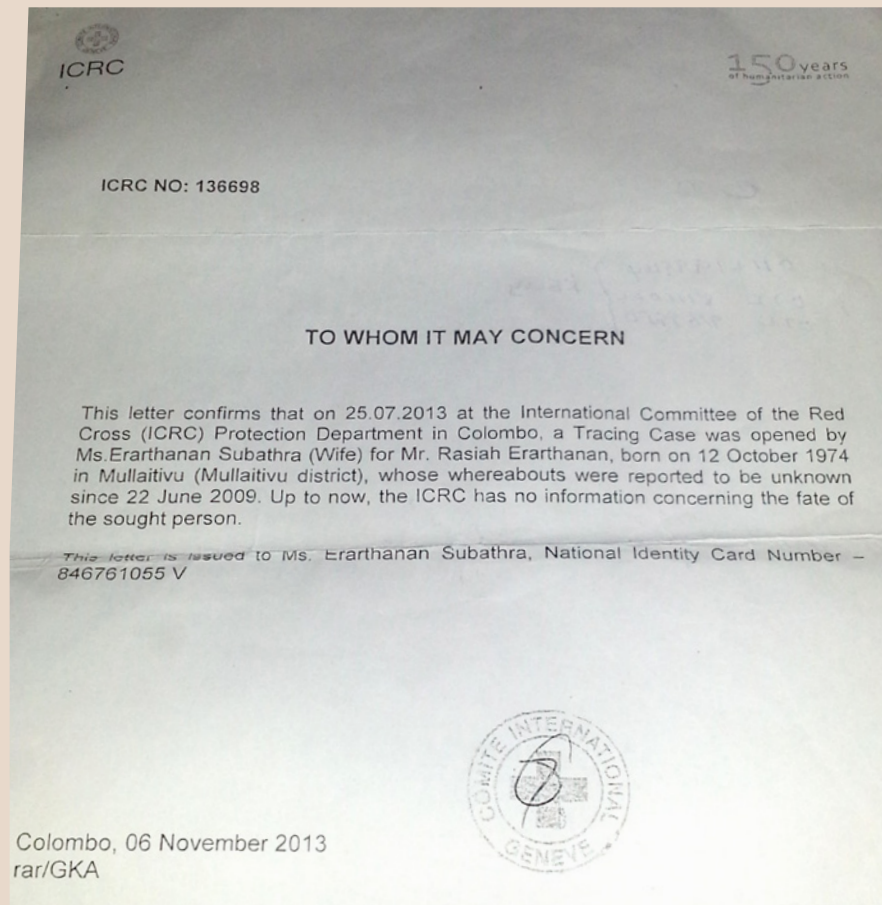
E. Subathra, Mullaitivu¹⁸

"I have been waiting for my husband for the last five years. Now that the government says that it has closed the file on my husband, I want to speak out for myself. I am tired of being silenced. I am no longer scared."

In May 2009, I handed over my husband, a trained engineer, to the army at Omanthai check post, after the UN negotiated a white flag surrender of the LTTE members with the Sri Lankan government. The ICRC gave me a letter attesting the same. He was in a detention camp in Vavuniya and family could visit him 'till June 23, 2009. He was then taken sick and was admitted to the Vanni hospital. His father served him breakfast on June 23, 2009. When he returned at lunch, my husband was missing. There is no record of my husband being discharged. When he was admitted, he was guarded by the police and army and could not have left without their knowledge.

continued





We looked for him in detention centers. We were later told that he had been taken for further inquiry but were not given any information to his whereabouts. I reported to the ICRC, the Human Rights Council, and to the army at Joseph's Camp. But not even a police report was provided of my complaint.

After his surrender to the army, my husband had reported special attention from the police. Following his studies in Colombo, he had worked in the harbor as a mechanical engineer. When a friend was arrested in Colombo in 2006, he mentioned my husband as being associated with the LTTE. The army then put our photos on the wanted list. So we were forced to change our names.

Following my husband's disappearance, I was called to Joseph's Camp for enquiry every month between April 2010 and July 2012. I would be asked many questions about our history and actions. On July 20, 2012, I was asked to come to the Mullaitivu police station and sign my husband's death certificate, written in Sinhala. In return I was offered LKR 150,000 (\$1,130). I refused to sign the death certificate and instead threatened to complain to the human rights organizations. I was warned not to do so. I was then called to Joseph's Camp many times to explain my refusal to sign and why I would not take the money. My explanation being that I need to know the cause of my husband's death.

continued





I even went to the Presidential Commission and provided the names of those who made enquiries of me. But I have been ignored. Very few of those who were handed over to the army in Mullivaikal had the ICRC report. I have everything. But justice evades my family.

Another enquiry took place on October 4, 2013. The Criminal Investigation Department (CID) provided the full history of my husband to me. In December 2013, I was called by the Terrorist Investigation Department (TID) who informed me of their decision to close the file. At the same time, they suggested that my husband might have escaped from the country, a most unlikely possibility.

Yesterday was my daughter's fifth birthday. She has not seen or met her father—she was born in December 2009. She knows about her father and has lived my struggle each day. Today my husband would have been 40 years old.

For him and my daughter, I speak without fear after being silent for five years. I need an answer . . . where is the father of my five-year-old?

In January, as the new government was sworn in, an open letter from the families of the missing to President Maithripala Sirisena asked woefully:

“We are the relatives of those who have been abducted, arrested, and disappeared by agents of the state or different armed groups. With our lives and emotions, in different ways, we have been searching for our loved ones who have not returned home, and who we believe are being held in illegal and secret ways.

In your 100 days programme of good governance why is there no space for us, and to date, no information about our loved ones who were abducted, arrested, and disappeared?”¹⁹





Mrs. Yogan Indradevi, resident of Arumugathan, Kudiyiruppu, Thannamunai

"In 1990, my husband was taken away from the IDP camp at the Eastern University campus. He was one of the 158 men who were rounded up, put on a bus, and then disappeared. Women tried to stop the bus, but we were assaulted."

I went everywhere to look for him, including the President's Commission, but there has been no response.

Three days after my husband disappeared, my son was born. He is now 24 years old.

I had to move to a village when the IDP camp closed. I lived in different camps for three years. No support was provided. In desperation, in 2000 I accepted the death certificate of my husband. No cause of death was given, but I did receive LKR 50,000 (\$375) in return. I did

not want to accept the compensation, but with my poverty I had no choice. My son completed his A levels, but is unemployed. He does porter work. For all these 24 years of hardship I was given LKR 50,000. I even sold my land to survive and now live on my sister's land. My husband owned a brickmaking kiln and bakery. Today all is gone. Only disease—diabetes and asthma—and questions about his whereabouts remain.



██████████, Trincomalee²⁰

"My three sons disappeared with the war."

My first son was only 22 years old when taken away by the navy in 2007. He was travelling with a friend to Mannar by bus. At the Mannar Ericalampity Navy check post, he was stopped. His friend, an eyewitness, reported the incident. I went to look for him at the navy camp, but was informed that he had been released after the enquiry. But he is yet to be found. I complained to the ICRC, UNHCR, UN, etc. but there has been no answer.

My second son, ██████████, was taken away by some unidentified people in 2008. We were living in the IDP camp, near the Chaya Blue resort in Trincomalee. They came in two three-wheelers with guns and took my son away in front of my eyes. UNHCR maintained that IDP camp, but the officers spoke Sinhala and could not be bothered to take action.

My third son, ██████████, disappeared in 2008 as well. He lived with relatives and worked at a hardware store. He was picked up by people in civilian clothes. He was only 20 years old. They tied his hands with a rope in front of his relatives and took him away.

continued



Endnotes

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- 2 "Best Trips 2012: Sri Lanka." *National Geographic*. <http://travel.nationalgeographic.com/travel/best-trips-2012/sri-lanka-photos> (accessed January 10, 2014). Also see "Best in Travel 2013—Top 10 Countries." *Lonely Planet*. October 23, 2012. <http://www.lonelyplanet.com/themes/best-in-travel/top-10-countries/> (accessed January 10, 2014).
- 3 Per the assessment of Strategic Foresight Group, the estimated number of civilian casualties through 2005 was 65,000. In addition, prior to the ceasefire agreement in 2002, the LTTE lost 14,000 of its cadres. A previous UN report on the war, which ended with the LTTE's defeat in May 2009, said that as many as 40,000 civilians were killed in the last months of the war. A UN internal review report published in November 2013 added that some sources cited credible information that more than 70,000 were "unaccounted for." However, Rev. Dr. Rayappu Joseph, Bishop of Mannar, in his submission to the Lesson Learnt and Reconciliation Commission (LLRC) in January 2011, referring to government documents, stated that 146,679 people were unaccounted during the final stage of the conflict. Therefore, it can be estimated that the total number of people killed during the 26 years of the war is more than 200,000. See: Strategic Foresight Group. *Cost of Conflict in Sri Lanka*. Mumbai, 2006; United Nations. *Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka*. March 31, 2011. http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed February 24, 2015); United Nations. *Report of the Secretary General's Internal Review Panel on United Nations Action in Sri Lanka*. November 2012. http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf (accessed March 21, 2015).
- 4 The Global IDP Project. *Sri Lanka: IDPs need more assistance to return in safety and dignity*. September 16, 2003.
- 5 Interview with the Oakland Institute. Batticaloa, December 14, 2014.
- 6 *Ibid.*
- 7 *Ibid.*
- 8 *Ibid.*
- 9 *Ibid.*
- 10 *Ibid.*
- 11 "Sri Lanka: Thousands missing three years after war ends." *IRIN*. May 18, 2012. <http://www.irinnews.org/report/95477/sri-lanka-thousands-missing-three-years-after-war-ends> (accessed January 15, 2015).
- 12 Srinivasan, M. "Missing persons commission has received 20,000 complaints." *The Hindu*. August 14, 2014. <http://www.thehindu.com/news/international/south-asia/sri-lanka-missing-persons-commission-has-received-20000-complaints/article6319149.ece> (accessed January 15, 2015). The Vanni, also spelled Wannai, is the name given to the mainland area of the Northern Province of Sri Lanka. It covers the entirety of Mannar, Mullaitivu, and Vavuniya Districts and most of Kilinochchi District. The population and infrastructure of the Vanni were severely devastated by the Sri Lankan civil war.
- 13 Interview with the Oakland Institute. December 17, 2014. Name withheld for security concerns.
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- 18 Interview with the Oakland Institute, Mullaitivu. December 17, 2014.
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