

**Report on
Enforced Disappearances
in Batticaloa District
(2006-2009)**



Human Rights Commission of Sri Lanka

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Introduction

The spate of enforced disappearances reported island wide over prolonged periods of time constitute a flagrant violation of human rights. People complaint this issues to various authorities. Such as special commissions which were established time to time by the Excellency Presidents, Human Rights Commission of Sri Lanka, Department of Police and International Committee of Red Cross(ICRC) etc.

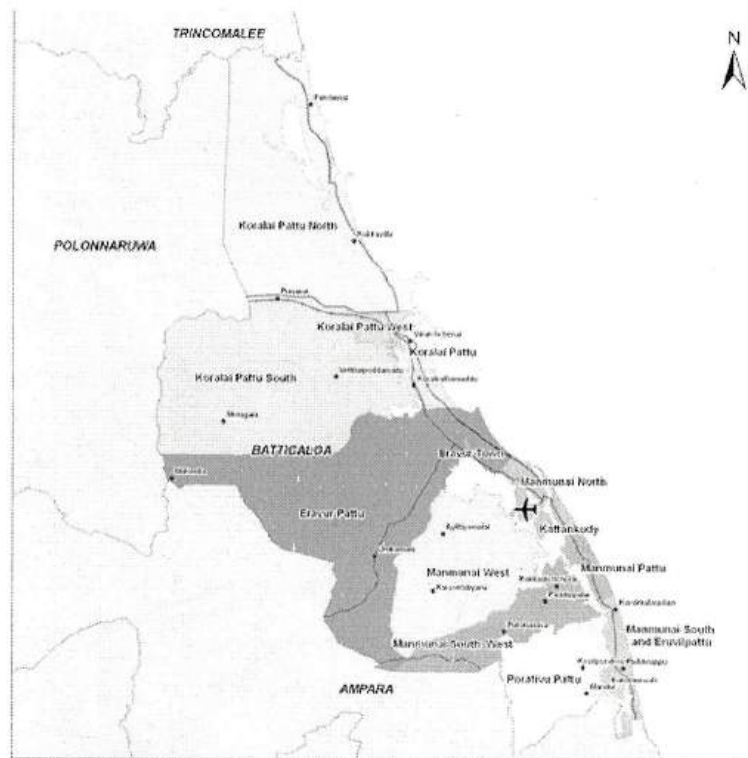
The HRCSL has accountability to handle the disappearances cases which were complained to the HRCSL. The present Commission gives fullest cooperation to inquire in to the cases of disappearances and appointed a special team to conduct inquiries related to disappearances in the Batticaloa District. These inquiries were conducted with the assistance of Batticaloa Regional Office. All ground works prior to the inquiries were arranged by the Regional Office. Civil society organizations helped to HRCSL to conduct inquiries as well as family members of the victims. The Team deeply concerned regarding the complaints, statements given by the people and statements given by the relevant authorities such as Police, Grama Niladharies etc. Special reports which were published national and international level during the period of 2006, 2007, 2008 and 2009.

This report was prepared basically on findings and observations of the team. The report analyzed various issues related to disappearances occurred in the Batticaloa District. It is hoped that this report reflects all the aspects of the disappearances. And also this report will be served as an instrument for policy discussions for those involved in the process, whether they are victims, NGOs, decision makers, judicial authorities, legislators, technical experts, or members of the international community.

CHAPTER 1: BACKGROUND

1.1 Batticaloa District

The district of Batticaloa occupies the Central part of the Province. It covers a land area of approximately 2633.1 square Km. and internal waterway of 229 square Km. the District accounts for 3.8% of the country total land area. The boundaries of the district are on North Verugal Aru and Trincomalee District, on East Bay of Bengal, in South and South West Ampara District and in West and North West Polonnaruwa District.



The total population enumerated in Batticaloa district is 515,857 in 2007. 74.0 percent of the population in Batticaloa district is Sri Lankan Tamils. Sinhalese and Sri Lankan Moor comprise of 0.5 percent, 25.0 percent respectively.

1.2 Batticaloa District Situation – 2006, 2007, 2008 and 2009

In 2006 also uncertainty has been continued in batticaloa district even though ceasefire agreement prevailed. In 2006 was the Supreme Court decision in ***N W M Jayantha Wijesekera and others V AG and others*** (SC application No 243-245/06) in which the North and East province demerged. This decision created tense further in the district.

LTTE closure in late July, 2006 of the Mavil Aru Sluice gate deprived, SL Army started the operation and broke that and released the water. In September SL army captured entire Sampur which is in the Trincomalee district as the result most displacement were in Trincomalee and Batticaloa. During this period abduction and harassment by both the LTTE and Karuna faction were identified as problems in some IDP camps. Due to this displacement nearly 32,000 IDPs mostly from Trincomalee District, trapped in Vakarai DS division¹. Alan Rock, a special Advisor to the special representative on children in armed conflict in his report noted that recruiting child soldiers by both LTTE and Karuna faction appeared. From 1st October 2006 to 31st August 2007, UNICEF received confirmed reports of 339 children being recruited or re-recruited by the Liberation Tigers of Tamil Eelam (LTTE), of which 41 per cent were from Batticaloa, compared with 679 children recruited in the preceding 11 months². Over 2006, the security forces captured eastern Trincomalee and intensified operation in Vaharai.

January 2007 SL forces captured Vaharai. Number of IDPs increased. The year saw the massive displacement of civilians in the east due to military operation carried out by the GOSL to take control of the area from the LTTE. The pressure of armed groups in the East and the militarization of civil administration contributed to deterioration of the rule of law in the region. The people of the east appeared to be struck between the various parties engaged in a contestation for power and control of the region.

2007 February both sides discharged its terms to the extent that the Sri Lanka Monitory Mission (SLMM). Structural failure of the Ceasefire agreement, gaps in effective protection of human rights.

On 11th April 2007, the government focus gained full control of the A5 road west of Batticaloa confining the LTTE to the Thoppigala jungle which is in the Batticaloa District, thereby bringing a major part of the Eastern province under government control. On July 11 with the fall of Thoppigala, the entire Eastern province came under government control for the first time in 14 years. There was increased presence and achieving of the LTTE breaking group TMVP in these periods.

¹ Sri Lanka state of Human rights 2007, Law and Society Trust

² UN Secretary-General's report on the situation of child recruitment for the period October 2006 through August 2007

16th January 2008, Ceasefire Agreement was terminated officially. The Tamil Makkal Viduthalai Puligal (TMVP) split into two factions in 2008. These groups which are named after their respective leaders are referred to as the Karuna and Pillayan TMVP factions. The TMVP factions are the dominant government aligned paramilitary groups in the Eastern Province of Sri Lanka³.

Provincial council election was held in May 2008, TMVP jointly contested with government. While the Government pointed to the election as an example of its commitment to democracy and pluralism, political observers and the international community remained cautious. The election process was deemed corrupt⁴. The report quotes Brad Adams, Asia director at Human Rights Watch, who states: "The Sri Lankan government says that the 'liberated' East is an example of democracy in action and a model for areas recaptured from the LTTE. But killings and abductions are rife, and there is total impunity for horrific abuses".⁵

Violence between Tamils and Muslims was kept to a minimum since June 2008, but tensions between the communities over land and political power remained high, and there seems little prospect of reconciliation so long as current government policies remain in place. Tamils are largely alienated from the government, thanks to the heavy hand of government security forces and TMVP activities. Many Muslims feel threatened by TMVP control of the provincial council and what they see as Tamil domination of the provincial administration⁶.

On 21 August 2008 murder of one of a small number of Sinhala students at Batticaloa Eastern University led to the transfer of all Sinhala and Muslim students from the eastern campus. The 16 November 2008 killing of a Sinhala doctor working at the Navatkuda hospital in Batticaloa district forced the temporary withdrawal of all Sinhala government doctors from the east⁷.

As of December 2008, over 115,000 people have been resettled in Batticaloa according to UNHCR.

During the second half of 2008 and early 2009 have also seen a growing number of LTTE attacks in the east, both against the TMVP, including some apparently successful

³ Country advice, Australia government LKA 36970 18 July 2010

⁴ Sri Lanka state of Human Rights 2009-2010, Law and Society Trust

⁵ Human Rights Watch 2008, 'Human rights situation deteriorating in the east', 24 November – Attachment 6

⁶ http://www.crisisgroup.org/~media/Files/asia/south-asia/sri_lanka/165Development%20assistance_and_conflict_in_sri_lanka___lessons_from_the_eastern_province.ashx

⁷ Jamila Najmuddin, "Life in the East, a far cry from normal", *Daily Mirror*, 10 December 2008.

attempts to infiltrate TMVP offices, and against the police, army and civil defence personnel.⁸

In 2009 too para military politico group functioned. On 23rd January 2009 *Zee News* reported that "[f]ive Sri Lankan soldiers were injured in eastern Batticaloa when LTTE attacked an army foot patrol last night, the Media Centre for National Security (MCNS) said. The injured have been admitted to the Polonnaruwa hospital in the region"⁹

UNHCR Spokesman Ron Redmond says aid agencies have been working to provide the returnees with shelter, jobs and non-food relief items. He says the recent series of killings, abductions and injuries in eastern Sri Lanka is very worrying and is putting the return process at risk. Redmond says there are many armed groups running around in this area, making it a difficult to ensure security. Nevertheless, he says something must be done to ensure the safety of the people. He says returnees in the Batticaloa area that report they increasingly feel intimidated and face restrictions on their movement. He says this limits their ability to support themselves and their families. He says more than 50 families have already left their villages due to fear and insecurity. Others, he says are no longer sleeping in their own homes. Instead, several families gather in one house at night for security.¹⁰

An unidentified gang shot another two civilians who went into the jungle area at Unnachchiya in Batticaloa killing one of them. Batticaloa police said that one civilian was killed due to the gun shots to his head and other was critically injured. According to the sources the two victims had entered the jungle in the area to collect fire woods. Suspected Tamil Tigers hacked to death three civilians tending to cattle in a village near the Eastern Province border two days ago. Police believe Tamil Tigers hiding from the security forces are killing the innocent civilians who venture into the jungles for their daily work.¹¹

A report dated 28 December 2009 published by *The Colombo Times* indicates that some TMVP members were arrested for theft. According to the report six TMVP members and eight other individuals were taken into custody for "looting gold jewellery and money worth lakhs in several houses in Batticaloa and Kalkudah police areas". The report states that "on information received by the suspects the Police have recovered T 56 firearms, hand bombs and a section of the robbed gold jewellery".¹²

Therefore uncertain situation was continued in the Batticaloa during 2006, 2007, 2008 and 2009. Above mentioned incidences were clearly justifying the situation of Batticaloa

⁸ See Jamila Najmuddin, "Life in the East, a far cry from normal", *Daily Mirror*, 10 December 2008

⁹ <http://www.zeenews.com/southasia/2009-01-23/501184news.html>

¹⁰ 11 January 2009 *Voice of America* reported UNHCR's concerns "about the worsening situation in the eastern part of Sri Lanka".

¹¹ On 20 January 2009 *Colombo Page* reported on the murder of civilians in Batticaloa:

¹² „Six UPFA members in custody for theft“ 2009, *Colombo Times*, 28 December

District. Displacement was taken place due to Army operation. And also para military group's activities were very significant. Not only para military group LTTE also functioned.

1.3 Trends in Disappearance in the Batticaloa District

"Enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.¹³ Enforced disappearance is a particularly cruel human rights violation; a violation of the person who has disappeared and a violation of those who love them. It is a continuing violation which persists often for many years after the initial abduction.

Enforced disappearance is a crime under international law. Every enforced disappearance violates a range of human rights including:

- the right to security and dignity of person
- the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- the right to humane conditions of detention
- the right to a legal personality
- right to a fair trial
- right to a family life
- when the disappeared person is killed, the right to life

An enforced disappearance takes place when a person is arrested, detained or abducted by the state or agents acting for the state, who then deny that the person is being held or conceal their whereabouts, placing them outside the protection of the law. Very often, people who have disappeared are never released and their fate remains unknown. Their families and friends may never find out what has happened to them. If the person does not die and is eventually released, they may continue to suffer for the rest of their life from the physical and psychological consequences of this form of dehumanization.

¹³ Article 2 Of International Convention for the Protection of All Persons from Enforced Disappearance

During the 2006, 2007, 2008 and 2009 period significant amount of disappearances recorded in Batticaloa districts. According to the statements of the complainants the perpetrators of disappearance were state forces or agents acting for the state like TMVP, Karuna etc. LTTE also abducted the people during this period and after that they were missing. Abduction and missing one of the approach use by the perpetrators to suppress the LTTE or other armed force activities in particular area. Normally they targeted LTTE carders, Ex LTTE carders, LTTE supporters etc. this was vice versa by the LTTE who helped to Security forces and paramilitary groups. These acts were created indirect warning to public if anybody involve against to them this will be happened to you also. Most of the disappearances are noted conflict related and very few other disappearances. It was observed during the period of 2010 and 2011 number of disappearances were reduced comparatively 2006, 2007, 2008 and 2009.

1.4 Human Rights Commission of Sri Lanka (HRCSL)

The Human Rights Commission of Sri Lanka (HRCSL), under the provisions of Article 11 (h) of the HRCSL Act no. 21 of 1996, retains a power to inquire and investigate into incidents of this nature, and has exercised such power on two instances, in 2002-2003 and 2006 – 2009 respectively. The three member committee appointed in December 2002 was entrusted with the inquiry into an investigation of complaints received in relation to disappearances in the Jaffna, Kilinochchi, and Vavuniya Districts during the period 1990 – 1998. The findings of the relevant committee were compiled into a report in October 2003.

The second such three – person committee, appointed in November 2006 was entrusted with enquiring into the 2210 disappearances reported to have taken Place Island wide in the period 1980 – 1999, and a report was published in October 2009.

At present, the head office of the HRCSL is enquiring into enforced disappearances reported in the period of 2006 – 2012, while its regional offices continue to conduct preliminary investigations in relation to complaints received.

Accordingly, the final inquiry into complaints received by the Batticaloa Regional Office was held from 8th to 10th May 2012 in the presence of complainants, police officers and Grama Niladhari Officers. Several Civil Society Organizations were also represented, as observers. The enforced disappearances which took place in the period 2006 – 2009 were collectively inquired into on this occasion.

1.5 HRCSL's Inquiry at Batticaloa District

HRCSL's Batticaloa Regional office received Abduction and Disappearances cases in 2006, 2007, 2008 and 2009. Table 1 show cases received during these periods.

Table 1: Cases received in 2006 -2009

Year	Number of Complaints
2006	143
2007	373
2008	197
2009	155

Higher number of complaints recorded in year 2007 due to heavy operation took place in the Batticaloa district. People scattered and stayed different welfare centers in the Batticaloa. Para military groups also functioned prominently during this period. Meantime LTTE also intrusive those areas and carried out their activities.

HRCSL regional office handled these complaints and inquired. They faced difficulties to carry out the complete inquiry due to uncertain situation prevailed in the district.

1.6 Preliminary Inquiry in 2011

Again preliminary inquiry started in 2011 by the Batticaloa regional office. Letters were sent to all the complainants who filed the complaints to Batticaloa Regional Office. But only 516 complainants responded after the HRCSL's petitioner calling. Table 2 shows details. 43 letters were returned and 309 complainants did not response. The reasons were petitioners changed their addresses; some were at IDP welfare centers and returned to their own places, some left the country and some were not interested to continue the inquiry.

After the preliminary inquiry 272 persons traced or returned home (*see annexure I*). 24 persons are in the detention centers (*see annexure II*) and 16 bodies identified by the relatives (*see annexure III*). According to preliminary inquiry 204 persons are still missing. During this preliminary inquiry complete statement was recorded from petitioner and relevant documents were collected such as affidavit, birth certificate, police complaint, Grama Niladhari certification etc. This preliminary inquiry was supported to confirm the missing and avoid the false complaints to the HRCSL.

Table 2: Details of Disappearance Complaints in Batticaloa District

	2006	2007	2008	2009	Total
Complaints of Disappearances	143	373	197	155	868
Letters posted	143	373	197	155	868
Letters returned	11	19	05	08	43
Traced	49	104	84	35	272
Detention	03	06	11	04	24
Body identified	10	03	03	-	16
No responses given by complainant	58	156	43	52	309
According to complainant response still Missing	12	85	51	56	204

Batticaloa Regional Office categorized the disappearances cases based on police areas after the preliminary inquiry.

1.7 Special Inquiry

A Special Committee was appointed by the Commission to inquire into the disappearance cases in the Batticaloa District. Inquiry was scheduled to be held on 08th, 09th and 10th May 2012

The Committee summoned Police Department (see annexure IV) and Grama Niladhari (see annexure V) who are working at grassroots level. Civil Society activists also participated as independent observers. Table 3 shows that the details of the complaints handled by the Committee. Out of 204 complaints 182 cases were inquired. (See Annexure VI a & b)

Table 3: Disappearance complaints handled by the Committee

	2006	2007	2008	2009	Total
No of complaints received by the Committee	12	85	51	56	204
Lack of details	02	08	05	-	15
Refer to other HRCSL head office and regional offices	02		04	01	07
Number of complaints inquired	08	65	45	55	182

Significant amount of disappearances complaints were recorded in Batticaloa, Eravur and Wellavelly Police areas. Police area wise complaints shows in Table 4

Table 4: The police area wise where persons had disappeared in the Batticaloa district

Police Area	2006	2007	2008	2009	Total
Batticaloa	01	19	03	10	33
Eravur	02	18	04	09	33
Valaichchenai	01	12	-	-	13
Kalkudha			03		03
Vaharai			01		01
Karadiyanaru			03	06	09
Aitiyamalai		04		07	11
Vavunathivu		05	06	03	14
Kalawanchikudy	03	06	12	06	27
Kathankudy	01	05	06	05	17
Vellawely		05	07	09	20
Kokatticholai		01			01
	08	65	45	55	182

CHAPTER 2 : THE COMMITTEE'S FINDINGS AND OBSERVATIONS

2.1 PROFILE OF THE DISAPPEARED

2.1.1 Wellavelly Police Area

During 2007, 2008 and 2009 period civil administration was officially taken place in Wellavelly Police area. These areas security was provided by the Special Task Force (STF). According to the statements of the petitioners following STF Camps functioned at Wellavelly police area such as Thanthamalai, Bakkiyalai, Malaikadu, Mavadimari, Kovilporathivu, Kakachivettai and Palayadivettai. All the abductions and disappearance occurred surrounding of these camps. They also mentioned that LTTE and LTTE fragment of TMVP, Karuna Group and other unknown groups also functioned actively.

According to the complainants' statements and other observations most of the victims who were arrested or abducted and missing are;

- Ex LTTE carders
- Provided assistance to LTTE (eg. Meal)
- Ex members of LTTE police services
- Maintained good relationship with LTTE
- Relatives of LTTE members
- Members of the other armed groups. (Such as TMVP)

According to the statements of the complainants and witnesses some of the perpetrators dressed in more or less similar to army, police uniforms or Khaki uniforms and civil. Some of them were speaking Tamil well and some broken Tamil and the others were speaking Sinhala. Some of them were abducted by white vans or motor bikes.

At the inquiry most of the complainants had mentioned about a person called "Arjuna" (nickname) STF who could able to speak Tamil and he had close relationship with public in these areas and collected information. Further noted that STF round up and security operation took place before and after the abductions of most of the victims. Most of the incident pattern was more less same. Majority of the victims had connection with LTTE. Therefore close STF supervision were there such as STF ask the victims to sign at STF camps. Table 05 shows the details of arrest, abduction and missing. According to the table three persons were missing after the arrest by the STF. Due to critical situation most of the witnesses were reluctant to give statements.

Table 5: Deatails of Wellavelly Police Area

Name	Arrest	Abduction	Missing
Thangarasa Shamugarajan			✓ (Bike and milk can cover found)
Muthulingam Jegamon		✓	✓
Selvarasa Saththiyananthan		✓	✓
Manikkapody Ranjithan	✓ STF		✓
Maniraja Suntharajanraja			✓
Thavithappu Ramesh		✓	✓
Kanthaiya Thavarasa	✓ STF Kovilporath ivu		✓
Arumugam Gnanasheharam	✓ STF Kovilporath ivu		✓
Shangarphillai Shanmuganathan			✓
Kalithasa Kanniyathan		✓	✓
Vellachchi Thangarasa		✓ Motor bike found	✓
Rasathurai Kanthan		✓ Palayadivet tai STF	✓
Ramalingam Yuvendran			✓
Nallathamby Rajeswary		✓ White van	✓
Vijakumar Jeniskanth		✓	✓
Alahaiya Satheeskumar		✓	✓
Murugamuthu Uthayakumar		✓	✓
Sellathamby Pasharan		✓	✓
Kanthaiya Kumarasamy		Abduction motor bike	✓

2.1.2 Valaichchena Police Area

During the 2006, 2007, 2008 and 2009 the Valaichchena Police area came under the government administration. According to the petitioners' statements TMVP and Karuna group functioned actively in this area.

Table 6: details of Valaichchenai police area

Name	Arrest	Abduction	Missing
Arumugam Srimohan			✓
Sivolingam thevathas			✓
Samsudeen Musdakeen			✓
Vadivel Paskaran			✓
Izzadeen Safras (H.G.)		✓ (White van)	✓
Abubaker Ilyaz (H.G.)		✓ (White van)	✓
Abubaker Naufar (H.G.)		✓ (White van)	✓
Ilyaz Abdul Kather		✓ (White van)	✓

According to the petitioners' statements Izzadeen Safras, Abubaker Ilyaz and Abubaker Naufar had close relationship with security forces. They were home guards. Abubaker Ilyaz worked at National Information Bureau (NIB). According to the complainant Karuna group shot him and injured. After that he was admitted to Army Hospital, Narahenpita. Further he was promoted as a police officer after his disappearance. Abdul Kather, he had close relationship with Ilyas. According to circumstances and statements of petitioners this incident was well planned.

2.1.3 Kalkuda Police Area

Kalkuda Police area is also a government civil administration even though according to the situation reports and statements of petitioners TMVP and Karuna Group actively functioned in these areas. One victim was a former LTTE carder and other two were fishermen. They also had some dealing with armed group. Perpetrators spoke Tamil well and also they spoke in Sinhala as well.

Table 7: Details of Kakudha police Area

Name	Arrest	Abduction	Missing
Kanapathipillai Vasanthakumar	✓ (TMVP)		✓
Kanapathipillai Navarednar		✓	✓
Rasaiya Kamalarasu			✓

2.1.4 Ayithiyamalai Police Area

Ayithiyamalai Police Station established in 2007. But they were unable to function properly due to insecurity. But STF was in charge for over all security of these areas. According to statements LTTE and other armed groups such as TMVP, Karuna Groups were functioned these areas. LTTE threats were also noted in these areas.

Abductions were taken place by the white vans. Perpetrators came with civil, some dressed in cloths like police uniform with black colour mask. They spoke Tamil language as normal Tamil persons speak. And also observed STF round up/searching operation took place before or after the abduction.

Table 8: Details of Ayaithiyamalai police area

Name	Arrest	Abduction	Missing
Panerselvam Karunakaran		✓ White van	✓
Chandrasheharam Arlvaj		✓ White van	✓
Arunachalam Kanagalingam		✓	✓
Sivasupramaniya Illangarasa			✓
Seenithamby Lavaneethan			✓
Thambirasa Mulukesu			✓
Kanapathipillai Thavarasa			✓
Srishkuntharaja Vijayarajan			✓
Alagaiya Kokilannathan			✓
Suppaiya Velusuman		✓	✓
Kanapathipillai Parasuraman			✓

2.1.5 Kalawanchikudy Police area

Kalawanchikudy Police area is controlled by the government. Kalawanchikudy area was under the STF supervision. Paddiruppu bridge is one of the important bridge which connects Paduwankarai and Elluwankarai. STF's check point was at Paddiruppu Bridge. Generally they screen the people who enter either Paduwankarai or Elluwankarai. Meantime Karuna Group' activities also noted during these period. Paduwankarai area LTTE activities were also noted. Due to above reason STF monitoring closely when people cross the bridge. According to the complainants statements there were few disappearance recorded near the bridge.

In some incidents same pattern of behavior was observed. STF searching was taken place just after or before abduction.

Karuna group involvement noted that get ransom and personal disputes such as land issues.

Table 9: Details of Kalawanchikudy Police area

Name	Arrest	Abduction	Missing
Sellaiah Tharmalingam			✓
Markandu Yogarasa			✓
Verapathiran Vyramuttu			✓
Thilakaratnam Uthayakumar			✓
Seenithamby Thavarasa			✓
Kunasekaram Laksmanan			✓
Poobalasingam Sritharajah			✓
Poonampalan Ravindran		✓ (White van)	✓
Ravi Kritharan		✓ (White van)	✓

Verapathiran Vyramuttu was a Sports Officer at Kalawanchikudy Divisional Secretariat. According to the petitioner's statement that her farther had a land problem with his brother's son. He was a member of Karuna Group. He usually goes to STF camps at Kalawanchikudy and gave information about sport officer. He said that when he was at Jaffna he had linked with LTTE. This issue coursed for the missing.

Another issue was ransom by Karuna group according to the petitioner statement that Weera (Nick name) who was the Karuna's body guard asked ransom from Victim Mr. Seenithamby Thavaraj. He was ex LTTE cadre. In 1999 STF Karaithivu arrested and detained from 1999 – 2003. After that he stared business with the assistance of wife and ran smoothly. The person who was in the Karuna Group asked ransom from him but

He refused it. After that he was abducted. Again 28.12.2008 shop stolen by the unknown people worth of Rs. 200,000/-. Wife of missing person suspected Karuna Group.

2.1.6 Batticaloa Police Area

Batticaloa Police area controlled by the government during 2006, 2007, 2008 and 2009 period. Paramilitary groups were also there. Some of the abductions were taken place near the police station or air force camps or STF camps. Some of the disappearances were occurred due to indirection. Some people displaced from Muthur area. During this displacement LTTE did not allow young people to go to Batticaloa. Therefore few young people choose jungle route to escape from LTTE and go to Batticaloa welfare centres. When they cross the jungle they were missing.

According to the statements Perporators more or less wore uniform as like police but no batches. Some were in civil covered with black masks. But they spoke in Tamil well.

Table 10: Details of Batticaloa Police Area

Name	Arrest	Abduction	Missing
Thevarasa Tegaatheepan		✓ (White van)	✓
Karalasingam Kantharupan			✓
Veeraiya chandrakumar		✓	✓
Santhakumar Thirukumaran			✓
Sivagnaselvam Sankaratheepan		✓	✓
Arasan Shahayanathan			✓
Muruguphillai Emanuvel		✓ (White van)	✓
Perumal Sukirtha			✓
Sinnapodiyar Kanapathipillai			✓
Kurukulasingam Yogavel			✓
Yohendran Yoshan	✓ (Police)		✓
Mahesan Bernold	✓ (Police)		✓
Thavaraja Harimugunthan	✓ (Police)		✓
Silvester Fernando Prasanth	✓ (Police)		✓

Non – conflict Related Disappearance

The Batticaloa police area four cases recorded. Those were not related to conflict related disappearances. Yohendran Yoshan, Mahesan Bernold, Thavaraja and Silvester Fernando Prasanth were arrested with other three friends by the Police as suspects of kidnapping and murdering of a child. Police arrested eight suspects at Nalapakam Garden, Batticaloa. According to the statements of complainants a person called Nirmalan released by the police with the influence of superior of police and he went abroad. Other seven were under the custody of Batticaloa police.

According to the police sources on 05.05.2009 the police brought three suspects to show the weapons which were hid by them. At that time suspects try to attack the police without any option police shot three suspects and bodies found behind the Kaliyankadu cemetery. There was no information about other four. According to the police statement that police did not arrest them.

Mean time this child's murder issue was shaken entire Batticaloa District. At the time Parents scared to send their children to schools. This situation seriously influenced the missing of the four people and death of three suspects. Meantime HRCSL Batticalao regional office staff met DIG Edison Gunathilake at his office. According to HRCSL officer's statement that he specifically mentioned the he won't allow terrorism activates further in the Batticaloa District. According to witness statement all the suspects' brought to the Batticaloa police station.

2.1.7 Eravur Police Area

Eravur Police area was under the control of government administration. Security forces had responsibility to provide security to this area. Meantime armed groups like TMVP and Karuna group actively functioned in this area. According to the statements and circumstance TMVP involvement was very prominent. Few incidents noted that victim directly handed over to TMVP on their request. Number of people pointed out that their names also. Some victims were abducted by white vans. TMVP leaders Kather (Nadarajah Sathesraj) Kumar and Neelam functioned with nick names and involved some of these incidents.

Table 11: Details of Eravur Police Area

Name	Arrest	Abduction	Missing
Krishnapillai Murugeswaran		✓ (White van)	✓
Sivalingam Indran			✓
Ganesan Dilrukshi		✓	✓
Ravichandran Jeevaraj		✓ (TMVP)	✓

Kulasingam Chenthuran		✓ (TMVP)	✓
Sothinathan Rakunathan			✓ (handed over to TMVP)
Thavarasa Sureshkannan		✓ (white van)	✓
Thavarasa Kalaichenthuran (child)		✓ (white van)	✓
Shanmugarasa Chandrakasan (Child)		✓ (white van)	✓
Shanmugam Kulasheharan		✓ (TMVP)	✓
Krishnakumar Sathiskumar (Child)		✓ (white van)	✓
Sathasivam Rajan			✓
Shanmugam Sachitanantham		✓ (TMVP)	✓
Seevarednam Sivalavan		(TMVP)	✓

2.1.8 Kattankudy Police Areas

Kattankudy Police Areas was controlled under the government administration in the years 2006, 2007, 2008 and 2009. Security forces had the responsibility to provide security of this area.

Table 12 : Details of Kattankudy Police Area

Name	Arrest	Abduction	Missing
Thavarasa Mathanarupan			✓
Kailayapillai Kugathanan			✓
Kanapathipillai Lingewaran			✓
Sundaramoorthy Jeyaranjan			✓
Periyathamby Murugamoorthy		✓ (white van)	✓
Myilvaganam Nimalleswaran		✓ (white van)	✓
Thevanantha Lukshman			✓
Periyathamby Uthayakumar	✓ (STF)		✓
Kanapathipillai Pushparasa		✓	
Nallathamby Rubesan			✓
Sinnathamby Thangeswaran			✓
Nvarednam Kanthan			✓

Raveendran Rajatheepan			✓
Kunarednam Suthaharan		✓	✓
Vyramuthu Nallathamby			✓
Thevathasan Jeyakanthan			✓
Sivapalan Jeyaprasanth			✓
Rajathurai Rajamenan			✓

2.1.9 Vaharai Police Area

As per the account provided by the victim's wife, Satkunedevean, a thirty year old father of one school going child, had set out to a paddy field with three others in order to procure work. He had failed to return home following the completion of work, and had last been seen in Verukal on 16th June 2007.

Table 13 : Details of Vaharai Police Area

Name	Arrest	Abduction	Missing
Velayutham Sartkunathevan			✓

2.1.10 Karadiyanaru

Karadiyanaru Police Area was uncleared in 2006. After the year 2007 this area was under the control of government administration. According to the statements given by the petitioners most of missing and arrest had been done by the STF.

Table 14 : Details of Karadiyanaru Police Area

Name	Arrest	Abduction	Missing
Subramaniam Ravichandran	✓ (STF)		✓
Arumugam Kandaiah	✓ (STF)		✓
Kandasamy Tharshan		✓ (STF)	✓
Kanagarednam Prapanantham			✓ (STF)
Kandaiah Antony			✓ (STF)
Ponnaiah Thiruparam	✓ (STF)		✓
Antony Amalraj			✓
Selvarasa Thirumal			✓
Murugesu Suthaharan		✓	✓

2.1.11 KokKadicholai Police Area

The wife of the twenty seven year old victim stated that Rasenthiran's disappearance had occurred on 6th July 2009.

Table 15 : Details of Kokkadicholai Police Area

Name	Arrest	Abduction	Missing
Krishnamoorthy Rajendran	✓ (STF)		✓

2.1.12 Vavunathivu Police Area

Table 16 : Details of Vavunathivu Police Area

Name	Arrest	Abduction	Missing
Sivanatahm Mohanasundaram			✓ (LTTE)
Thamotharam Puvanasingam			✓
Yoganathan Chandrakumaran			✓ (White Van)
Periyasamy Sathiyamoorthy			✓
Koneswaran Uthayakumar			✓ (White Van)
Murugesu Kanagasabai			✓
Velmurugu Sathiyadevan			✓ (STF)
Puvanasingam Baskaran		✓	✓
Ponnampalam Pakiyarajah			✓
Pattapody Vijayananthan	✓ (STF)		✓
Sinnathurai Kantharuban			✓ (White Van)
Rasaiah Sinnathurai			✓
Arasaretnam Nishanthan		✓ (PLOTE)	✓
Yogan Sivagnanam	✓ (STF)		✓
Palapody sivakumar			✓

2.2. SOCIO-ECONOMIC IMPACT OF DISAPPEARANCES

Disappearances were courses significant impact on social economic status of dependents of the disappeared persons.

2.2.1 Ethnic

Tamils and Muslims are severely affected by the armed conflict in the Batticaloa district. Not only them Sinhala Community also affected specially they were at border villages of the Batticaloa District. According to complants received by the HRCSL, Muslims and Tamils were disappeared during the period of 2006, 2007, 2008, and 2009. According to the sources large number of disappearances were taken place in the Tamil community. Table 12 shows details of ethnic wise disappearece.

Table 17 : Ethnic wise Disappeared persons

Police Area	Tamil	Muslim	Sinhala
Batticaloa	33	-	-
Eravur	33	-	-
Valaichchenai	07	06	-
Kalkudha	03	-	-
Vaharai	01	-	-
Karadiyanaru	09	-	-
Aitiyamalai	11	-	-
Vavunathivu	14	-	-
Kalawanchikudy	27	-	-
Kathankudy	17	-	-
Vellawely	20	-	-
Kokatticholai	01	-	-
Total	176	06	-

2.2.2 Gender

According to the complaint 179 males and 03 female missing. Table 13 shows gender wise details.

Table 18: Gender wise disappeared persons

Police Area	Male	Female
Batticaloa	32	01
Eravur	33	-
Valaichchenai	13	
Kalkudha	03	
Vaharai	01	
Karadiyanaru	09	
Aitiyamalai	11	
Vavunathivu	14	
Kalawanchikudy	26	01
Kathankudy	17	-
Vellawely	19	01
Kokatticholai	01	
Total	179	03

2.2.3 Age

99 persons age of 19 to 30 and 67 persons age of 31 to 60. This was indicated that they disappeared during productive period. Table 14 shows age wise details.

Table 19: Age category at the time of disappeared

Police Area	Age			
	<18	19-30	31-60	>60
Batticaloa		18	14	01
Eravur	07	19	07	
Valaichchenai	03	06	03	01
Kalkudha		01	02	
Vaharai		01		
Karadiyanaru		04	04	01
Aitiyamalai		05	06	
Vavunathivu		07	06	01
Kalawanchikudy		16	11	
Kathankudy	02	12	03	
Vellawely	01	10	09	
Kokatticholai		01		
Total	13	99	67	04

2.2.4 Family

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State¹⁴. Disappeared person's families are suffering economically as well as socially. Missing persons are often the breadwinners, and the loss of income can plunge a family into poverty. Most of the family depends on the male's income.

68 % of the disappeared persons were married. Most of them married legally. People who are not entitled to marry legally, they married customarily. One incident noted at the inquiry a person married under age due to fear of child recruitment. Table 15 shows civil status. People who married without civil procedure will face difficulties to get compensation and prove next to kin.

Table 20 : Civil status

Police Area	Civil Status	
	Married	Unmarried
Batticaloa	19	14
Eravur	18	15
Valaichchenai	08	05
Kalkudha	03	
Vaharai	01	
Karadiyanaru	07	02
Aitiyamalai	11	
Vavunathivu	13	01
Kalawanchikudy	17	10
Kathankudy	07	10
Vellawely	19	01
Kokatticholai	01	
Total	124	58

Most of the families still believe wherever their loved one is living. They have hope one day they may return home. Most of the family members are very emotional about these incidents. If any photos appeared in the newspapers they match with their loved one. Searching every where such as prison and detention camps, several villages and spent large amount of money to middle persons who promised to release them. Ultimately no results but their painful life is continuing. Most of them do not like to declare dead even after a long period.

¹⁴ Article 16 (3) of Universal Declaration on Human Rights

Very pathetic situation was noted due to these disappearances that was family unit was destroyed. Most of the wives are often stigmatized. Some disappeared person's spouse married again. Therefore Children are neglected and stayed with their close relatives. Some disappeared person's wives went abroad due to poverty and threaten.

2.2.5 Livelihood

Livelihood is very essential for the better standard of living. Most of them displaced due to armed conflict. Because of that their livelihood severely affected. Anyhow majority of their income source were farming, fishing and day to day labour work. Table 16 shows income source of disappeared person. Therefore most of the families' survivals depend on daily income. Due to these disappearances their daily income routine was collapsed and this course extreme poverty. Due to this reason some of disappeared person's dependents went to Middle East such as wife and mother.

2.2.5.1 Government and Semi government employees

Dependents of the disappeared person's did not enjoy full governmental benefits. They receive only partial salary. This income is inadequate to look after their families. Until dependents declare his / her dead only they can be enjoyed total governmental benefits. Government administrative procedures are the major obstacle to get governmental benefits. Table 17 shows details of government or semi government employee who disappeared.

Table 21: Details of government or semi government employee who disappeared

Name of Victim	Designation	Present Status
Abubaker Ilyyas	Home Guard Informer – National Information Bureau (NIB)	Promoted as a police officer. Police department provides Rs.17000.00 monthly allowance for dependants
Veerapathiran Vyrarnuthu	Sport Officer – Kalawanchykudy Divisional Secretariat	Dependents did not take any steps to get salary / allowance
Ponnampalam Ravindran	Samurdhi Officer	Dependents did not take any steps to get salary / allowance
Seenithamby Lavaneethan	Cooperative Manager	Coporative pays Half salary to his family
Izadeen Safras	Home Guard	

Table 22 : Income source of disappeared person

Occupation	Police Area												Total
	Batticalao	Eravur	Valaichenai	Kalkudha	Vaharai	Karadiyanaru	Aitiyamalai	Vavunathivu	Kalawanchikudy	Kathankudy	Vellavelly	Kokattichicholai	
Farming	04	01	01		01	01	01	02	04	02	05		22
Fishing	06	07	01	02		02	02			02			22
Sundry worker/ Labour	06	15	06			03	07	08	06	07	11	01	70
Mason	03	03							04				10
Goldsmith	01								02				03
Business	02		02			02		01	03		02		12
Mechanic				01					01				02
Driver	02	01						01	01	01	01		07
Welding work	01												01
Government servant(Gramaniladhari, Sports officer, Samurdhi officer, Home guards, cooperative officer Messenger etc.)	02						01		02				05
Corporate Manager									01				01
Sales Manager										01			01
Picture framing	01												
Supervisor	01												
Carpenter		04											
Tailor								01					
Shoe repairer										01			
NGO worker			01								01		
Unemployment	05	02	02			01		01	03	03			

2.2.6 Children

Children are more vulnerable. They isolated in different ways due to disapprences. Mostof mothers due to worries unable to look after their children. Some mothers went abroad. Children are living with grand parents. Grand parents face difficulties to look after children who's mothers married again.

Most of the children had lost his father's love already and again due to migration lost mothers love too. This affects the physical, mental and morel development of children. Some are going to school some are not. Some went to work due to poverty.

Grama Niladari did not have proper data of disappeared person's children data. Officers related to child rights protection did not pay special attention to these children. Table 18 shows staus of the disappeared person children

Table 23 : Status of disappeared person's children

Police Area	Name of Vicitim	No. of dependent Children and their Status
Wellavelly Police Area	Thangarasa Shamugarajan	06
	Muthulingam Jegamon	
	Selvarasa Saththiyananthan	
	Manikkapody Ranjithan	01 – studying
	Maniraja Suntharajanraja	02 – studying
	Thavithappu Ramesh	
	Kanthaiya Thavarasa	
	Arumugam Gnanasheharam	
	Shangarphillai Shanmuganathan	04 – studying
	Kalithasa Kanniyathan	
	Vellachchi Thangarasa	01 child mentally retarded person
	Rasathurai Kanthan	
	Ramalingam Yuvendran	
	Nallathamby Rajeswary	03 children (02 with father 01 with grand parents)
	Vijakumar Jeniskanth	
	Alahaiya Satheeskumar	
	Murugamuthu Uthayakumar	02
	Sellathamby Pasharan	02 01 child studying
	Kanthaiya Kumarasamy	

Vaharai police Area	Velayuthan Satkunedeve	01 child - studying
Valaichchenai Police Area	Arumugam Srimohan	05 children
	Sivolingam thevathas	
	Samsudeen Musdakeen	
	Vadivel Paskaran	
	Izzadeen Safras (H.G.)	
	Abubaker Ilyaz (H.G.)	02 children
	Abubaker Naufar (H.G.)	02 Children – studying
	Ilyaz Abdul Kather ©	
Kalkudha police area	Kanapathipillai Vasanthakumar	04 children
	Kanapathipillai Navarednar	02 children – studying Children are with grant parents
	Rasaiya Kamalarasu	..
Ayithiyamalai police area	Panerselvam Karunakaran	01 child – living with grand parents
	Chandrasheharam Arlvaj	01 child – studying
	Arunachalam Kanagalingam	
	Sivasupramaniya Illangarasa	02 children – studying
	Seenithamby Lavaneethan	01 child
	Thambirasa Mulukesu	06 children – 03 children studying
	Kanapathipillai Thavarasa	02 children
	Shishkuntharaja Vijayarajan	
	Alagaiya Kokilannathan	
	Suppaiya Velusuman	03 children, 2 were married – 01 studying
	Kanapathipillai Parasuraman	05 children
Karadiyanaru Police Area	Subramaniam Ravichandran	03 children 1 – studying 2 – labour work
	Arumugum Kandaiah	
	Kandasamy Tharshan	
	Kanagarednam Prapanathan	01 child (female)
	Kandiah Antony	
	Ponnaiah Thiruparam	03 children – studying
	Antony Amalraj	

	Selvarasa Thirumal	
	Murugesu Sutharsan	02 children
Kalawanchikudy Police Area	Sellaiah Tharmalingam	
	Markandu Yogarasa	
	Verapathiran Vyrmuttu	
	Thilakaratnam Uthayakumar	03 children – studying
	Seenithamby Thavarasa	04 children
	Kunasekaram Laksmanan	
	Poobalasingam Sritharajah	
	Poonampalan Ravindran	
	Ravi Kritharan	
Batticaloa Police Area	Arasan Shahayanathan	01 child is studying
	Muruguphillai Emanuvel	Child - stay at hostel and studying with the help of church
	Sinnapodiyan Kanapathipillai	05 children
Eravur Police Area	Krishnapillai Murugeswaran	
	Sivalingam Indran	
	Ganesan Dilrukshi	
	Ravichandran Jeevaraj	
	Kulasingam Chenthuran	
	Sothinathan Rakunathan	
	Thavarasa Sureshkannan	
	Thavarasa Kalaichenthuran (child)	
	Shanmugarasa Chandrakasan (Child)	
	Shanmugam Kulasheharan	
	Krishnakumar Sathiskumar (Child)	
	Sathasivam Rajan	
	Shanmugam Sachitanantham	Child is with grand mother
	Seevarednam Sivalavan	
Kokkadicholai Police Area	Krishnamoorthy Rajenthdran	04 children and 03 are studying
Kattankudy Police Area	Thavarasa Mathanarupan	Unmarried
	Kailayapillai Kugathan	
	Kanapathipillai Lingeswaran	
	Sundaramoorthy Jeyaranjan	04 children
	Periyathamby Murugamoorthy	Not present

	Myilvaganam Nimalleswaran	Not present
	Thevanantha Lukshman	
	Periyathamby Uthayakumar	
	Kanapathipillai Pushparasa	Unmarried
	Nallathamby Rubesan	
	Sinnathamby Thangeswaran	
	Nvarednam Kanthan	02 children
	Raveendran Rajatheepan	
	Kunarednam Suthaharan	
	Vyramuthu Nallathamby	04 Children – married. One is with mother
	Thevathasan Jeyakanthan	
	Sivapalan Jeyaprasanth	
	Rajathurai Rajamenan	

CHAPTER 3 : COMMITMENT BY THE STATE

State is the primary duty bearer to prevent and suppress the enforced disappearances in the country. Article 3 of the Declaration on the Protection of All Persons from Enforced Disappearance stipulates that "each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction".

There is a vital need for a speedy response to find the disappeared person and to bring relief to relatives left behind. Therefore most people believe it's duty of the State:

- To support find the disappeared person
- To let know whether the person is detained
- To inform why the person is detained
- To inform where the person is
- To assist the families
- To investigate and inquire the case to find out the truth
- To make sure the body is returned to the family if the person is dead
- To look after the relatives
- To protect all other persons and organisations working on the case
- To assist families with administrative issues arising from the disappearance

Article 2(1) specifies that "No state shall practice, permit or tolerate enforce disappearance"¹⁵. During this period according to the facts government did not take appropriate steps to prevent and terminate acts of enforced disappearances. Therefore this practice was prevailed.

¹⁵ General Comment on article 17 of the Declaration

3.1 Police conduct in relation to enforced disappearances in the Batticaloa District.

It is common practice for family members to report disappearances to the local police station. Accordingly 182 of complaints investigated. A majority of disappearances were found to have been reported to the police. Table 24 shows the time frame of complaints made to the police. Only one being found in relation to a disappearance exception alleged to have taken in the Kakkadicholai area.

Table 24 : Details of time frame of the complaints made to the police

Nos.	Police Stations	Complaints within a week	Complaints within a month	Complaints over one month
01.	Vaharai	01		
02.	Vavunathivu	09	01	05
03.	Kattankudy	15	01	02
04.	Kalavanchikudy	23		04
05.	Eravur	28		05
06.	Ayithiyamalai	10		01
07.	Valaichenai	07	01	05
08.	Karadiyanaru	07		01
09.	Kalkuda	03		
10.	Batticaloa	28	01	04
11.	Vellavalay	18	01	02

Higher number of people complaints within a week of disappearance. But they did provide proper information about disappeared person.

However, the reporting of facts relevant to these complaints to courts by the police has been challenging. Table 25 shows details of police complaints and refer to the courts.

Table 25 : Deatails of the police complaints and refer to the courts

Police Division	No. of Complaints Investigated by HRCSL	No. of Cases Reported to Court	Unreported Cases
Vaharai	01	--	01
Vavunathivu	15	08	07
Kattankudy	18	16	02
Kalavanchikudy	27	18	09
Eravur	33	17	16
Ayithiyamalai	11	08	04
Valachchenai	13	03	10
Karadiyanaru	09	08	01
Kalkudha	03	03	--
Batticaloa	33	23	10
Vellavelly	21	14	08

As demonstrated above, complaints received by the Vakara Police Station have been reported to Courts. According to the police records the HRCSL observed that some police stations produced the "A" reports to the Courts.

The designated form A, in this regard, as per Police Ordinance C1, may only be "used in instance of recovering a corpse on lost property the release of a person previously kept in custody on other similar activities as a means of notifying the magistrate.

According in instances upon which neither a corpse nor lost property is recovered, the question of whether it is correct procedure to submit such a form arises. Table 26 shows the details of "A" report submitted to court by the police.

Table 26 : Details of "A" Report

Police Area	No. of A reports submitted to Court
Kattankudy	07
Kalavanchikudy	16
Batticaloa	06
Ayithiyamalai	01

Table 27 shows the details of categorization of cases under C – 3

Police Area	No. of Cases Categorized under C -3
Kattankudi	06
Valachchenai	02
Karadiyanaru	02
Ayithiyamalai	09

Complaints report by the above police stations before court have also been categorizing under C3¹⁶, whereby it is indicated that suspects can no longer be found and the case cannot proceed any further. The effect of such an application if successful, it to conclude investigations. Whether the police is in fact permitted to make such applications on summarily assessing a complaint remains questionable. Due to lack of facts most of the cases laybyed by the Courts.

It is evidently herein, that the complaints received by the police stations have not been sufficiently investigated. While evidence may have been destroyed by the delay in undertaking inquires, it is also likely that the failure to investigate created a backlog, without reason of easy clearance. Police is the responsible law enforcement officers did not conduct proper investigations. Actually during conflict situation police did not have accessibility to continue the investigations. Police also depend on security forces because they are the people administrate the insecurity areas. So they did not allow the police to investigate those areas. In this situation police unable to collect the evidence at the time.

According to the petitioner's statement People who were affected, reluctant to complaint and give full information to police due to fear. Because most of the complaints were against to security forces and some cases against to para military groups such as TMVP and Karuna group. There were witnesses but they did not come to police station to give statement because they have grave threat to the right to life. All of them were silent to safeguard remain family members. These are the reason for delay to carryout the investigation at the particular time.

Further, since many complainants had delegated responsibility to armed groups such as the TMVP and Karuna/Pillayan factions to maintain civil administrations, the failure of the Police Department to restore order in the areas.

Even if it is assured that the 2006, 2007 period of active military engagement was problems to authorities, and police force resulted in a high proportion of such claims it

¹⁶ Police Department order chapter C2 number 11 police form

is assented that in 2008 – 2009, where active engagements was highly continued, also depict several instance of enforced disappearances in the Batticaloa District.

The lack of commitment and responsibilities are part of the Department is further appeared in its failure to disperse with its task of ensuring public security, in relation to responding and complaints receive to the magistrate.

Therefore government failed to achive the objective of prevention and termination of disappearance.

3.2 Legal Status of the Disappearances

Article 4.1 of the Declaration on the Protection of All Persons from Enforced Disappearance stipulates that "all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness".

Even in the absence of specific legal provisions relating to enforced disappearance, it is possible, under Section 355 of the Penal Code, to conduct and conclude competent inquiries in this regard

Section 355 of the penal code says that..

Whoever kidnaps on abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with rigorous imprisonment of a term which may extend to 20 years, and shall also be liable to fine.

The Penal Code of Sri Lanka provides as follows in Section 353, in relation to Abductions: says that, Whoever by force compels, or by any deceitful means, or by abuse of authority or any other means of compulsion, induces any person to go from any place, is said to 'abduct' that person.

Further, Section 355 Abduction for the purpose of murdering providing that;

The right to obtain a Writ of Habeas Corpus in the event of a person being taken into custody and detained unlawfully or *incommunicado*, is one of the important means available to prevent a person taken into custody from being caused to disappear. Although only the Court of Appeal had the jurisdiction to receive and inquire into Habeas Corpus Applications (HCA) initially, this was later extended to the Provincial High Courts as well. However, only the High Court of the Eastern Province has availed this authority. Particular disappearance cases no person utilized the particular provision.

The dependent of the disappeared persons are prevented to exercise their rights and obligations due to the legal uncertainty created by the absence of the disappeared person. This uncertainty has many legal consequences among others on the status of marriage, guardianship of under age children, right to social security of member of families and management of property of the disappeared person.

However no specific laws exist in relation to enforced disappearances in Sri Lanka. This is also one of the reasons that failure to prevent or terminate enforced disappearances.

3.3 Judicial actions related to Disappearance

The judiciary, which has the obligation to protect the fundamental rights, has failed to provide legal remedies to victims and their families. The right to habeas corpus is largely disregarded. The habeas corpus was not utilized by the judicial authorities particular cases which inquired by the HRCSL. This is considered as a central tool to find out the persons who were detained illegally.

It was noted that most of the disappeared cases lay bide by the courts due to lack of information provided by the police. Judicial intervention is comparatively low to prevent and terminate the disappearances.

3.4 Administrative Action - Relief for dependents of disappeared person

3.4.1 Declaration of Death

The government enacted the Registration of Deaths (Temporary Provisions) Act No 19 of 2010 (*See annexure VII*), according to that a person can be applied for death certificates. According to the government regulations after the death confirmed or declare by the person can apply for compensation. Most of the complainant did not like to declare the death. This is very emotional and sensitive issue. They hope their loved one still living. Therefore government is unable to take further steps to dependents.

The State have an obligation to provide appropriate legal procedure leading to the presumption of death or a similar legal status of the victim which entitles the dependent to exercise their right to compensation.

Few dependents of disappeared person received death certificates and some were submitted application to get death certificates under the temporary provisions. Table 28 shows dependents who received and applied for death certificate.

Table 28 : Details of Registration of Deaths

Name of the Victim	Status
Muthulingam Jeganmohan	Received
Manilapody Rajithan	Received
Kanthaiya Thavarasa	Received
Shangaraphillai Shanmuganathan	Received
Rasathurai kanthan	Received
Murugamuthu Uthayakumar	Applied
Sellathamby Pasharan	Applied
Velayuthan Satkunedeve	Applied
Veeraiya Chandrakumari	Received
Sivagnaselvam Sankaratheepan	Applied
Arasan Shahayanathen	Dependent Shows interest to apply

3.4.2 Livelihood assistance for dependents of disappeared person

According to discussion with Grama Niladhari who are working in grassroots level pointed out they categorize the disappeared person's family as like other vulnerable groups. They do not have any procedure to give special attention to disappeared person's families. They normally categorize base on poverty, IDPs or Women Headed family. Under these some families receive Samurdhi benefits, livelihood assistance by the government or NGOs, Housing facilities. Table 29 brief details of the assistance given by Government and NGOs. Most of the disappeared person's families are extremely vulnerable than others. But government did not pay special attention to these families.

Table 29: Brief details of the Assistance given by government and NGOs.

Police Area	Government Assistance					NGO assistance			
	Samurdhi	Self Employment Devinaguma (Poultry/ Gardening)	Housing NHA/Samur dhi/NEARP	PMA	Disable Monthly allowance	Self Employment Poultry/Gard ening/Sewing /goat rearing/cattle rearing	Housing	Disable allowance	
Batticaloa	03		01						
Eravur									
Valaichchenai	04	01	02	01					
Kalkudha	01								
Vaharai	01								
Karadiyanaru	05	04	02			01			
Aitiyamalai	02	05	01			01	01		
Vavunathivu									
Kalawanchikudy	01								
Kathankudy	02								
Vellawely	06	06	01		02	02			
Kokatticholai									
Total	13	16	07	01	02	04	01		

3.4.3 Police area wise livelihood assistance and housing assistance details.

3.4.3.1 Wellaweli Police Area

Table 30 : Livelihood Assistance - Wellaweli Police Area

Name of the Victim	Details of Assistance
Thangarasa Shamugaraja	Wife went Bharain as a migrant worker
Muthulingam Jegamon	Receiving Samurdhi , Poultry rearing
Selvarasa Saththiyananthan	Mother went abroad as a migrant worker
Manikkapody Ranjithan	Poultry rearing, wife work as mobilizer - UNHCR Project
Maniraja Suntharajanraja	Poultry rearing, Goat rearing
Thavithappu Ramesh	
Kanthaiya Thavarasa	Received Rs.20,000 for self employment, Goat rearing ,
Arumugam Gnanasheharam	Wife is a Samurdhi Officer
Shangarphillai Shanmuganathan	Mother got livelihood assistance Rs.25000
Kalithasa Kanniyathan	Wife went Saudi as a migrant worker Samurdhi for mother in law
Vellachchi Thangarasa	Poultry rearing, Receiving Samurdhi, disable allowance for 1 st child (mentally illness)

Rasathurai Kanthan	
Ramalingam Yuvendran	Receiving Samurdhi, received house under NEHRP Scheme
Nallathamby Rajeswary	Disable child receives Rs.3000/-
Vijakumar Jeniskanth	Mother went Qatar as a migrant worker
Alahaiya Satheeskumar	
Murugamuthu Uthayakumar	Poultry rearing – World Vision (NGO) DS provides exercise books for children
Sellathamby Pasharan	Receiving Samurdhi
Kanthaiya Kumarasamy	Poultry rearing, Receiving Samurdhi, Kaviya (NGO) gave Rs.10,000 for self employment

3.4.3.2 Vaharai Police Area

Table 31 : Livelihood Assistance - Vharai Police Area

Name of the Victim	Details of Assistance
Velayuthan Satkunedeve	Wife receives Samurdhi

3.4.3.3 Valaichchenai police area

Table 32 : Livelihood Assistance – Valaichchenai Police Area

Name of the Victim	Details of Assistance
Arumugam Srimohan	Victim's son is working at a Garage. National Housing Authority paid Rs.585,000/-, Receiving Samurdhi Rs. 20,000/- paid for self employment
Sivolingam thevathas	
Samsudeen Musdakeen	Receiving Samurdhi (Mother) Wife went abroad as migrant worker
Vadivel Paskaran	Receiving Samurdhi (mother) Housing aids Father disabled and one sister disabled
Izzadeen Safras (H.G.)	Father – SLTB Driver
Abubaker Ilyaz (H.G.)	Batticaloa Police gave compensation of Rs.250,000/-. Police Department is paying Rs.17,000/- per month
Abubaker Naufar (H.G.)	Receiving Samudhi and Public monthly allowance (victim's mother).
Ilyaz Abdul Kather ©	

3.4.3.4 Kalkudha police Area

Table 33 : Livelihood Assistance - Kalkudha Police Area

Name of the Victim	Details of Assistance
Kanapathipillai Vasanthakumar	Wife went abroad due to threat
Kanapathipillai Navarednar	Wife went Kuwait as a migrant worker. Save the children gives Rs. 3000/- for the child's studies
Rasaiya Kamalarasu	Receiving Samurdhi

3.4.3.5 Ayithiyamalai police Area

Table 34 : Livelihood Assistance - Ayithiyamalai Police Area

Name of the Victim	Details of Assistance
Panerselvam Karunakaran	
Chandrasheharam Arulraj	Poultry rearing, Receiving Samurdhi Running small boutique with assistance of two NGOs, living in temporary shelter
Arunachalam Kanagalingam	Wife came from abroad Poultry rearing, domestic worker
Sivasupramaniya Illangarasa	Poultry rearing, Receiving Samurdhi, They have a permanent house
Seenithamby Lavaneethan	Vavunathivu MPCs is paying half payment of Victim's salary EHED provided housing
Thambirasa Mulukesu	Poultry rearing, Samurdhi Development Authority provides 150,000 worth house. Inadequate space for living all family members.
Kanapathipillai Thavarasa	Running boutique. Save the children provided self employment facilities
Srishkuntharaja Vijayarajan	Poultry rearing
Alagaiya Kokilannathan	
Suppaiya Velusuman	Wife returned from abroad
Kanapathipillai Parasuraman	

3.4.3.6 Karadiyanaru police

Table 35 : Livelihood Assistance – Karakiyanaru Police Area

Name of the Victim	Details of Assistance
Subramaniam Ravichandran	Receiving samurdhi (Wife) Poultry rearing, living in temporary shelter Two children are going to labour work
Arumugum Kandaiah	Receiving Samurdhi Rs. 100,000/- received for House repair
Kandasamy Tharshan	
Kanagarednam Prapanathan	
Kandiah Antony	
Ponnaiah Thiruparam	Receiving Samurdhi (Wife), Doing farming
Antony Amalraj	Poultry rearing livelihood assistance Rs.33,000.00
Selvarasa Thirumal	Poultry rearing, Receiving Samurdhi (Wife) Wife went abroad as migrant worker
Murugesu Sutharsan	Rs.100,000/- worth Two room house was built, poultry rearing(FAO), Receiving Samurdhi

3.4.3.7 Kalawanchikudy Police Area

Table 36: Livelihood Assistance - Kalawanchikudy Police Area

Name of the Victim	Details of Assistance
Sellaiah Tharmalingam	
Markandu Yogarasa	
Verapathiran Vyramuttu	Sports Officer – Government Servant. Even though salary did not give to dependent
Thilakaratnam Uthayakumar	Helpage NGO gave 25,000/-
Seenithamby Thavarasa	Victim's wife name included in Divineguma Scheme
Kunasekaram Laksmanan	Receiving Samurdhi (Wife)
Poobalasingam Sritharajah	
Poonampalan Ravindran	Samurdhi Officer – Government Servant
Ravi Kritharan	

3.4.3.8 Batticaloa Police Area

Table 37 : Livelihood Assistance - Batticaloa Police Area

Name of the Victim	Details of Assistance
Thevarasa Tegaathepan	
Karalasingam Kanthrupan	During the missing time his family stayed at batticaloa Welfare Centre. Victim's mother went to Saudi Arabia due to poverty.
Veeraiya chandrakumar	Receiving Samurdhi (wife), Child disabled
Santhakumar Thirukumaran	
Sivagnaselvam Sankaratheepan	Receiving Samurdhi (wife), NEHRP provided house
Arasan Shahayanathan	
Muruguphillai Emanuvel	Victim's first wife left him with child and married. Victim also married again legally. Church provide assistance to child to study
Perumal Sukirtha	Victim has five sisters. Mother receives Samurdhi
Sinnapodiyam Kanapathipillai	Save the Children provide food items.
Kurukulasingam Yogavel	
Yohendran Yoshan	
Maheasan Bernold	
Thavaraja Harimugunthan	
Silvester Fernando Prasanth	
Arasan Shanhayanthan	Wife went abroad. Child is with grand parents. Wife has no connection for a long time.

3.4.3.9 Eravur Police area

Table 38: Livelihood Assistance – Eravur Police Area

Krishnapillai Murugeswaran	Wife Samurdhi beneficiary Collecting firewood Housing assistance was given by NGO
Sivalingam Indran	Wife went to India to get livelihood assistance programme training
Ganesan Dilrukshi	Husband no connection with family Children are with grand parents House is available Samurdhi is provided to victim's parents.
Ravichandran Jeevaraj	Chief Minister provided assistance to pottery industry to victim's mother

Kulasingam Chenthuran	
Sothinathan Rakunathan	Wife went Kuwait
Thavarasa Sureshkannan	Not received any assistance
Thavarasa Kalaichenthuran (child)	Samurdhi beneficiary for mother
Shanmugarasa Chandrakasan (Child)	
Shanmugam Kulasheharan	
Krishnakumar Sathiskumar (Child)	Samurdhi beneficiary
Sathasivam Rajan	Registered at Chief Ministry office for the assistance
Shanmugam Sachitanantham	Wife went abroad Samurdhi beneficiary
Seevarednam Sivalavan	Goods receive (mother) \ Name has been included in Divineguma Project

3.4.4 Compensation

Article 19 of the International Convention for the Protection of All Persons from Enforced Disappearance also explicitly mentions the right of victims and their family to “adequate compensation”. States are, therefore, under an obligation to adopt legislative and other measures in order to enable the victims to claim compensation before the courts or special administrative bodies empowered to grant compensation¹⁷.

Compensation shall be “adequate”, i.e. proportionate to the gravity of the human rights violation (e.g. the period of disappearance, the conditions of detention, etc.) and to the suffering of the victim and the family. Monetary compensation shall be granted for any damage resulting from an enforced disappearance such as physical or mental harm, lost opportunities, material damages and loss of earnings, harm to reputation and costs required for legal or expert assistance.

During the period under review, 05 state employees were reported missing in the Batticaloa District, on behalf of whom state compensation may be provided under state Administrative Circulars 59/89, 59/89 (I) and 59 /89 (II). (see annexure VIII)

However, no terrorists or their dependents may recover on the basis of death due to terrorist activity, as provided in the above. Also worth consideration in this respect is the case of *Sharma vs. SL*, numbered 950/2000 before the UNHR Committee, where the Committee determined that the government of Sri Lanka should provide the plaintiff, who with his wife, had lodged a complaint on a disappearance, with just and equitable

¹⁷ Declaration on the Protection of All Persons from Enforced Disappearance

compensation. Accordingly, the HRCSL was treated by the Sri Lanka Attorney General's Department in collusion with the Ministry of External Affairs to determine a suitable level of compensation. The UN Basic Principle of Guidelines on the Right to Remedy and Reparation for Victims of Gross Violation of International Human Rights Law and Serious violation of IHL were taken into account by the HRCSL in this respect, and pecuniary, non pecuniary and exemplifying damages. (see annexure IX)

In the light of these developments, it has become imperative that the state pays due attention to a proper compensation mechanism to account for the welfare of female-headed families rendered destitute due to unemployment.

Further, the HRCSL views the need for a systematic compilation compensation for families whose relatives have been reported missing ensation.

3.5 Conclusions

Enforced disappearance is the continuous violations of human rights. 182 complaints were inquired in the Batticaloa district. According to statements and other relevant documents that most of the incidents occurred in Batticaloa district were purposefully carried out to suppress the activities of armed groups. This is a systematic attack against a civilian population. During the period family members, relatives, neighbors and other villagers unable to share the information's due to their security and family member's security. As a result unable to identify the actual perpetrators who directly involved those human rights violations. Certain cases are directly or indirectly responsible for security forces because majority of the cases recorded surroundings of the security forces camp. Some cases were directly or indirectly responsible for Para military groups such as Karuna or Pillayan. Few cases were directly or indirectly responsible for LTTE.

Majority of the enforced disappearance person's dependant's expectations are whether disappeared persons are living or not rather than reparation.

The State failed to take appropriate steps to searching for missing persons and providing "truth, justice and reparation" to the victims. Specially police did not carry out proper investigations at the time. Therefore majority of the cases lay by the court.

State did not have appropriate mechanisms in place to fully deal with disappearances cases. Few steps were taken within the criminal procedures and through regular judicial mechanisms. Judicial intervention was also comparatively low.

There were not technical efforts to identify missing persons. Furthermore, there are no effective means to coordinate and efficiently track the flow of information and between agencies.

State did not take proper steps for socio economic protection of the dependant of disappeared persons. They follow rigid procedures which are not appropriate for disappearances.

According to the statements and circumstances evidences the state is accountable for enforced disappearances.

The state takes the necessary steps to prevent similar events from occurring in the future, in accordance with the duty of prevention and the obligation of guaranteeing the human rights recognized in the international Conventions and domestic laws. This will lead to ensure the rule of law and good governance in the Sri Lanka.

CHAPTER 4: RECOMMENDATIONS

4.1 General

- The state should adopt a special procedure to address the enforced disappearances through the laws.
- State to fully recognize the legal personality of disappeared persons and thus respect the rights of their next of kin and as well as others.
- State has to adopt policies to prevent and terminate disappearance until amend the law or formulate fresh laws.
- State must have appropriate machinery for preventing and terminating disappearances. Enhance coordination among state institutions, efforts to locate, recover and identify missing persons.
- The effective right to remedy should be strengthened. Further, the right to reparations should be implemented equally for all victims of enforced disappearance, without any regard to the perpetrator of the crime.
- A state strategy for addressing the rights of victims during the search process and judicial proceedings is necessary. Such strategy should clarify which state institutions are responsible to implement specific rights, establish a single standard for the entire country, as well as provide for a better inter-institutional coordination on the issue.
- To assist the state in relation to the issue of missing persons, the international community should consider providing coordinated and sustainable assistance to associations of families of the missing, to ensure that they are educated and engaged in addressing their rights and in raising awareness about enforced disappearances.
- To consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of the relevant committee.
- To take measures to address impunity and investigate and prosecute cases of enforced disappearances

4.2 Specific Recommendations

4.2.1 Legislation for disappearances

- There is a clear need for the creation of legislation to holistically address the issue of enforced disappearance and the specific needs of the victims.
- Criminal law be amended to create a specific crime of enforced or involuntary disappearance
- Ensure the legislative prescription of appropriate criminal sanctions for the crime of enforced disappearance, which reflect the extreme seriousness of the offence

4.2.2 Reparatory measures /Compensation

- The State to design and promote a policy of reparation for the victims and their relatives.
- Though the case is still pending before the Court / Commission for final consideration, the state has recommended compensation to next of kin.
- Compensation is granted based on the jurisprudence developed by Sri Lanka courts relating to legal standards for remedial, reparatory, punitive, and exemplary damages for human rights violation.
- the state can follow the compensation guidelines based on international bodies such Human Rights Committee or judgment of judicial or quasi judicial bodies such as HRCSL or Indian Human Rights Commission Recommendation.

4.2.3 Support for the families

The material, financial, psychological and legal needs faced by families awaiting clarification of their family members' fate should be addressed by the authorities concerned – whenever necessary with the support of inter- governmental and nongovernmental organizations.

4.2.4. Children

- Government should give special attention to children who lost either father or mother.
- Child protection mechanisms should function effectively to look after these children's issues.
- Further Social Service department must give priorities to vulnerable children.
- Guardianship and parental authority should be legalised
- Taking measures to reunite unaccompanied children with their families

4.2.4 Women

Government should focus on these vulnerable women with special attention. Government should develop special programmes to empower these women as follows.

- Provide Counseling
- Self employment facilities
- Develop protection mechanisms

4.2.5. Government servants

- Government should take appropriate measures for the dependents of disappeared Government Servants.
- They should enjoy full benefits up to retirement age of disappeared person.
- Relevant Department is responsible to ensure their dependents enjoy the all the government benefits.

4.2.6 Security Forces' Responsibilities

Purpose of security forces in a particular area is to safeguard the public. They are responsible for if any incidents occur in the respective area. Therefore the government should conduct proper inquiry against the responsible forces who

were at the time and identify the perpetrators and legal action must be taken. And also inform to dependents about truth.

4.2.7 Non Conflicts Disappearance

Batticaloa Police should be responsible to conduct proper inquiry regarding the missing of four persons. Police Department should appoint independent team to conduct inquiry and identify the perpetrators and legal action must be taken. And also inform to dependents about truth.

4.2.8 Organized Groups (Para military groups)

~~For~~ Disappearance Cases which are directly responsible to para military groups, government should form an independent body to identify the perpetrators and legal action must be taken against them.

4.2.9 Administrative Procedure

- Government should revise administrative procedures to give compensations to dependents of disappeared persons.
- Administrative authorities should identify disappeared person dependant as a special vulnerable group and give priority to them for social welfare and other governmental activities.

4.2.10 Land/Properties/Insurance

- Special attention must be given to hand over land or properties to the next of kin.
- Insurance Institutions should revise Insurance policies which were given to disappeared person and must try to provide maximum benefits to the next of kin.

4.2.11 Alternative Document or Declaration of Absence

Government should give alternative document or declaration of absence (certified of absence by reason of disappearance) for dependents to declare the only the disappearance. This alternative document should be valid legally to utilize for all administrative correspondent.

4.2.12 Disappearance by LTTE

State has the responsibility to take necessary step to identify the truth who disappeared by the LTTE.

4.2.13 Civil Societies, NGOs and INGOs Responsibilities

- Provide livelihood assistance to family of disappeared person
- Provide psycho socio support to dependant of disappeared persons

4.2.14 Right to know the truth

- The State should be taken necessary steps to inform the truth about disappearance to dependants of disappeared persons.
- The state should maintain proper data base on disappeared person.

4.2.15 Non response Complaints

There are about 309 complaints without response at the Batticaloa regional office. These complaints should categorize according to Grama Niladhari area and hand over to Grama niladhari to find out the present situation or name list should publish in local newspapers.

Annexure

Annexure I: Traced/ returned Persons

Year 2008

Nos	Name of Victim	Complainant details	Incident Date	Returned
01	Mr. Shanmugarasa Prasanna	Mrs. N.Yogarani Thevapuram, Murakkotanchenai	30.12.2007	02.01.2008
02	Mr. Rasendram Puvi	Mrs. R. Selvarani Vembu Road Mankadu,Cettipalayam	15.01.2008	08.01.2008
03	Mr. Kanthasamy Suntharalingam	Mrs. S. Navakanthini Olimadu Aitiyamalai	31.01.2008	04.02.2008
04	Mr. Yogasuntharam Ranjithkumar	Ms.Y.Chandrasothy Kanesa Vidyalaya Road Kaluthawela	31.01.2008	20.02.2010
05	Ms. Krishnapillai Vasantha	Mr.R. Raviraj Navalar Road Kurukalmadam	02.02.2008	10.05.2008
06	Mr. Yoganathan Yasotha	Mrs. K.Thangamalar Visnu Kovil Road Paddiyadichenai Kalkudah	04.03.2008	16.05.2008
07	Mr. Srini Lakuvani Perera	Mr. Puvinayagam 19, Suppaiah Road Batticaloa	09.03.2008	04.04.2008
08	Ms. Kanagasingam Puvaneswary	Mr. K. Kamalanathan Beach Road Thaklankudah	09.03.2008	Rtnd
09	Mr.Eronimoss Kirupairaj	Mr. K. Vadivel 10, Kali Kovil Road Batticaloa	13.03.2008	Rtnd
10	Mr.Ragavan Rajaravi	Mrs. A. Raguthevi Kopavely Periyapulumalai	13.03.2008	07.4.2008
11	Mr. Mamangam Premachandran	Mrs. M. Kannagai School Road Iyankerny	29.03.2008	Rtnd
12	Mr. Tambiyaiah Savundarajan	Mrs. T. Vanitha GS Road Koddaikllar	28.03.2008	05.06.2009
13	Mr.Kesanathan Ranganathan	Mr. R. Niluja Veerapathiran Kovil Road Eravur	05.05.2008	13.05.2008

14	Mr. Sithiravel Janathirajah	Ms.T.Priyatharshini 171, Soruvil Thimbulagala,Mannampitiya	27.05.2008	10.06.2008
15	Mr. Pethamparam Sacikumar	Mrs. M.Seethevipillai 28, Mathar Road Notchimunai	25.04.2008	25.04.2008
16	Mr. Kunaratnam Prashkanthan	Mrs.K.Mohanathas Kovil Road Arayampathy	22.06.2008	31.07.2008
17	Mr. Thambipillai Thatchanamoothy	Mr. T.Thatchanamoothy Murugan Kovil Road Navalady, Batticaloa	26.07.2008	23.08.2008
18	Mr. Konesarasa Ratheswaran	Mr. T.Mathan Selvanagar East, Arayampathy	03.07.2008	05.07.2008
19	Mr.Rasalingam Chandrakanth	Ms. Sureshini 95, Kumara Kovil Road Batticaloa	05.07.2008	27.07.2008
20	Mr. Murugupillai Selvaratnam	Mrs. R.Puspamalar Boundary Road Sinna Urani	29.07.2008	01.08.2008
21	Mr. Shanmugam Kalithas	Mr. A.Sriravisangar 46/52, Boundary Road Batticaloa	28.07.2008	16.11.2008
22	Mr. Tharman Ramanan	Mr. T.Kulenthirakumar Sivan Kovil Rd Sinna Urani	01.08.2008	01.08.2008
23	Mr.Balasundaram Kishanth	Mrs. B. Pathma 7 th Cross Puthur	02.08.2008	07.08.2008
24	Mr. Kanagaratnam Sriskantharasa	Ms. S.Thevarani RDS Road Mahilurmunai	01.08.2008	21.08.2008
25	Mr.Rajasingam Kiskantharaj	Mrs. K.Anthniji Senaithurai Road Koddaikallar	17.08.2008	22.08.2008
26	Mr. Anantharatnam Sivaraja	Mrs. A. Letchumi Sinnathamby Road Thalawai Chenkkalady	12.07.2008	10.09.2008
27	Mr. Anantharatnam Kamalthasan	Mrs. A. Latchumi Sinnathamby Road Thalawai Chenkkalady	12.07.2008	22.11.2008
28	Mr.Sivalingam Saciventhan	Mr.S. Nagamma Bakery Road Mankadu,Cettipalayam	27.11.2007	26.08.2008

29	Mr. Haya Mohideen	Mr. S.Arulanantham Barathithasan Road Periyaporativu	20.07.2008	Sep 2008
30	Mr. J.Hamsatharan	Mr.K.Jeyaraj 34, Mathar road Nochchimunai	09.09.2008	15.09.2008
31	Mr. Neminathan Sritharan	Mrs. N. Kamala Sathurukondan Batticaloa	09.09.2008	27.11.2008
32	Mr. Vyramuttu Uthayakumar	Ms. K.Sivajini Kalikovil Road Kiran	21.09.2008	10.10.2008
33	Mr. Subramaniyam Jeganathan	Ms.S. Vasanthi Lake House Road Vantarumoolai	28.09.2008	Oct. 2008
34	Ms.Vadivel Ravichandran	Mr.R. Thevarani Nagathambiran Kovil Rd Thevapuram	09.10.2008	15.10.2008
35	Mr. Veerakesari Arasaretnam	Mrs. B. Balakumari Kurukalmadam	17.10.2008	24.10.2008
36	Mr. Kanagaratnam Vickneswaran	Mr. P. Geetha Vanninagar Periyaporativu	26.10.2008	08.11.2008
37	Mr. Nagalingam Thesikan	Ms.T. Sivajini Barathypuram Eruvil	28.10.2008	18.11.2008
38	Mr.Thurairatnam Latchumanan	Mr.K. Kannammai Palakadu Pondukalsenai	24.10.2008	16.12.2008
39	Mr.Mardin Jesuthasan	Mrs. M.Kamalamary 2 nd Lane Thiruchenthur Kallady	12.11.2008	17.11.2008
40	Mr. Puvanasingam Sivatharsini	Mrs. S. Jogesvary School Rd Kovilporativu	10.11.2008	16.11.2008
41	Mr.Vinayagamoorthy Dayasingam	Mrs. J. Uthayavani Paruthichenai Kannankudah	20.11.2008	04.01.2010
42	Mr.Kumar Rajenthirakumar	Ms. Suthekanthinikumary Arasadi Road Kaluthawela	19.11.2008	25.11.2008
43	Mr. Velapody Thillainathan	Ms.K. Vasanthi 1 st Cross, Palugamam	23.11.2008	23.11.2008
44	Mr. Pararajasingam Thevarajan	Mr.J. Banumathy Hope Kiramam	20.11.2008	01.12.2008

		Sathurukondan		
45	Mr. Abdul Munaf	Mrs. A. K.Tharshini Murugan Kovil Road Thiraimadu, Batticaloa	01.06.2008	08.05.2010
46	Mr. Perinbam Reaventhirathas	Mr. P. Sivanesan Barathu Road Arumugathankudiruppu	29.07.2008	Oct.2008
47	Mr. Thanigasalam Chandramohan	Ms.S. Vasanthy 5 th Ward Sampoor, Muthur	11.02.2008	05.03.2010
48	Ms.Somasunthram Shiyamasundar	Mr.S. Renuka 8 th Cross Thimilaitivu, Puthur	23.06.2008	26.06.2008
49	Mr. S. Suthaharan	Mr.S. Sangarapillai Visnu Kovil Road Kirankulam	14.12.2008	16.12.2008
50	Mr. Muthulingam Rajendran	Mr.K. Kamala Vipulananthapuram Iyankerny, Eravur	27.12.2008	28.01.2009

Year 2007

Nos	Name of Victim	Complainant details	Incident Date	Returned
01	Mr. K. Sadagoban	Mrs. K. Sivamany Eruvil, Kaluwanchikudy	10.01.2007	10.01.2007
02	Mr. S. Mugunthan	Mrs. S. Maheswary 76, Selvanayagam Road Priya Urani, Batticaloa	22.01.2007	25.01.2007
03	Mr. Sritharan Kayan	Mrs. S. Gowry 76/6, Kokkuvil Colony Batticaloa	23.01.2007	03.02.2007
04	Mr. V. Venthana	Mr. S. Velayutham School Road, Eruvil	24.01.2007	Returned
05	Mr. A. Ramkumar	Mrs. A. Sivapakkiyan 81, Vipulananthapuram Mylampavely	26.01.2007	30.01.2007
06	Mr. T. Mathan	Mrs. T. Puspawathy 120, Boundary Road Batticaloa	06.02.2007	07.02.2007
07	Mr. I. Navaneethan	Mrs. I. Saraswathy Vipulananthapuram Palugamam, Periyaporatvu	07.02.2007	10.04.2007
08	Mr. V. Rasinathan	Mrs. T. Retamary	19.02.2007	12.05.2007

		Vipulananthapuram Thannamunai		
09	Mr.M. Rakulenthiran	Mrs. S. Muttulingam 12/24, 2 nd Cross Selvanayagam Road Batticaloa	28.02.2007	15.05.2007
10	Mr. K. Venuraj	Mrs. T. Tharumalini Thiraimadu School Road Thiraimadu	05.03.2007	28.04.2007
11	Mr. S.M. Moris	Mrs. M. Kumuthiny 22, New Boundary Road Periya Urani, Batticaloa	08.03.2007	14.03.2007
12	Mr. V. Thusiyanathan	Mrs. K. Tharshiny Kaddupillayar Road Ceddipalayam	21.03.2007	21.03.2007
13	Mr. P. Aravinth	Mr. V. Perinbanayaki 60/59, Kannaki Kovil Road Batticaloa	11.04.2007	05.03.2009
14	Mrs. N. Sinnamaniyammah	Mr. K. Sivanesan Korakallimadu Kiran	16.04.2007	27.04.2007
15	Mr.S. Sasikumar	Mrs. R. Subramaniyam Vipulananthapuram Mylampavely	16.04.2007	18.04.2007
16	Mr. S.Nadesan	Mr. K. Selvaratnam 42/1, Vanniyar Road Batticaloa	19.04.2007	20.04.2007
17	Mrs. N. Nesammah	Mr. K. Selvaratnam 42/1, Vanniyar Road Batticaloa	19.04.2007	20.04.2007
18	Mr. J. Jesudasan	Mrs. J. Niranjala 19, Kallady Batticaloa	23.04.2007	04.05.2007
19	Mr. T. Prasath	Mr. P. Thiyagarajah 3 rd Cross Manchanthoduwai	26.04.2007	24.04.2007
20	Mr. R. Raveendran	Mrs. K. Kumuthini Pulavarmany IDP Camp Kaluthawela	08.05.207	11.05.2007
21	Mrs. G. Nishanthi	Mrs. G. S.Kusumawathy Thandavanvely Batticaloa	25.05.2007	23.06.2007
22	Mr. N.A.Mohamed	Mrs. S.I.Rifaideen Alim Road Meeravoai, Valaichenai	04.06.2007	05.06.2007
23	Mr. A. Thileeparajan	Mrs. A. Rajina	11.06.2007	06.08.2007

		Barathy Road Thannamunai		
24	Mr. V.Logitharajah	Mrs. V. Vallipillai No:4, IDP Camp Kaluwankerny	13.06.2007	13.06.2007
25	Mr. K. Vijayakumar	Mrs. P. Chadachery Vishnu Kovil Road Kinniyady,Valaichenai	14.06.2007	13.09.2007
26	Mr. K.Prakalanathan	Mrs. E.Surikala Periyathambiran Kovil Road Vantarumoolai,Chenkalady	28.06.2007	Returned
27	Mr. L.Mayurathan	Mr. S. Lingarasa Vythiyar road Thettativu 2	10.07.2007	12.07.2007
28	Mr. R. Ketharan	Mrs. Rohinikumary Veerayady, Vinayagar Road Mahilur, Kaluwanchikudy	27.07.2007	06.08.2007
29	Mr. R.Paskaran	Ms.R. Mathivathani 2, Post Office Road Kallady Uppodai, Batticaloa	01.08.2007	Returned
30	Mr. S. Pakirathan	Mrs. E.Sujikala School Road Vellavelly	06.08.2007	06.08.2007
31	Mr. T.Suthakaran	Mrs. S.Jeyarani Sathurukondan Camp Batticaloa	23.08.2007	23.08.2007
32	Mr. T. Thiviyaraja	Mrs. J. Thevanayagam St. Jude Church Linganagar,Trincomalee	24.08.2007	25.08.2007
33	Mr. M.Lineshkanth	Mrs. M. Vijayalatchumy 1 st Cross, Vinayagapuram Batticaloa	27.08.2007	01.09.2007
34	Mr. T. Amalanathan	Mrs. H.A.Amalanathan 29, Iruthayapuram East Batticaloa	27.08.2007	01.09.2007
35	Mr.T. Sittarthan	Mrs. T. Puvaneswary Kombusandiyadi Road Kaluthawela 3	03.09.2007	04.09.2007
36	Mr. M. Rameshkumar	Mrs. M. Bavani 131/14, Amprose Road Karuvapankerny Batticaloa	12.09.2007	12.12.2008
37	Mr. V. Kalayarasan	Mrs. K. Thavarani	14.09.2007	14.09.2007

		Thamaraikerny Road Sivapuram, Eruvil		
38	Mr. H.M. Mawzooth	Mr. AKM. Haniffa 499, Cassim Hajiya Road Kattankudy	21.09.2007	13.10.2007
39	Mr. E. Pusparajah	Mrs. E.M. Theresa 4, Cross 6, Koolawady Batticaloa	27.09.2007	27.09.2007
40	Mr. P. Thilipan	Mrs. T. Yogammah V.C. Road Vantarumoolai	17.10.2007	28.10.2007
41	Miss. J. Elizabeth	Mrs. F. Joseph 16/7, Baily Cross Road Batticaloa	29.10.2007	04.11.2007
42	Mr. K. Jayapalan	Mrs. J. Supathradevi Manchanthoduwai IDP Camp Batticaloa	30.10.2007	01.11.2007
43	Mr.K. Pratheepan	MrsK. Leelavathy Irrigation Department Quarters No:5,Chenkalady	05.11.2007	05.12.2007
44	Mr. K. Thangarajah	Mrs. K. Thanakarajah Cekkady Street Kaluwanchikudy 8	12.11.2007	13.11.2007
45	Mr. P. Daniel	Mr. A. Palaninathan 29/23, Sinna Uppodai Batticaloa	16.11.2007	18.11.2007
46	Mr. T. Manivannan	Mr. S. Tharmalinagam Swiss Village Thiraimadu	26.11.2007	27.11.2007
47	Mr. T. Suhirthan	Mr. R. Thadchanamoorthy 3 rd Cross, New Boundary Road, Sinna Urani , Batticaloa	26.11.2007	27.11.2007
48	Mr. S.Sathananthan	Mr. S. Nithiyanathan Pandariyavely Kokkadicholai	29.11.2007	Returned
49	Mr.A. Vimalaswaran	Mrs. P. Pakkiyam Mankikaddu Navatkadu	03.12.2007	20.01.2008
50	Mr. P. Tharsan	Mr. S. Pathmanathan Krishnan Kovil Road Kiran	06.12.2007	06.12.2007
51	Mr. Mahenthirarajah	Mr. M. Jeyatheeswary 18, 2 nd Cross, Gnanasuriyam Square, Batticaloa	06.12.2007	09.12.2007

52	Mr. P. Chandrakumar	Mrs. C. Pavalamalar 3/3, Main Road Chenkalady	07.12.2007	09.12.2007
53	Mrs. R. Tharmaraj	Mr. L. Parasuraman Ganesha Vidyalaya Road Kaluthawela 4 Kaluwanchikudy	10.12.2007	12.12.2007
54	Mr. P. Suntharamoorthy	Mrs. K. Rajeswary 43, Boundary Road Batticaloa	14.12.2007	14.12.2008
55	Mr. T. Nilanthan	Mrs. T. Suganthagousalya Buhary Nagar Road Eravur	19.12.2007	30.12.2007
56	Mr. S. Ravendran	Mrs.S. Valarmathy Kali Kovil Road Arumugathankudiruppu	24.12.2007	25.12.2007
57	Mr. S. Mayuran	Mrs. V. Janaki Koolawady Road Arayampathy	27.12.2007	27.12.2007
58	Mr. S. Kugeswaran	Mr. M. Sivalaingam Vedarkudiruppu Arayampathy	27.12.2007	27.12.2007
59	Mr. M. Kokularajah	Mrs. N. Vijayalatchumy Thumbankerny Periyaporathivu, Thikkodai	27.12.2007	Returned
60	Mr. R. Kamalraj	Mrs. R. Shanthalaksumi Sinnathabi Road Mankadu, Cettipalayam	31.12.2007	02.01.2008
61	Mr. D. Jeyaraj	Mrs. D. Kirupainayaki Sinnathurai Road Mankadu, Cettipalayam	31.12.2007	02.01.2008
62	Mr. K. Lingarasa	Mrs.L. Vasanthakumary Vanniyar Road Batticaloa	31.12.2007	01.01.2008
63	Mr. A.Ravikimar	Mrs. A.Thangapillai Onthachimadam Kaluwanchikudy	07.01.2007	April .2007
64	Mr. V.Jeyanthan	Mrs. A.Shanthadevi Mahiladitivu Kokkadicholai	25.12.2006	01.01.2007
65	Mr. Rathakrishnan Rajmohan	Mr.V.Rathakrishnan Iyankerny Eravur	12.12.2007	Returned
66	Mr. R.Kamalanathan	Mrs. R.Kalawathy Urugamam	24.02.2007	28.02.2007

		Karadiyanaru		
67	Mr. V.Uthayakumar	Mrs. V.Thavamany Alayadi Road Vantarumoolai	14.01.2007	10.12.2009
68	Mr. S.Jegatheeswaran	Mrs. S.Sellammah Thiraimadu Mugatuwaram	05.04.2007	2008 October
69	Mr. M.Thambipillai	Mrs.T.Uthayakuamri School Road Puthukudiruppu	17.03.2007	Returned
70	Mr. S.Mahalingam	Mrs. Y.Maheswary Ambalanthurai Kokkadicholai	20.04.2007	30.05.2007
71	Mr.V.Javaharan	Mrs. S. T.Jayanthimalar Karavetty Navatkadu	29.05.2007	2009 Rtnd
72	Mr. P.Pathmaraj	Mrs. P.Pathmawathy Waikaladichenai Aitiyamalai	29.05.2007	30.05.2007
73	Mr. S.Murugupillai	Mr.K. Somanathan Karavetty Navatkadu	29.05.2007	2007 June
74	Mr. T.Thadchanamoorthy	Mr.V. Seenithamby Eachantivu Navatkadu	01.06.2007	2008 Rtnd
75	Mr. A.Thavaneethan	Mrs.A. Mathivathany Nursing Hostel Batticaloa	06.06.2007	Returned
76	Mr. T.Yasothan	Mrs. S.Thulasi Mariamman Kovil Road Kiran	12.06.2007	12.06.2007
77	Mr. M.Faizal	Mrs.M.H.S.Fareedha Birunthuruchenai Valaichenai	28.05.2007	17.06.2007
78	Mr.A.Jeyakumar	Mrs.A.Malar Kannakipuram Valaichenai	28.05.2007	17.06.2007
79	Mr. K.Laksmikanthan	Mrs. K.Annalatchumi Iyankerny IDP camp Eravur	16.06.2007	Returned
80	Mr. K.Thyananthan	Mrs. T.Uthayakuamr Arasaditivu Kokkadicholai	18.06.2007	23.06.2007
81	Mr. S.Selvakumar	Mr.M.Sapawathy	20.06.2007	2007 july

		Palamunai Mandur		
82	Mr. S.Mithilan	Mr.K. Ponnampalam Kallady Uppodai Batticaloa	10.06.2007	Returned
83	Mr. S.Baskaran	Mrs.S.Kangeswary Suriya Road Batticaloa	04.07.2007	Octo.2007
84	Mr. A.Mehanathan	Mr.S.Arulampalam Kovilporativu Porativu	28.06.2007	July.2007
85	Mr.S.Ratheeskumar	Mr.R.Savarimuttu Thandavanvely Batticaloa	16.07.2007	Returned
86	Mr. M.Maheswaran	Ms.A.Arulshalini Iruthayapuram East Batticaloa	09.09.2007	10.12.2007
87	Mr. M.Sacitharan	Ms.K.Pangayavalli Thuraiyadi road Kurukalmadam	07.09.2007	14.09.2007
88	Mr. T.Rajeswaran	Ms.K.Alageswary Thuraiyady Road Kurukalmadam	07.09.2007	14.09.2007
89	Mr. K.Tharmaretnam	Mrs.A.Parimalam RDS Road Mavativembu	04.09.2007	19.09.2007
90	Mr.J.Vinujan	Mrs.V.Vijayarani Mahilur Kaluwanchikudy	21.10.2007	28.10.2007
91	Mr. V.Suganthan	Mrs.V.Komathy Bake house road Vantarumoolai	14.10.2007	10.05.2009
92	Mr. S.Pragash	Mr.S.Pragash Periyapullumalai Kopaely	23.10.2007	Returned
93	Mr. N.Kunasehar	Ms.M.Kunasekar Bar Road Batticaloa	11.11.2007	04.10.2009
94	Mr. K.Sacikaran	Mrs.K.Janaki Senaitheru Karuvapankerny	27.11.2007	28.11.2007
95	Mr. P.Suntharamoorthy	Mrs.K.Rajeswary Boundary Road Batticaloa	30.11.2007	14.12.2008
96	Mr. S.Kannathasan	Mr.K.Suthanthran Uppodai Road	16.12.2007	.2007

		Vantarumoolai		
97	Mr. T.Jannanath	Mrs.T. Perinpanayaki Kali Kovil Road Eraur	18.12.2007	.2007
98	Mr. V. Thusyanthan	Mr.S.Velaytham Paddiyadichenai Kalkudah	01.12.2007	2009
99	Mr.S.Jeevaraj	Mrs.SJ.Jeyanirmala Kannagi amman Kovil Road Batticala	18.11.2007	2008
100	Mr. I.Iruthayaraj	Mr.T.Kirupairajah Bar Road Batticaloa	26.12.2007	2008 June
101	Mr. M.Vimalanathan	Mr.V.Modsanathan Railway Station Quarters Batticaloa	08.07.2007	10.07.2007
102	Mr. V.Kalaiyaran	K.Thavaraj Sivapuram Eruvuvil	11.09.2007	14.09.2007
103	Mr. P. Aravinth	Mr. V. Perinbanayaki 60/59, Kannaki Kovil Road Batticaloa	11.04.2007	05.03.2009
104	Mrs. N. Sinnamaniyamamah	Mr. K. Sivanesan Korakallimadu Kiran	16.04.2007	27.04.2007

Year 2006

Nos	Name of Victim	Complainant details	Incident Date	Remarks
01	Ms. S. Roshany	Ms. S. Jesmin Koolawady Batticaloa	12.03.2006	Returned
02	Mr. S. Suresh	Miss. T. Ganakeswary Narasinga Road Arayampathy	18.03.2006	May 2006
03	Miss. N. Jeyakishan	Miss. N. Jeyamany Lake Road Batticaloa	04.05.2006	Returned
04	Mr. A. Sathees	Mrs. I. Nithiyananthan Gnanasuriyam Square Trinco Road Batticaloa	20.05.2006	Returned
05	Mr. T. Rathakrishann	Mr. V. Kamatchinathan	13.05.2006	Returned

		Bar Road Batticaloa		
06	Mr. S. Murugesan	Mr. Rathakrishnan Bar Road Batticaloa	12.05.2006	Returned
07	Mr.V. Jeyaweera	Mrs. J. Sathananthni 9 th Cross Kallady Velur Batticaloa	29.05.2006	Returned
08	Mr. A. Navaseelan	Mrs. L. Thavamalar Navalady Road Jeevapuram, Santhively	14.06.2006	07.06.2007
09	Mr. V. Selvarasa	Mrs. S. Kangasundry Navalar Road Jeevapuram, Santhively	14.06.2006	19.06.2006
10	Mr. T. Ravikumar	Mrs. N. Pakiyalatchumi Navalady Road Santhively	14.06.2006	02.09.2009
11	Mr. T. Kugenthiran	MrsS. Marimuttu Navalar Road Santhively	14.06.2006	10.08.2006
12	Mr. V.Vickneswaran	Mrs. A. Sivakumary Navalady Road Santhively	14.06.2006	27.12.2006
13	Mr. T. Yugarajan	Mr. T. Thayaparan 9 th Ward Puthukudiruppu, Arayampathy	20.06.2006	22.05.2007
14	Mr. T. Tamilchelvan	Miss. S. Anjaladevi Beach Road Kathiravelly	09.07.2006	20.07.2006
15	Mr.Y. Sutharsan	Mr. N. Yogaratnam Vinayagar Road Batticaloa	03.08.2006	Returned
16	Mr. P. Pasharan	Mr. P. Panchacharam Iyankerny 4 Chenkaldy	07.08.2006	Returned
17	Mr. P. Premachandran	Miss. S. Sivamalar Main Road Arayampathy	22.07.2006	Returned
18	Mr. A. Janarthanan	Mrs. A. Thangapakiyam Mamangam Batticaloa	11.08.2006	Returned
19	Mr. B. Uthayakumar	Mrs. B. Ravichandra Vythyar Road Sittandy 3	11.08.2006	25.08.2006

20	Mr. N. Rasenthiran	Mrs. S. Janaki Murugan Kovil road Sittandy 3	11.08.2006	April 2007
21	Mr.S. Chandrasri	Mrs. S. Yogeswary Murugan Kovil Road Sittandy 3	11.08.2006	.01.2008
22	Mr. J. Prashat	Mr. S. Yogarasa Mariyamman Kovil Road Arayampathy	20.08.2006	22.08.2006
23	Mr. Y. Vijayakanth	Mr. P. Yogarasa Vinayagapuram Valaichenai	20.08.2006	Returned
24	Mr. N. Gnaneswaran	Mr. V. Nallathamby Thihiliwettai Santhively	14.08.2006	15.04.2007
25	Mr. V. Rehan	Mrs. S. Selvamany 2 nd Cross Poonochchimunai, Batticaloa	15.09.2006	Returned
26	Mr. M. Sacikumar	Mrs. S. Thayani Thillainathan Road Thevapuram, Murakkotanchenai	26.09.2006	02.10.2006
27	Mr. V. Pulenthiran	Mr. S. Velupilla Murugan Kovil Road Kiran	29.08.2006	25.11.2007
28	Mr. L. Prasthab	Mrs. L. Natkunam Kannagipuram Valaichenai	07.09.2006	26.10.2006
29	Mr. S. Mathivasanthan	Mrs. S. Mathivasanthi Kalaivani Road Valaicheani	10.10.2006	.2007
30	Mr. K. Selvakumar	Mrs. N. Janagi Kali Kovil Road Eravur 4		Returned
31	Mr. L. Thayananthan	Mrs. L. Nallammah Church Road Thettativu	13.10.2006	2.11.2006
32	Mr. K. Yogeswaran	Mrs. K. Nallammah Main Road Kaluwanchikudy	27.05.2006	10.08.2006
33	Mr. T. Ramesh	Mrs. T. Sarathadevi Nagathambiran Road Cettipalayam	13.10.2006	28.10.2006

34	Mr. M. Velnayagham	Mrs.M. Kannamuttu Thevapuram Vantarumoolai	19.10.2006	05.04.2007
35	Mr. M. Ilankeswaran	Mrs. M. Meenalogogini Thevapuram Vantarumoolai	19.10.2006	
36	Mr. L. Kesawarsan	Mrs. K. Vasanthadevi Thevapuram Vantarumoolai	19.10.2006	10.01.2007
37	Mr. R. Premananthan	Mr. M. Rajakopal Amman Kovil road Pandiruppu	02.11.2006	27.11.2006
38	Mr. A. Satheeswaran	Mrs. K. Amirthavally 8 th Ward Kokkadicholai	25.09.2006	07.01.2008
39	Mr. T. Navaranjan	Mrs.T.Parameswary Kali Kovil Road Kallady Velur	25.10.2006	2007
40	Mr. Thusyanthan	Miss, K. Puvaneswary Paddapuram Periyaporativu	03.10.2006	04.11.206
41	Mr.T.Sugirtharajah	Mrs. P.Thillayampalam School Road Kokkuvil	10.12.2006	20.12.2006
42	Mr. S. Thanusikan	Mrs. S.Sandirika Vipulanantha Road Settukudah	20.12.2006	07.01.2007

Annexure II: Persons are in the Detention centers

Year	Nos	Name of Victim	Complainant details	Incident Date	Remarks
2006	01	Mr. G. Kopinath	Mrs. S. Gnanapragash 9 th Ward Kaluwanchikudy	27.10.2006	Next of Kin seen at Omandai Rehabilitation camp
	02	Mr. R. Savior	Mrs. A. Amirthavally Puthukudiruppu Valaichenai	01.11.2006	NOK seen at Kandy Prison 19.4.2007
	03	Mr..K.Kamalatharan	Mrs. I. Vasanthy Kannagipuram Valaichenai	27.07.2006	Detained at Omanda Detention Centre

Annexure III: Dead body Identified

Year	Nos	Name of Victim	Complainant details	Missing Date	Remarks
2006	01	Mr. S.Sutharupan	Mrs. Ms.V. Suthaharan Kallady Velur Batticaloa	29.03.2006	Body found
	02	Mr. G.Theiventhiran	Mrs. V. Vijayalatchumy Navalar Road Santhively	15.06.2006	Body found
	03	Mr. V.Thanusan	Mrs. T.Shanthi School Road Kiran	14.06.2006	Body found
	04	Mr. V.Sukirthan	Mrs. I,Kamala Puthukudiruppu Valaichenai	27.07.2006	Body found
	05	Mr. K.Pusparasa	Mrs. S.Yogeswary Murugan Kovil Road Sittandy 3	11.08.2006	Body found
	06	Mr. S.Kovithan	Mrs. S.Thilakawathy Main Road Cettipalayam	13.10.2006	Body found
	07	Mr.C. Vinokanth	Mrs. S.Santhirasekaram Beach Road Kurukalmdam	02.11.2006	Body found
	08	Mr. A. Anuraj	Mr. S. Alosius Kanapathipilai Kiramam Chenkalady	29.10.2006	Body found
	09	Mr. C. Cristin	Mr. S. Cristoper Tsunami Housing Scheme Mylampavely	29.10.2006	Body found
	10	Mr. P. Suthakaran	Mr. V. Pusparajah Korakallimadu Kiran	30.10.2006	Body found
2007	11	Mr. S.Samithamby	Mrs. R. Jegasothy Kathirkamathamby Road Selvanagar East,Arayampathy	07.11.2007	Body Found
	12	V. Usumundapody	Mr. V. Paramanathan Senkuttar Road Arayamapathy	26.03.2007	Dead
	13	Mr. S. Sivanesan	Ms.R. Puspakanthu Main Road Kirankulam North	05.04.2007	Body found
	14	Mr.P. Ranjan	Mrs. R. Yalini	24.09.2007	Dead

			Vethusenai Vellavelly		
	15	Mr. R. Jerad	Mr. E. Rosairo Iruthayapuram Batticaloa	24.09.2007	Dead
2008	16	Mr.Thiyagarajah Ranjithakumar	Ms.R.Sarmini Mahilur Road 2 nd Kerny Onthachimadam	13.01.2008	Body found
	17	Mr. Thevathas Sureshkumar	Mrs. S. Vijitha Market Road Chenkalady	19.06.2008	Body found
	18	Mr. Ameer Aneez	Mr.MAK.Buhary Poonochchimunai Batticaloa	12.08.2008	Body found 3.9.2008
	19	Mr. Ganesamuthalai Suganthan	Ms. G. Sarojini Thiruneetrukerny road, Arayamapathy	18.09.2008	Body found 27.9.2008
	20	Mr.Thavarasa Sureshkumar	Mrs. P. Sathiyalino Iyankerny Eravur	27.12.2008	Body found

Annexure IV (a): Complaints Inquired by the Team

S/N	HRC Complaint No	Name of the Complainant	Address	Name of the Missing Person	Age	Missing Date/ Place	Missing Place	Remarks
01	HRC/Bco/511/07/MA	Mr.K.Paneerselvam (Father)	Naripul Thoddam Ayithiyamalai (Father)	Pannerselvam Karunakaran	30 yrs	2007.07.30	Naripulthoddam (At home)	
02	HRC/Bco/512/07/MA	Mrs.A.Yogamani (Wife)	Naripul Thoddam Ayithiyamalai	Chandrasheharam Arulraj	29 yrs	2007.07.30	Naripulthoddam (At home)	
03	HRC/Bco/513/07/MA	Mr.I.Thavarasa (Brother)	Naripulthoddam Ayithiyamalai	Arunachalam Kanagalingam	37 yrs	2007.07.30	Naripulthoddam (At home)	
04	HRC/Bco/784/07/MA	Mrs.I.Komathy (Wife)	Naripulthoddam Ayithiyamalai	Sivasupramaniyam Ilangarasa	30 yrs	2007.11.29	Chenkalady	
05	HRC/Bco/011/09/MA	Mrs.L.Illavarasy (Wife)	Krishna road Periya Poradevu	Seenithamby Lavaneethan	30yrs	2009.01.06	Ayithiyamalai	
06	HRC/Bco/072/09/MA	Mrs.M.Ponkoothai (Wife)	Kothiyawelai Kannakudah	Thambirasa Murukesu	47 yrs	2009.01.23	Unnicheai	
07	HRC/Bco/113/09/MA	Mrs.T.Uththarai (Wife)	Pavatkodichenai Unnicheai	Kanapathipillai Thavarasa	33 yrs	2009.03.20	Unnicheai	
08	HRC/Bco/152/09/MA	Mr.T.Srishkanthraja (Father)	9 th colony Ayithiyamalai south	Srishkantharaja Vijayarajan	24 yrs	2009.04.14	Ayithiyamalai	
09	HRC/Bco/176/09/MA	Mrs.K.Lalitha (Wife)	2 nd ward Thalankudah	Alagaiya Kokilanathan	27yrs	2009.05.02	Periyasipimadu	
10	HRC/Bco/202/09/MA	Mrs.M.Soodamani (Wife)	4 th Mile post Ayithiyamalai	Suppaiya Velusumanan	51 yrs	2009.05.26	Ayithiyamalai	
11	HRC/Bco/211/09/MA	Mrs.I.Jeevarani (daughter)	9 th colony Ayithiyamalai south	Kanapathipillai Parasuraman	55 yrs	2009.05.29	Polanaruwai	
12	HRC/Bco/163/06/MA	Mr.S.Thevarasa	Loedds avenue	Thevarasa	28 yrs	2006.07.04	Batticaloa	

			Batticaloa	Jegatheepan				
13	HRC/Bco/070/07/MA	Mrs.K.Indradevi	8 th ward Thangapuram Muthur	Karalasingam Kanthrupan	27 yrs	2007.01.03	Batticaloa	
14	HRC/Bco/087/07/MA	Mrs.C.Indrani	Daniyal Square Batticaloa	Veeraiya Chandrakumar	30 yrs	2007.02.04	Batticaloa	
15	HRC/Bco/101/07/MA	Mrs.T.Thurumathy	Pallikudiyirupu Mudur	Santhakumar Thirukumaran	19 yrs	2006.10.05	Vaharai	
16	HRC/Bco/212/07/MA	Mrs.S.Sabeshka	Munaikadu East Kokkadicholai	Sivagnaselvam Sankaratheepan	26 yrs	2007.03.20	Batticaloa	
17	HRC/Bco/216/07/MA	Mrs. S. Rajini	Bar Road Batticaloa	Arasan Shahayanathan	39 yrs	2007.03.19	Batticaloa	
18	HRC/Bco/217/07/MA	Mrs. N.Prabalini	5 th ward Mudur	Veerasingam Nishanthan	31 yrs	2007.03.19	Mugathuwaram	
19	HRC/Bco/274/07/MA	Mrs.M.Thiresamma	Iruthayapuram East Batticaloa	Murugupillai Emanuvél	36 yrs	2007.04.19	Batticaloa	
20	HRC/Bco/282/07/MA	Mrs.P.Selvavathy	Iruthayapuram East Batticaloa	Perumal Sukirtha	28 yrs	2007.04.19	Batticaloa	
21	HRC/Bco/299/07/MA	Mrs.M.Komaleswar y	Daniyal Square Batticaloa	Sellathamby Mahendran	49 yrs	2007.04.25	Batticaloa (At home)	
22	HRC/Bco/332/07/MA	Mrs.K. Mangalam	Illupadichenai Kannankudah	Sinnapodiyan Kanapathipillai,	61 yrs	2007.03.25	Illupadichenai	
23	HRC/Bco/333/07/MA	Mr.K.Panchadsara m	Illupadichenai Kannankudah	Kanthapody Thavarasa	48 yrs	2007.03.24	Illupadichenai	
24	HRC/Bco/357/07/MA	Mrs.V.Nagaledsum y	Thimiladevu Puthur Batticaloa	Kathirkamathamby Velupillai	48 yrs	2007.05.28	Batticaloa	
25	HRC/Bco/373/07/MA	Mrs.A.Kamala	4 th cross Punnaicholai	Arasan Sahayanathan	39 yrs	2007.03.19	Batticaloa	

26	HRC/Bco/391/07/MA	Mrs.S.Saraswathy	Kokkuvil colony Batticaloa	Sivester Duklas	23 yrs	2007.06.09	Kokkuvil	
27	HRC/Bco/450/07/MA	Mrs.A.Priyatharshini	Kurinjamunai Kannakudah	Kathirkamapody Anantharajah	26 yrs	2007.06.15	Batticaloa	
28	HRC/Bco/451/07/MA	Mrs.P.Mathani	Kurinjamunai Kannakudah	Vijayarednam Parkunam	23yrs	2007.06.15	Batticaloa	
9	HRC/Bco/666/07/MA	Mr.V.Thurairaja	Bar road Batticaloa	Thiyakaraja Selvakumar	26yrs	2007.10.10	Batticaloa	
30	HRC/Bco/734/07/MA	Mrs.P.Ravichandran	Sinna urani Batticaloa(Sister)	Arulanantham Thevakumar	28 yrs	2007.11.15	Thiraimadu	
31	HRC/Bco/792/07/MA	Mrs.S.Selvarani	Lake road Navatkadu	Supramaniyam Sothivadivel	32 yrs	2007.12.04	Batticaloa	
32	HRC/Bco/027/08/MA	Mrs.S.Santhadevi	Thirumalai road Batticaloa	Suntharralingam Sunthararaj	31 yrs	2008.01.12	Batticaloa	
33	HRC/Bco/224/08/MA	Mrs.G.Subajini	Sinna urani Batticaloa	Sebastian Good fellow	32 yrs	2008.05.15	Colombo	
34	HRC/Bco/526/08/MA	Mrs.S.Thanganadchi	Amarasingam road Arayampathy	Sinnathamby Nahendran	34 yrs	2008.10.28	Kokkadicholai	
35	HRC/Bco/020/09/MA	Mrs.K.Jeyakala	Kokkuvil Batticaloa	Veerakuddy Pushpadeva	30 yrs	2009.01.16	Batticaloa	
36	HRC/Bco/058/09/MA	Mr.S.Tharmapalan	Navatkudah Batticaloa	Selvarasa Jeyaharan	37yrs	2009.02.10	Batticaloa	
37	HRC/Bco/66/09/MA	Mr.V.Kurukulasingam	Thiruperunthurai Batticaloa	Kurukulasingam Yogavel	29yrs	2009.02.14	Kokkadicholai	
38	HRC/Bco/159/09/MA	Mr.S.Yohendran	Boundary road Batticaloa	Yohendran Yoshan	20 yrs	2009.05.03	Batticaloa	
39	HRC/Bco/160/09/MA	Mrs.K.Augustie	Sethukudah Batticaloa	Mahesan Bernold	23 yrs	2009.05.03	Batticaloa	

40	HRC/Bco/161/09/MA	Mrs.T.Ariyamalar	Jeyanthipuram Batticaloa	Thavaraja Harimugunthan	20 yrs	2009.05.03	Batticaloa	
41	HRC/Bco/162/09/MA	Mrs.SF.Rajayogam	Railyway Station road Batticaloa	Sivester Fernando Prasanth	20yrs	2009.05.03	Batticaloa	
42	HRC/Bco/190/09/MA	Ms.K.Vijayaledsumy	Pillaiyarady Batticaloa	Kalimuthu Sureskumar	35 yrs	2009.05.18	Batticaloa (At Home)	
43	HRC/Bco/271/09/MA	Mrs.R.Pushpamalar	Sinnaurani Batticaloa	Selvarednam Rajendran	26 yrs	2009.07.24	Batticaloa	
44	HRC/Bco/401/09/MA	Mr.N.Chandran	Thiraimadu Batticaloa	Chandran Chandrakumar	27yrs	2009.11.25	Batticaloa	
45	HRC/Bco/222/06/MA	Mrs.S.Premini	Main road Kaluwankerny -02	Kanapathipillai Sooriyakumar	28 yrs	2006.08.28	Kaluwankerny	
46	HRC/Bco/223/06/MA	Mrs.I.S.Susila	Main road Kaluwankerny -02	Sivanesarasa Sutharsan	30 yrs	2006.08.28	Kaluwankerny	
47	HRC/Bco/232/07/MA	Mrs.M.Sivapakkiyam	Pillaiyarady road Vantharumoolai	Kirshnapillai Murugeswaran	28 yrs	2007.04.02	Chenkalady	
48	HRC/Bco/337/07/MA	Mrs.T.Sinthuja	Manikavasagar road Mavadyvembu -02	Sivalingam Indran	26 yrs	2007.05.21	Navatkudah	
49	HRC/Bco/370/07/MA	Mrs.K.Nageswary	Murugankovil road Sittandy	Thambiyaiya Vijayaretnam	15 yrs	2007.05.22	Sittandy	
50	HRC/Bco/387/07/MA	Ms.K.Sivaneswary	School road Sittandy -03	Kandaiya Ravendran	34 yrs	2007.06.04	Santhively	
51	HRC/Bco/388/07/M	Ms.M.Arasamma	School Road Sittandy -03	Arumugam Ganesan	44 yrs	2007.06.04	Santhively	
52	HRC/Bco/665/07/MA	Mrs.R Maheswary	Veppavedduwan, Pankudavely	GanesanDilrukshi	31yrs	2007.09.22	Kaluwankerny	

53	HRC/Bco/682/07/MA	Mrs.A.Chenthamils elvy	Navukkarasar road Mavadyvembu	Yogarasa Aathithan	17 yrs	2007.10.14	Mavatyvembu	
54	HRC/Bco/695/07/MA	Mrs.R.Ranjini	Reppanapuram Chenkalady	Ravichandran Jeevaraj	19 yrs	2007.10.24	Chenkalady	
55	HRC/Bco/707/07/MA	Mrs.V.Ravendraran i	Seenithambi road Thalawai	Velayutham Varatharaja	24 yrs	2007.10.25	Eravur	
56	HRC/Bco/709/07/MA	Mrs.S.Puvaneswary	Iyankerny Chenkalady	Kulasingam Chenthuran	23 yrs	2007.10.29	Iyankerny	
57	HRC/Bco/713/07/MA	Mrs.I.Sothinathan	Mayilampavely Savukkady	Sothinathan Rakunathan	26 yrs	2007.12.24	Mayilampavely	
58	HRC/Bco/758/07/MA	Mrs.K.Alagamma	Wadamunai Welikanda	Thangarasa Sellathurai	42 yrs	2007.10.15	Chenkalady	
59	HRC/Bco/760/07/MA	Mrs.S.Sarmiladevi	Barathy gramam Chenkalady	Thevarasa Sureskanan	29 yrs	2007.11.25	Eravur	
60	HRC/Bco/761/07/MA	Mrs.T.Chandrawat hy	Boundary road Eravur	Thavarasa Kalaichenthuran	16 yrs	2007.11.25	Eravur	
61	HRC/Bco/762/07/MA	Mr.N.Shanmugaras a	Umamil road Kommathurai	Shanmugarasa Chandrakasan	18yrs	2007.11.25	Kaluwankerny	
62	HRC/Bco/785/07/MA	Mrs. M.Thavamani	Boundary road Chenkalady	Murugupillai Thavarasa	34 yrs	2007.11.30	Urugamam	
63	HRC/Bco/850/07/MA	Mrs.s.Thangaredna m	Saranalaya road Thannamunai	Shanmugam Kulasheharam	17yrs	2007.12.23	Thannamunai	
64	HRC/Bco/851/07/MA	Mr.S.Krishnakumar	Saranayala road Thannamunai	Krishnakumar Satheeskumar	15 yrs	2007.12.23	Arumugathankud iyiruppu	
65	HRC/Bco/143/08/MA	Mrs.S.Nanthini	Palavinayagar road Thannamunai	Sothinathan Rakunathan	24 yrs	2007.12.24	Mayilampavely	
66	HRC/Bco/412/08/MA	Mrs.K.Jeyanthi	Kallichai	Yoganathan Kajan	18yrs	2008.08.20	Palacholai	

			Wadamunai					
67	HRC/Bco/655/08/MA	Mrs.K.Thangeswary	Sathiriyar road Murakadanchenai	Kalamayil Sureshharan	24 yrs	2008.12.21	Murakadanchena i	
68	HRC/Bco/660/08/MA	Mrs.P.Krishnakuma ry	Rasanayagam road Eravur	ParanthamanThilee pan	22 yrs	2008.12.19	Eravur	
69	HRC/Bco/039/09/MA	Mrs.S.Leeswaralath a	Periyathampiran kovil road Vantharumoolai	Karunanithy Suthaharan	24 yrs	2009.01.26	Chenkalady	
70	HRC/Bco/045/09/MA	Mrs.V.Jevitha	Ammanpuram Chenkalady	Selvarasa Vimalanathan	27 yrs	2009.01.27	Chenkalady	
71	HRC/Bco/138/09/MA	Mrs.S.Vellaiyamma	School road Chenkalady	Seenithambi Chandrashekar	31yrs	2009.04.19	Chenkalady	
72	HRC/Bco/194/09/MA	Mrs.P.Jeyatheepa	School road Iyankery	Ramalingam Pathmasri	29 yrs	2009.05.23	Chenkalady	
73	HRC/Bco/230/09/MA	Mrs.M.Niranjini	School road -01, Mavadiyembu	Sivalingam Thirumal	27yrs	2009.06.22	Eravur	
74	HRC/Bco/231/09/MA	Mrs.K.Rasaledsumy	School Road Mavadiyembu-01	Sathasivam Ranjan	25 yrs	2009.06.22	Eravur	
75	HRC/Bco/258/09/MA	Mrs.S.Viji	3 rd cross Kokkuvil	ShanmugamSachch ithanantham	23yrs	2009.07.14	Savukkady	
76	HRC/Bco/387/09/MA	Mrs.K.Saroja	Badulla road Pankudavely	Seevarednam Sivalavan	31 yrs	2009.11.06	Oddamavady	
77	HRC/Bco/447/09/MA	Mrs.S.Theivanapilla i	Jeevapuram Santhively	Murykupillai Ketheeswaran	30 yrs	2009.05.10	Trincomalee	
79	HRC/Bco/404/08 /MA	Mr.P.Kanapathipilla i	Kannakipuram Valaichchenai	Kanapathipillai Vasanthakumar	32 Yrs	2008.08.29	Valaichchenai	
80	HRC/Bco/426 /08/MA	Mrs.N.Rajani	School road Kalkudah	Kanapathipillai Navarednam	33 Yrs	2008.09.13	Kalkudah	

81	HRC/Bco/427/08/MA	Mrs.R.Parimalam	School road Kalkudah	Rasaiya Kamalarasu	28 Yrs	2008.09.13	Kalkudah	
82	HRC/Bco/127/06/MA	Ms.S.Mathavy	Beach Road, Thettativu	Selvanayagam Rinatmary	46 yrs	2006.03.27	Thettativu	
83	HRC/Bco/293/06/MA	Ms.K. Mangayatkarsi	Education Office Road Kaluwanchikudy	Krishnakumar Sugunaraj	22 yrs	2006.11.02	Thettativu	
84	HRC/Bco/306/06/MA	Mr.S.Lingeswaraku mar	Vanniyar Road Kaluthawela	Sinnathamby Prashantharaj	25 yrs	2006.11.06	Kaluthawela	
85	HRC/Bco/610/07/MA	Ms.N. Santhanapillai	Sivapuram Eruvil Kaluwanchikudy	Vyramuthu Yoganathan	32 yrs	2007.09.17	Akurana	
86	HRC/Bco/866/07/MA	Ms.V. Maheswary	Cettipalayam South Kaluwanchikudy	Vadivel Sivakumar	27 yrs	2007.11.29	Kattankudy	
87	HRC/Bco/382/07/MA	Ms.V. Rajini	Kurumanvely 11 Kaluwanchikudy	Kanavathipillai Yogarasa	34 yrs	2007.06.03	39 th Colony	
88	HRC/Bco/466/07/MA	Ms.R. Nagammah	School Road Periyaporativu	Retnam Puviraj	19 yrs	2007.01.04	Kovilporativu	
89	HRC/Bco/619/07/MA	Ms.K. Amirthavally	3 rd Cross, Periya Kallar Kaluwanchikudy	Tharmalingam Satheeskumar	24 yrs	2007.09.20	Periyakallar	
90	HRC/Bco/700/07/MA	Ms.R. Thanusiya	Kali Kovil Road Arayampathy	Amirthalingam Rooban	25 yrs	2007.10.27	Kaluwanchikudy	
91	HRC/Bco/084/08/MA	Ms.K. Thavamalar	Sri Murugan Kovil Road Kaluthawela 5	Kanagasuriyam Raju,	29 yrs	2008.02.16	Paddiruppu Checkpoint	
92	HRC/Bco/85/08/MA	Ms.T. Kemalatha	Library Road Kaluthawela 5	Sellaiah Tharmalingam,	28 yrs	2008.02.16	Paddiruppu Checkpoint	
93	HRC/Bco/95/08/MA	Mr.M. Pooranam	Kannagipuram Mahilur	Markandu Yogarasa ,	26 yrs	2008.02.22	Mahilur	
94	HRC/Bco/107/08/MA	Ms.V Paranjothy	Beach Road	Verapathiran	58 yrs	2008.03.04	Kaluwanchikudy	

			Kaluthawela 6	Vyramuthu,				
95	HRC/Bco/111/08/MA	Ms.U. Rajani	Kavitha Stores Road Periyakallar	Thilakaratnam Uthayakumar,	30 yrs	2008.03.05	Vellavelly	
96	HRC/Bco/123/08/MA	Ms.A.Punithamalar	Barathypuram Eruvil East Kaluwanchikudy	Antony Vimalraj,	48 yrs	2008.03.09	Maruthamunai	
97	HRC/Bco/131/08/MA	Mr.K.Letchumanan	Sinna Urani Batticaloa	Letsumanan Thevasanjeevan,	19 yrs	2008.03.23	Thettativu	
98	HRC/Bco/291/08/MA	Ms.T.Vyduriyam	Murugan Kovil Road Kaluwanchikudy	Seenitamby Thavararasa,	39 yrs	2008.12.08	Palugamam	
99	HRC/Bco/332/08/MA	Mr.T. Thayakaran	Thambimuttu Road Kirankulam	Thangarasa Thayeeswaran,	26 yrs	2008.07.19	Kaluwanchikudy	
100	HRC/Bco/519/08/MA	Ms.L. Sivamalar	Sri Murugan Kovil Road Kaluthawela 5	Kunasekaram Laksmanan ,	27 yrs	2008.10.28	Ampalanthurai	
101	HRC/Bco/583/08/MA	Ms.Y. Puspeswary	Kovil Road Kovilporativu	Kumarappan Yoganathan,	41 yrs	2008.11.24	Kaluwanchikudy	
102	HRC/Bco/612/08/MA	Ms..S Rathidevi	Ward 11 Kurumanvely	Murugesu Suriyakumar,	37 yrs	2008.12.08	Kurumanvely	
103	HRC/Bco/31/09/MA	Ms.S. Kumuthini	2 nd Cross, Veeramchenai Palugamam	Thambimuthu Yogendran,	28 yrs	2008.10.10	Polonnaruwa	
104	HRC/Bco/81/09/MA	Ms.S. Vathany	School Road Periyaporativu	Poobalasingam Sritharajah,	38 yrs	2009.02.25	Kaluwanchikudy	
105	HRC/Bco/117/09/MA	Ms.P. Nishanthini	School Road Kurumanvely 2	Perinbarajah Pirakalathan,	29 yrs	2009.03.21	Kovilporativu	
106	HRC/Bco/137/09/MA	Ms..R. Sridevi	Hospital Road Nagapuram, Mahilur	Ponnampalam Ravindran,	35 yrs	2009.04.18	Mahilur	
107	HRC/Bco/185/09/MA	Ms.N. Rajani	Main Street Palugamam 2	Selvanayagam Manoharan,	40 yrs	2009.05.14	Vellavelly	
108	HRC/Bco/351/09/MA	Ms.R. Nimaladevi	Puliyadipillayar Kovil	Ravi Kiritharan,	19 yrs	2009.01.28	Eruvil	

			Road Eruvil					
109	HRC/Bco/169/08/MA	Mrs. R. Maheswary	Badulla Road Periyapullumalai	Subramaniyam Ravichandran	Age 39 yrs	2008.04.10	Thumpalacholai	
110	HRC/Bco/170/08/MA	Mrs. K. Vijayamala	Badulla Road Thumpalaicholai	Arumugam Kandaiah	Age 62 yrs	2008.04.10	Thumpalacholai	
112	HRC/Bco/002/09/MA	Ms.C. Uthayamalar	Unnichai Rad Karadiyanaru Colony	Kandasamy Tharshan	Age 20 yrs	2009.01.03	Karadiyanaru	
113	HRC/Bco/003/09/MA	Mrs.P. Geetha	Unnichai Road Karadiyanaru Kolony	Kanagarednam Prapanantham	Age 20 yrs	2009.01.03	Karadiyanaru	
114	HRC/Bco/008/09/MA	Mrs. A. Ravitha	Vipulananthapuram Thannamunai	Kandaiah Antony	42 yrs	2008.12.02	Urugamam	
115	HRC/Bco/635/08/MA	Mrs. T. Amarawathy	Mavadichenai Karadiyanaru	Ponnaiah Thiruparam	37 yrs	2008.12.15	Karadiyanaru	
116	HRC/Bco/126/09/MA	Mrs. A. Amalanayaki	2 nd Cross Kokkuvil Batticaloa	Antony Amalraj	41 yrs	2009.02.19	Marapalam	
117	HRC/Bco/175/09/MA	Mrs. T. Saritha	9 th Colony Ayitiyamalai	Selvarasa Thirumal	28 yrs	2009.05.08	Marapalam	
118	HRC/Bco/261/09/MA	Mrs. M. Sarathadevi	Badulla Road Periyapullumalai	Murugesu Suthaharan	25 yrs	2009.04.12	Kopavelly	
119	HRC/Bco/169/08/MA	Mrs. R. Maheswary	Badulla Road Periyapullumalai	Subramaniyam Ravichandran	39 yrs	2008.04.10	Thumpalacholai	
120	HRC/Bco/170/08/MA	Mrs. K. Vijayamala	Badulla Road Thumpalaicholai	Arumugam Kandaiah	62 yrs	2008.04.10	Thumpalacholai	
121	HRC/Bco/002/09/MA	Ms.C. Uthayamalar	Unnichai Rad	Kandasamy	20 yrs	2009.01.03	Karadiyanaru	

			Karadiyanaru Colony	Tharshan				
122	HRC/Bco/003/09/MA	Mrs.P. Geetha	Unnichai Road Karadiyanaru Kolony	Kanagarednam Prapanantham	20 yrs	2009.01.03	Karadiyanaru	
123	HRC/Bco/008/09/MA	Mrs. A. Ravitha	Vipulananthapuram Thannamunai	Kandaiah Antony	42 yrs	2008.12.02	Urugamam	
124	HRC/Bco/635/08/MA	Mrs. T. Amarawathy	Mavadichenai Karadiyanaru	Ponnaiah Thiruparam	37 yrs	2008.12.15	Karadiyanaru	
125	HRC/Bco/126/09/MA	Mrs. A. Amalanayaki	2 nd Cross Kokkuvil Batticaloa	Antony Amalraj	41 yrs	2009.02.19	Marapalam	
126	HRC/Bco/175/09/MA	Mrs. T. Saritha	9 th Colony Ayitiyamalai	Selvarasa Thirumal	28 yrs	2009.05.08	Marapalam	
127	HRC/Bco/261/09/MA	Mrs. M. Sarathadevi	Badulla Road Periyapullumalai	Murugesu Suthaharan	25 yrs	2009.04.12	Kopavely	
128	HRC/Bco/047/06/MA	Mrs.T.Kanageswary	Narasingar Kovil road Arayampathy -03	Thavarasa Mathanarupan	17 yrs	2006.03.18	Welikanda	
129	HRC/Bco/376/06/MA	Mrs.T.Kunanayaki	Ponnampalam road Arayampathy	Kailayapillai Kugathan	24 yrs	2006.12.17	Thankudah	
130	HRC/Bco/098/07/MA	Mr.S.Kanapathipilla i	Music college road Batticaloa	Kanapathipillai Lingeswaran	19 yrs	2007.01.24	Nochimunai	
131	HRC/Bco/275/07/MA	Mrs.J.Rathikala	Kithulweva Karadiyanaru	Sundaramoorthy Jeyaranjan	35 yrs	2007.10.31	Kallady	
132	HRC/Bco/281/07/MA	Mrs.M.Tharshini	Munaikadu south Kokkadicholai	Periyathamby Murugamoorthy	30 yrs	2007.04.24	Puthukudiyirupu	
133	HRC/Bco/360/07/MA	Mrs.M.Manjula	Pandariyaweli	Myilvaganam	23yrs	2007.05.29	Arayampathy	

			Kokkadicholai	Nimaleswaran				
134	HRC/Bco/731/07/MA	Mrs.T.Uthyaledsumy	Kallady velur Batticaloa	Thevanantha Lukshman	20 yrs	2007.11.07	Nochchimunai	
135	HRC/Bco/069/08/MA	Mrs.U.Thevamalar	Vaikaladichenai Ayithiyamalai	Periyathamby Uthayakumar	30 yrs	2008.01.15	Kallady	
136	HRC/Bco/145/08/MA	Mrs.K.Parameswary	Manmunai Pillaiyar kovil rd Arayampathy	Kanapathipillai Pushparasa	23 yrs	2008.03.31	Arayampathy (At Home)	
137	HRC/Bco/437/08/MA	Mrs.N.Yogamma	Thiruneertukerny Arayampathy	Nallathamby Rubesan	16yrs	2008.09.18	Kattankudy	
138	HRC/Bco/527/08/MA	Mrs.S.Thanganadchi	3 rd cross Arayampathy central	Sinnathamby Thangeswaran	27 yrs	2008.10.28	Kokkadicholai	
139	HRC/Bco/598/08/MA	Mrs.K.Vanitha	Kalikovil road Arayampathy	Nvarednam Kanthan	28 yrs	2008.02.18	Arayampathy	
140	HRC/Bco/669/08/MA	Mr.S.Ravichandran	Thiraimadu Batticaloa	Raveendran Rajatheepan	25 yrs	2008.12.06	Kallady	
141	HRC/Bco/077/09/MA	Mrs.Y.Sujanitha	Nochchimunai Batticaloa	Kunarednam Suthaharan	22 yrs	2009.02.14	Nochchimunai	
141	HRC/Bco/255/09/MA	Mrs.N.Thavamani	Kovilkulam colony Arayampathy	Vyramuthu Nallathamby	44 yrs	2009.07.10	Arayampathy	
142	HRC/Bco/390/09/MA	Mr.K.Thevathasan	8 th ward Kirankulam	Thevathasan Jeyakanthan	29 yrs	2009.11.07	Batticaloa	
143	HRC/Bco/449/09/MA	Mr.K.Nadarasa	Kannakiamman kovil road Arayampathy	Sivapalan Jeyaprasanth	22 yrs	2009.12.04	Kattankudy	
144	HRC/Bco/080/09/MA	Mrs.R.Chandrika	Rajathurai gramam Arayampathy	Rajathurai Rajamenan	33 yrs	2009.02.23	Kaluwanchikudy	
115	HRC/Bco/047/06/MA	Mrs.S. Kirija	Mavadimunmari Vidithikal,Kokkadich	Krishnamoorthy Rasenthiran,	27 yrs	2007.07.06		

			olai					
116	HRC/Bco/418/07/MA	Mrs.S. Vijayatharshini	Kovil Road,Kathiravellyu	Velayuthan Satkunedevan,	30 yrs	2007.06.16	Verukal	
117	HRC/Bco/179/06/MA	Mrs.T.Kemalatha	Pettalai , Valaichchenai	Mr.Supramaniyam Nagarasa	28 yrs	2006.06.23	Valaichchenai	
118	HRC/Bco/245/07/MA	Mrs.V.Umadevi	Karunaipuram Valaichchenai	Arumugam Srimohan	52 yrs	2007.03.17	Eravur	
119	HRC/Bco/358/07/MA	Mrs.S.Kannagamma	Kinnaiyady Valaichchenai	Sivalingam Thevatdas	24 yrs	2007.02.09	Sungankerny	
120	HRC/Bco/509/07/MA	MrsN.Ayiza umma	Thaikka road Valaichchenai	Samsudeen Musdakeen	26 yrs	2006.04.25	Polanaruwai	
121	HRC/Bco/609/07/MA	Mrs.K.Arunthavam	Sinnawattai Wakkiyellai	Vishvalingam Suvendran 15 yrs		2007.09.14	Akkuranai	
122	HRC/Bco/612/07/MA	Mrs.V.Pooranam	Puthu colony Kiran	Nagamuttu Velmurugu	39yrs	2007.05.21	Kudumbimalai	
123	HRC/Bco/613/07/MA	Mrs.K.Pushparani	Santhively Murakadanchenai	Kathamuthu Sivarasa	57 yrs	2007.05.21	Kudumbimalai	
124	HRC/Bco/750/07/MA	Mrs.K.Valarmathy	Sungankerny Valaichchenai	Vadivel Paskaran	17yrs	2007.10.28	Sungankerny	
125	HRC/Bco/821/07/MA	Mr.K.Izzadeen	P.S.Road Oddamavady-02	Izzadeen Safras	23 yrs	2007.11.12	Oddamavady	
126	HRC/Bco/822/07/MA	Mrs.U.Razeena	Boundary road Oddamavady -03	Abubaker Ilyaz	29yrs	2007.11.12	Oddamavady	
127	HRC/Bco/823/07/MA	Mrs.Fathima Farzana	Moothavan Podiyar road Oddamavady	Abubaker Naufar	27yrs	2007.11.12	Oddamavady	
128	HRC/Bco/824/07/MA	Mrs.Pathima Farsana	Moothavan Poodyar road Oddamavady-03	Ilyaz Abdul Kathar	18yrs	2007.11.12	Oddamavady	

129	HRC/Bco/833/07/MA	Mr.U.L.M.Thowfee k	Mavadichenai Valaichchenai	Meera Sahib Uthuma Lebbe	70yrs	2007.12.05	Valaichenai	
130	HRC/Bco/414/07/MA	Mrs. S. Yogeswary	Kothiyapuwa Kannankudah	Sivanatahm Mohanasundaram	27 yrs	2007.02.10	Kannankudah	
131	HRC/Bco/514/07/MA	Mrs. T. Sivaldsumi	Kurunjamunai Kannakudah	Thamotharam Puvanasingam	23 yrs	2007.08.01	Batticaloa	
132	HRC/Bco/572/07/MA	Mr. S. Yoganathan	Illupadichenai Kannankudah	Yoganathan Chandrakumaran	27yrs	2007.08.29	Illupadichenai	
133	HRC/Bco/673/07/MA	Mrs. S. Uthayaedsumi	Manikkaddu Navatkadu	Periyasamy Sathiyamoorthy	32 yrs	2007.01.16	Nellikadu	
134	HRC/Bco/677/07/MA	Ms. U.Thanaledsumi	Karayakantivu Kannakudah	Koneswaran Uthayakumar	33 yrs	2007.10.10.	Kattankudy	
135	HRC/Bco/142/08/MA	Mrs. M. Sivamany	Illupadichenai Kannankudah	Murugesu Kanagasabai	53 yrs	2008.03.27	Thandiyadi	
136	HRC/Bco/268/08/MA	Mrs. S. Mallika	Irakkathumunai NaqVatkadu	Velmurugu Sathiyadevan	45 yrs	2008.06.06	Kandyyanaru	
137	HRC/Bco/457/08/MA	Mrs. P. Mangayatkarasi	Manikkaddu Navatkadu	Puvanasingam Baskaran	22 yrs	2008.09.25	Manikkaddu	
138	HRC/Bco/538/08/MA	Mrs. P.Perinbanayaki	Kanchanankudah Kannankudah	Ponnampalam Pakiyarajah	40 yrs	2008.11.05	Kokkadicholai	
139	HRC/Bco/544/08/MA	Mrs. V. Kangeswary	Paruthichenai Kannankudah	Pattapody Vijayananthan	33 yrs	2008.11.07	Vavunativu	
140	HRC/Bco/549/08/MA	Mrs.K. Sumathy	Navatkadu Batticaloa	Sinnathurai Kantharuban	32 yrs	2008.11.11	Manikaddu	
141	HRC/Bco/001/09/MA	Mrs. S. Rajeswary	Karavetty Navatkadu	Rasaiah Sinnathurai	65 yrs	2008.11.25	Karavetty	
142	HRC/Bco/012/09/MA	Mrs. A. Rohinimalar	5 th Cross Puthur Batticaloa	Arasaretnam Nishanthan	24 yrs	2009.01.02	Vavunadivu	

143	HRC/Bco/524/09/MA	Mrs. Y. Poomalar	School Road Eachantivu	Yogan Sivagnanam	26 yrs	2009.04.20	Navatkadu	
144		Sivakumar manchula	Kumban aru, Kalimadu, Kurinchamunai, Kannankudha	Palapody sivakumar	35 yrs	06.02.2008	Kalimadu	
145	HRC/Bco/448/07 /MA	Mrs.K.Parameswar y	Viduthikal Kokkadichchola	Krishnamoorthy Rajendran	30 yrs	2007.07.04	Mavadimunmari	
146	HRC/Bco/565 /07/MA	Mrs.S.Nagakanni	40 th gramam Vammiyadiyurttu	Thangarasa Shanmugarajan	40 yrs	2007.08.08	Thanthamalai	
147	HRC/Bco/656/07/MA	Mr.S.Yogeswaran	Ganesapuram Mandur	Thadshanamoorthy Sathananthan	33 yrs	2007.10.04	Ganesapuram	
148	HRC/Bco/690/07/MA	Mrs.J.Kosaladevi	2 nd ward 39 th colony	Muththulingam Jeyamohan	39 yrs	2007.10.21	39 th colony (At Home)	
149	HRC/Bco/694/07/MA	Mrs.P.Shanthi	Sangapuram Mandur	Selvarasa Saththiyananthan	24yrs	2007.10.25	Ayithiyamalai	
150	HRC/Bco/454/08/MA	Mrs.Y.Malar	Main road Periyaporadevu	Manikkapody Ranjithan	35yrs	2008.09.24	Thumpalai	
151	HRC/Bco/475/08/MA	Mrs.S.Nirmala	Thumpankerni farm Thikkodai	Manirasa Sutharjanaraja	32yrs	2008.10.03	Arayampathy	
152	HRC/Bco/643/08/MA	Mrs.T.Komaladevi	40 th gramam Thikkodai	Thavithappu Ramesh	21 yrs	2008.12.11	40 th Gramam	
153	HRC/Bco/644/08/MA	Mrs.T.Pavani	Pannichchayadymun mary Kokkadichola	Kanthaiya Thavarasa	39 yrs	2008.12.20	KovilPoradevu	
154	HRC/Bco/645/08/MA	Mrs.A.Thulamphika i	Thumpankerny Thikkodai	Arumugam Gnasheharam	36 yrs	2008.12.20	Kovilporadevu	
156	HRC/Bco/651/08/MA	Mrs.S.Karunaiyam		Shangarapillai	27 yrs	2008.11.25	Nediyawedda	

		ma		Shanmuganathan				
157	HRC/Bco/661/08/MA	Mrs.K.Jamunarani	Anaikaddiyawely Mandur	Kalithasan Kanniyathan	28 yrs	2008.12.25	Palayadiweddai	
158	HRC/Bco/049/09/MA	Mrs.T.Thangapillai	Kampar road Kovil Poradevu	Vellachchi Thangarasa	35 yrs	2009.01.28	Thumpankerny	
159	HRC/Bco/100/09/MA	Mrs.K.Kala	35 th colony Wakkiyellai	Rasathurai Kanthan	26 yrs	2008.09.25	35 th colony	
160	HRC/Bco/123/09/MA	Mrs.K.Ledsumy	Ganesapuram Mandur	Ramalingam Yuvendran	28 yrs	2009.03.19	Ganesapuram	
161	HRC/Bco/220/09/MA	Mrs.J.Saththiyaba ma	Main road KovilPoradevu	Nallathamby Rajeswary	45 yrs	2009.06.11	Kakachchiweddai	
162	HRC/Bco/226/09/MA	Mrs.S.Shanthi	Shangaopuram Mandur	Vijayakumar Jeniskanth	18 yrs	2009.06.17	Shangapuram	
163	HRC/Bco/227/09/MA	Mrs.S.Shanthi	Shangapuram Mandur	Alahaiya Satheeskumar	23 yrs	2009.06.17	Batticaloa	
164	HRC/Bco/273/09/MA	Mrs.U.Kokilavani	Kanthipuram Palugamam	Murugamuthu Uthayakumar	37 yrs	2009.07.31	Kanthipuram (At home)	
165	HRC/Bco/280/09/MA	Mrs.P.Rohini	Thumpankerny Thikkodai	Sellathamby Pasharan	26 yrs	2009.08.29	Thumpankerny	
166	HRC/Bco/321/09/MA	Mrs.K.Kamaleswary	Karaiyakkandevu Kannakudah	Kanthaiya Kumarasamy	42 yrs	2009.09.08	Palayadiweddai	
167	HRC/Bco/414/07/MA	Mrs. S. Yogeswary	Kothiyapuwa Kannankudah	Sivanatahm Mohanasundaram	27 yrs	2007.02.10	Kannankudah	
168	HRC/Bco/514/07/MA	Mrs. T. Sivaledsumi	Kurunjamunai Kannakudah	Thamotharam Puvanasingam	23 yrs	2007.08.01	Batticaloa	
169	HRC/Bco/572/07/MA	Mr. S. Yoganathan	Illupadichenai Kannankudah	Yoganathan Chandrakumaran	27yrs	2007.08.29	Illupadichenai	

170	HRC/Bco/673/07/MA	Mrs. S. Uthayaledsumi	Manikkaddu Navatkadu	Periyasamy Sathiyamoorthy	32 yrs	2007.01.16	Nellikadu	
171	HRC/Bco/677/07/MA	Ms. U.Thanaledsumi	Karayakantivu Kannakudah	Koneswaran Uthayakumar	33 yrs	2007.10.10.	Kattankudy	
172	HRC/Bco/142/08/MA	Mrs. M. Sivamany	Illupadichenai Kannankudah	Murugesu Kanagasabai	53 yrs	2008.03.27	Thandiyadi	
173	HRC/Bco/268/08/MA	Mrs. S. Mallika	Irakkathumunai NaqVatkadu	Velmurugu Sathiyadevan	45 yrs	2008.06.06	Kandyyanaru	
174	HRC/Bco/457/08/MA	Mrs. P. Mangayatkarsi	Manikkaddu Navatkadu	Puvanasingam Baskaran	22 yrs	2008.09.25	Manikkaddu	
175	HRC/Bco/538/08/MA	Mrs. P.Perinbanayaki	Kanchanankudah Kannankudah	Ponnampalam Pakiyarajah	40 yrs	2008.11.05	Kokkadicholai	
176	HRC/Bco/544/08/MA	Mrs. V. Kangeswary	Paruthichenai Kannankudah	Pattapody Vijayanathan	33 yrs	2008.11.07	Vavunativu	
177	HRC/Bco/549/08/MA	Mrs.K. Sumathy	Navatkadu Batticaloa	Sinnathurai Kantharuban	32 yrs	2008.11.11	Manikaddu	
178	HRC/Bco/001/09/MA	Mrs. S. Rajeswary	Karavetty Navatkadu	Rasaiah Sinnathurai	65 yrs	2008.11.25	Karavetty	
179	HRC/Bco/012/09/MA	Mrs. A. Rohinimalar	5 th Cross Puthur Batticaloa	Arasaretnam Nishanthan	24 yrs	2009.01.02	Vavunadivu	

180	HRC/Bco/524/09/MA	Mrs. Y. Poomalar	School Road Eachantivu	Yogan Sivagnanam	26 yrs	2009.04.20	Navatkadu	
181		Sivakumar manchula	Kumban aru, Kalimadu, Kurinchamunai, Kannankudha	Palapody sivakumar	35 yrs	06.02.2008	Kalimadu	
182			P Kunashegaram					

Annexure IV (b): Case Summary

Batticaloa Police Area

HRCSL Complaint No.: HRC/Bco/163/06/MA

Victim: Thevarasa Jegatheepan

Complainant: S.Thevarasa

Police Reference: CIB -I 68/57

The twenty eight year old victim, a three wheel driver, was at the stand directly opposite the local police station when two people requested for a hire to Thiraimadu. The three wheeler was followed by a white van, which stopped the latter at Mariyamman temple. The victim was forced to get into the van. His phone was confiscated by the captors who gave many of the victim's clients, including the victim's father, nuisance calls. The Gramaseva Niladhari was informed of the disappearance, as were the police, on the day following abduction.

HRCSL Complaint No.: HRC/Bco/070/07/MA

Victim: Karalasingam Kanthrupan

Complainant: K.Indradevi

Police Reference: Not available

The victim, who was escaping from a conflict zone was instructed to leave through a jungle route by the LTTE. However, while the rest of his family members successfully reached Batticaloa, he did not arrive at the welfare centre as planned. Having lost its sole breadwinner, the family was compelled to search for other means of securing an income, and the victim's mother left soon after, for foreign employment. At the time of HRCSL's investigation, the case was pending inquiry.

HRCSL Complaint No.: HRC/Bco/087/07/MA

Victim: Veeraiya Chandrakumar

Complainant: C.Indrani

Police Reference: CIB I - 153/32

The thirty year old victim was abducted by a group of four men. Three of them wore uniforms similar to the police and spoke fluent Tamil. The fourth member was masked and wore civil clothing, as per the wife's account. The disappearance on 4th February 2007 was informed of to the police in June 2008. The Gramaseva Niladhari

acknowledged the disappearance, and further stated that, his residence having been situated between an STF checkpoint and a Navy camp, all vehicles in the area undergo a mandatory check. A death certificate was issued in the victim's name in 2011, and the family, which includes a disabled child, now receive Samurdhi payments.

HRCSL Complaint No.: HRC/Bco/101/07/MA

Victim: Santhakumar Thirukumaran

Complainant: T.Thurumathy

Police Reference: CIB III -325/64

The nineteen year old victim was reported missing on 5th February 2007, after he was last seen in October 2006. Previously a resident of Muttur, he had been displaced and arrived at Vakarai. He was separated on the journey from Vakarai to Batticaloa by the LTTE which did not permit males to travel with their families. The disappearance occurred while the victim was attempting to use the jungle route, and is still pending inquiry due to lack of information.

HRCSL Complaint No.: HRC/Bco/212/07/MA

Victim: Sivagnaselvam Sankaratheepan

Complainant: S.Sabeshka

Police Reference: CIB I -82/72

The twenty six year old victim, who ran a sugar shop, was abducted on 20th March 2007, by a group of three persons wearing khaki uniforms similar to the police, but with no badges. Sankaratheepan was taken away in a vehicle by the men, two of whom spoke Tamil fluently. His wife, the complainant, was instructed to come to the Kathankudy police station, by which time he was missing. She filed a complaint the same day, and approval for a death certificate has since been issued by the Gramaseva Niladhari. The request is currently under review at the Register General's Department. The family, who receive Samurdhi payments, have also been provided with a house.

HRCSL Complaint No.: HRC/Bco/216/07/MA

Victim: Arasan Shahayanathan

Complainant: S. Rajini

Police Reference: CIB II -199/147

Shahayanathan's disappearance occurred on 19th March 2007, when the fisherman failed to return home after work. A complaint was filed the following day by his wife,

who has since gone abroad for employment, leaving their 11 year old child with her mother. The (now estranged) family seeks to secure a death certificate from the relevant authorities.

The victim's mother Mrs.A.Kamala has also filed a complaint on 3rd April 2007, numbered CIB II 88/18. (HRCSL reference: HRC/Bco/373/07/MA).

HRCSL Complaint No.: HRC/Bco/217/07/MA

Victim: Veerasingam Nishanthan

Complainant: N.Prabalini

Police Reference: CIB II -199/147

Thirty one year old Nishanthan disappeared on 19th March 2007, in Mugathuwaram. His wife, Prabhalini, made a complaint at the Batticaloa police station the following day. The victim was not represented at the Commission's inquiry.

HRCSL Complaint No.: HRC/Bco/274/07/MA

Victim: Murugupillai Emanuvel

Complainant: M.Thiresamma

Police Reference: HRC/Bco/274/07/MA

Emmanuel ran a shop in Batticaloa, while also engaging in sub agent work relating to immigration. He supported two families – including a woman he had cohabited with, but not married, and a legal wife, who now receives Samurdhi grants. The disappearance on 19th April 2007 was reported on the same day by the victim's mother, a fact confirmed by due authorities. Emmanuel's sister is currently receiving church support for her education, and the child has been placed in a hostel.

HRCSL Complaint No.: HRC/Bco/282/07/MA

Victim: Perumal Sukirtha

Complainant: P.Selvavathy

Police Reference: CIB III 237/205

Sukirtha, a twenty eight year old woman, was employed as an office assistant at an NGO in Colombo. While she was at home on holiday, she visited Batticaloa town, where she is presumed to have been abducted on 19th April 2007. A complaint was filed at the Batticaloa police two days later by her mother. The victim has since been confirmed as missing, but her mother and five sisters have not received any special assistance on this account. The family remain Samurdhi recipients.

HRCSL Complaint No.: HRC/Bco/299/07/MA

Victim: Sellathamby Mahendran

Complainant: K. Mangalam

Police Reference: CIB I 194/25

Forty nine year old Sellathamby Mahendran was last seen by his wife, the complainant, in Illupadichenai on 25th March 2007. The village in which they resided was vacated by the security forces, and the victim had set out to Illupadichenai to collect his cattle. Gramaseva Niladhari of the area, confirming that Mahendran was missing, stated that even though the roads leading to conflict zones were guarded, forces could not prevent re-entry by civilians; while the security forces assert that they were the sole occupants of the area at the time. the victim's family, which includes five children, receive food items from Save the Children.

HRCSL Complaint No.: HRC/Bco/333/07/MA

Victim: Kanthapody Thavarasa

Complainant: K.Panchadsaram

Police Reference: CIB III 03/666

Kanthapody Thavarasa was reported to have disappeared on 24th March 2007 at Illupadichenai. His brother, the complainant had filed an entry in this regard 3 days later, on the 27th. No representations were made to the HRCSL on this matter.

HRCSL Complaint No.: HRC/Bco/357/07/MA

Victim: Kathirkamathamby Velupillai

Complainant: V.Nagaledsumy

Police Reference: CIB III 136/247

Victim Velupillai disappeared on 28th May 2007. He was forty eight years at the time. Wife, Nagaledsumy filed a complaint four days later. No further representations were made to the HRCSL on this matter.

HRCSL Complaint No.: HRC/Bco/391/07/MA

Victim: Sylvester Douglas

Complainant: Mrs.S.Saraswathy

Police Reference: CIB 323/146

Twenty three year old Sylvester disappeared on 09th June 2007 in Kokkuvil. His mother filed a complaint 4 days later. No further representations were made on this matter.

HRCSL Complaint No.: HRC/Bco/450/07/MA

Victim: Kathirkamapody Anantharajah

Complainant: A.Priyatharshini

Police Reference: CIB I 287/124

Kathirkamapody Anantharajah disappeared on 15th June 2007, and his wife reported the incident on the 20th of June. He was 26 years at the time of disappearance. No progress has been achieved in efforts to place him or conclude his inquiry.

HRCSL Complaint No.: HRC/Bco/451/07/MA

Victim: Vijayarednam Parkunam

Complainant: P.Mathani

Police Reference: CIB I 288/125

The 23 year old victim was reported missing by his wife on 20th June 2007, five days since he was last seen. The inquiry into his whereabouts remains inconclusive.

HRCSL Complaint No.: HRC/Bco/666/07/MA

Victim: Thiyakaraja Selvakumar

Complainant: V.Thuraiaraja

Police Reference: CIB 328/119

Twenty six year old Selvakumar's disappearance was notified to the police by his uncle. The police entry in this respect is dated 10th October 2007, and the case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/734/07/MA

Victim: Arulanantham Thevakumar

Complainant: P.Ravichandran

Police Reference: CIB II 170/165

Twenty eight year old Arulanantham Thevakumar's sister, Mrs P.Ravichandran, informed police of his disappearance on 15th November 2012 on the 19th. No progress has been made in this regard.

HRCSL Complaint No.: HRC/Bco/792/07/MA

Victim: Supramaniyam Sothivadivel

Complainant: S.Selvarani

Police Reference: CIB 113/07

The victim's mother filed a complaint on the date of his disappearance, 04th December 2007. No representations were made on the victim's behalf.

HRCSL Complaint No.: HRC/Bco/027/08/MA

Victim: Suntharralingam Sunthararaj

Complainant: S.Santhadevi

Police Reference: CIB I 289/124

Victim's mother filed this complaint two days after Sunthararaj failed to return home on 12th January 2008. The case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/224/08/MA

Victim: Sebastian Goodfellow

Complainant: G.Subajini

Police Reference: CIB I 147/127

Sebastian's wife filed an entry at the Batticaloa police on 16th May 2008, after hearing that the victim had disappeared in Colombo the previous day. No representations were made to the HRCSL on the victim's behalf.

HRCSL Complaint No.: HRC/Bco/526/08/MA

Victim: Sinnathamby Nahendran

Complainant: S.Thanganadchi

Police Reference: CIB II 394/12

Last seen in Kokkadicholai, thirty four year old Sinnathamby Nahendran is purported to have disappeared on 28th October 2008. His mother filed the above complaint on 4th November. The Sinnathamby Nahendran case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/020/09/MA

Victim: Veerakuddy Pushpadeva

Complainant: K.Jeyakala

Police Reference: CIB 212/132

Veerakuddy Pushpadeva, the thirty year old victim, disappeared on 16th January 2009. His wife filed the complaint a day later, but there has since been no news of his whereabouts.

HRCSL Complaint No.: HRC/Bco/058/09/MA

Victim: Selvarasa Jeyaharan

Complainant: S. Tharmapala

Police Reference: CIB I 09/81

Jeyaharan disappeared on 10th February 2009. A complaint was made by his uncle the same day. No representations were made to the HRCSL on the victim's behalf.

HRCSL Complaint No.: HRC/Bco/66/09/MA

Victim: Kurukulasingam Yogavel

Complainant: V.Kurukulasingam

Police Reference: CIB I 91/158

Twenty nine year old Yogavel was a supervisor at Dialog. He is said to have disappeared on his way back from Navakudah, from where he was to bring the salaries of employees on 14th February 2009. Four days later, the STF was implicated in this context by an anonymous caller. By then, the father of the victim had already lodged a complaint at the Batticaloa police, Gramaseva Niladhari confirmed the disappearance, and case no B208/09 is pending.

HRCSL Complaint No.: HRC/Bco/159/09/MA

Victim: Yohendran Yohan

Complainant: Mr.S.Yohendran

Police Reference: CIB II 168/51

Yohendran Yohan was a victim of domestic disappearance in early May 2009. He was among a group of men in the neighbourhood who were escorted to the police on the 3rd of May, some of whom were later executed by the police. Yohan is confirmed as missing.

HRCSL Complaint No.: HRC/Bco/160/09/MA

Victim: Mahesan Bernold

Complainant: K.Augustie

Police Reference: CIB II 170/52

Mahesan Bernold was twenty three years at the time of disappearance. His sister filed a complaint two days following his disappearance on 5th May 2009. The Gramaseva Niladhari vouched that the claim was legitimate.

HRCSL Complaint No.: HRC/Bco/161/09/MA

Victim: Thavaraja Harimugunthan

Complainant: T.Ariyamalar

Police Reference: CIB II 175/57

Thavaraja Harimugunthan was twenty years old when he disappeared on 3rd May 2009. His mother lodged the above complaint on the 5th of May, and her evidence is corroborated by the Gramaseva Niladhari in this respect.

HRCSL Complaint No.: HRC/Bco/162/09/MA

Victim: Sivester Fernando Prasanth

Complainant: S F Rajayogam

Police Reference: CIB 175/57

The victim's mother filed the above complaint on 5th May 2009 following his disappearance two days prior to that. No representations have been made to the HRCSL on the victim's behalf.

HRCSL Complaint No.: HRC/Bco/190/09/MA

Victim: Kalimuthu Sureskumar

Complainant: K.Vijayaledsumy

Police Reference: GCIB 241/144

Sureskumar was last seen at home on the 18th of May 2009, two days following which his sister lodged an entry in the Batticaloa police about his disappearance. The victim has since been confirmed as missing, but no progress has been made in this regard.

HRCSL Complaint No.: HRC/Bco/271/09/MA

Victim: Selvarednam Rajendran

Complainant: R.Pushpamalar

Police Reference: GCIB 251/238

The victim, twenty six years old, disappeared in Batticaloa on 24th June 2012. His wife lodged a complaint the following day, yet the case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/401/09/MA

Victim: Chandran Chandrakumar

Complainant: N.Chandran

Police Reference: GCIB 139/378

Chandran Chandrakumar disappeared on 25th November in Batticaloa, where his father proceeded to lodge a police entry. The case remains inconclusive, and no representations have been made to the HRCSL on the victim's behalf.

Ayithiyamalai Police Area

HRCSL Complaint No.: HRC/Bco/511/07 /MA

Victim: Paneerselvam Karunakaran

Complainant: K.Paneerselvam

Police Reference: GCIB 08/07

Thirty year old Paneerselvam Karunakaran was last seen on 30th July 2007 in Naripulthoddam, where he resides. He was abducted by a group of persons who came in a white van, who spoke in the manner native to the area. A complaint was filed at the local police station on 3rd August by Karunakaran's father, K.Paneerselvam. He pointed out that the victim had received visits from STF personnel on prior occasions. Following his statement, a summary report was issued by the police, and the proceedings numbered B 810/ 07 at the Batticaloa Magistrate's Court, took place. The HRCSL inquiry was attended by his wife, Karunakaran's mother. The case records that Karunakaran's wife has remarried and his daughter left in the grandparents' care. Suntharalingam Gopalakrishanan, the Gramaseva Niladhari of the area, was informed of the disappearance, but was not aware of the whereabouts of the child, now of school-going age.

HRCSL Complaint No.: HRC/Bco/512/07/MA

Victim: Chandrasheharam Arulraj

Complainant: A.Yogamani

Police Reference: GCIB 04/04

Twenty nine year old Chandrasheharam Arulraj was abducted from his home in Naripulthoddam on 30th July 2007 by a group of armed men travelling in a white van. His wife, in her complaint, stated that they were searching for an ex-LTTE cadre in the area, to whose house they wanted Arulraj to direct them. The men had informed the wife that they would then go to the Eravur Police Station. The complainant, on visiting the said Police Station, was told that her husband was not there. A complaint was filed, and court day set as 26th November 2007. The Gramaseva Niladhari did not know the victim personally, but was aware that such a disappearance had taken place. Records by the previous officer confirmed that the authorities had been duly informed. Arulraj, the victim, was a fisherman, whose monthly wages amounted to Rs. 1500. Complainant was engaged in poultry farming, and owned a small shop, run with the support of two NGOs. The family, which included one daughter, lived in a small tin shed. Both the complainant and the Gramaseva Niladhari confirm that they currently receive Samurdhi payments, and the latter pledged to prioritise the complainant among those for whom the government would provide housing.

HRCSL Complaint No.: HRC/Bco/513/07/MA

Victim: Arunachalam Kanagalingam

Complainant: I.Thavarasa

Police Reference: GCIB 01/03

Victim Kanagalingam, a thirty seven year old male, had been abducted on 30th July 2007, from his residence in Naripulthoddam. The group of men who came for him arrived in khaki uniforms similar to those of the police, but without any badges on them, and wore black masks. They spoke Tamil fluently. The complainant, Kanagalingam's brother, recounted that, on a previous occasion, the STF had visited the house, demanding that the LTTE weaponry they harboured be handed over. The disappearance had been reported to the STF camp situated half a kilometre away, and the subsequent inquiry, referenced B 811/07 by Court, was held on 26th November that year, with the attendance of the victim's wife, Kanalingam Sivakumary. Gramaseva Niladhari confirmed that he was aware of the disappearance, and that the victim's wife had since gone abroad for employment as a domestic helper in 2009, and returned shortly before the HRCSL inquiry in 2012. Sivakumary has since been rearing poultry, and was advised, on the basis of her current economic status, to apply for Samurdhi payments.

HRCSL Complaint No.: HRC/Bco/784/07/MA

Victim: Sivasupramaniyam Ilangarasa

Complainant: I.Komathy

Police Reference: CIB II -149/194

Thirty year old Ilangarasa was abducted in Chenkalady on 29th November 2007. His wife, Komathy, filed a complaint on the following day at the Ayithiyamalai police station, but no records of the disappearance were found in court. The complainant, who is said to have two children of ages 12 and 7, and to reside in the same area, did not attend the HRCSL inquiry, but was represented by Kanagalingam Sivakumary, a relative of the victim. It was stated that the family's housing was in a state of disrepair, and that their sole source of income arose from rearing poultry. They were already recipients of Samurdhi benefits. The Gramaseva Niladhari, who had been appraised of the disappearance on a previous occasion, informed the Commission that Komathy was part of the Divi Neguma Home Garden Scheme, as well.

HRCSL Complaint No.: HRC/Bco/011/09/MA

Victim: Seenithamby Lavaneethan

Complainant: L.Ilavarasy

Police Reference: CIBII 264/15 and CIB 186/18

Lavaneethan was thirty years when he was reported missing on 7th January 2009, one day after he failed to return home from the Cooperative store he ran in Vavunathivu.

There was no sign of his motorbike. Due to lack of police response in relation to the first complaint, a second entry was made on 7th August 2009, both of which were referenced to Court under the number AR221/09. It was found that there was no basis for replicating the original police entry, the case was dismissed and files closed due to the lack of sufficient information to identify a respondent. Ms. Ilvarasy, the complainant, could not attend the HRCSL inquiry owing to chicken pox, but was represented by her father, the victim's father in law. he stated that the victim had maintained a friendly relationship with the member of the armed forces who patrolled the area. The relevant Gramaseva Niladhari failed to appear before the Commission.

HRCSL Complaint No.: HRC/Bco/072/09/MA

Victim: Thambirasa Murukesu

Complainant: M.Ponkoothai

Police Reference: not available

Thambirasa Murukesu, a forty seven year old father of six, disappeared with three others when he took his cattle to graze in the jungle. His wife M. Ponkoothai, visited the police station on 24th January 2009, one day after his disappearance. A statement was recorded, but she was not instructed to place her signature on it. No police reference corresponding to the facts of the case could be found, but the Gramaseva Niladhari confirms the facts provided by the victim's wife as correct. Being part of a large family, the victim is severely affected by economic hardship. She requested that she be granted assistance, should Murukesu not be found, since the grants received by the family do not suffice to cover the costs of cattle and poultry rearing. Further, it was pointed out by the Gramaseva Niladhari that the house provided by the government lacked the space required by such a large family.

HRCSL Complaint No.: HRC/Bco/113/09/MA

Victim: Kanapathipillai Thavarasa

Complainant: T.Uththarai

Police Reference: CIB 391/39

Kanapathipillai Thavarasa, a thirty three year old father of two, disappeared on 20th March 2009, shortly after calling his wife, the complainant, to inform her that he would be accompanying an STF officer to the camp at the Sixth Mile Post. The complainant, who filed an entry two days later at Ayithiyamalai, insists that there are witnesses to his alleged abduction, who refuse to speak up due to fear of reprisal. The B399/2009 inquiry by the Batticaloa Magistrate's Court concluded that no arrest had been made, in spite of the LTTE threat that prevailed at the time in the area. The family, which had previously been supported by the victim, whose cattle business earned approximately Rs. 20, 000 each month, was now being supported solely by the complainant's supplementary income, as received from running a small shop. Uththarai receives

assistance from Save the Children. The Gramaseva Niladhari confirmed all material facts of the case.

HRCSL Complaint No.: HRC/Bco/152/09/MA

Victim: Srishkantharaja Vijayarajan

Complainant: T.Srishkantharaja

Police Reference: CIB 217/27 and CIB 295/07

Twenty four year old Srishkantharaja Vijayarajan disappeared on 14th April 2009; following which his father, the complainant lodged two entries dated 15th April and 6th August 2009 respectively. Inquiry number B 509/09 held on 4th May 2011 having proven inconclusive, the victim's was not represented before the HRCSL. The Gramaseva Niladhari, speaking on any known dependents, stated that the victim's wife who lives away from his family, is engaged in poultry rearing.

HRCSL Complaint No.: HRC/Bco/176/09/MA

Victim: Alagaiya Kokilanathan

Complainant: K.Lalitha

Police Reference: CIB I 95/54

Alagaiya Kokilanathan, at twenty seven years of age, was last seen in Periyasipimadu on 2nd May 2009. The complaint was filed at the local police station by his wife later that day, and resulted in an inquiry before court on 3rd March 2011. The file was closed by court. Neither the complainant nor the relevant Gramaseva Niladhari appeared before the HRCSL inquiry.

HRCSL Complaint No.: HRC/Bco/202/09/MA

Victim: Suppaiya Velusumanan

Complainant: M.Soodamani

Police Reference: CIB 235/32

Velusumanan's disappearance on the 26th of May was reported to the police on the same day by his wife, Soodamani. The victim was fifty one years old, at the time, and had been abducted by armed, unidentified individuals wearing masks. They had not been native speakers of Tamil, according to the complainant's statement, and had entered the house she and the victim lived in, by breaking open the door. A similar incident had taken place in a neighbouring house, the previous day. The ICRC had arrived on scene the next day. The case was taken up before court on 9th March 2011. The victim was a father of three, and had, prior to his disappearance, handed over their son to the Karuna faction to ensure the family's security. Two of the children have married since, and the other is still schooling. The complainant had sought foreign employment following her husband's disappearance, and returned shortly before the

HRCSL inquiry. The present Gramaseva Niladhari, after perusing the previous officer's records, confirmed the facts of the case, and further stated that the family had not received any assistance to date.

HRCSL Complaint No.: HRC/Bco/211/09/MA

Victim: Kanapathipillai Parasuraman

Complainant: I.Jeevarani

Police Reference: not found

Fifty five year old Kanapathipillai Parasuraman's disappearance was reported to the ICRC by his daughter, Jeevarani, on the 30th of May 2009, one day after they realized he was missing. She was then directed by the ICRC to seek assistance from the police in Polonnaruwa. On arriving at the Polonnaruwa police station, however, she was informed that the disappearance should be reported in the area it occurred itself, and that the entry could not be accepted. Accordingly, no records exist in either Ayitiyamalai or elsewhere. The Gramaseva Niladhari, however, is aware of the disappearance. The facts provided by Jeevarani are corroborated by her mother (the victim's wife) Thirupathy, who has five children and subsists on the income earned from sundry work.

Eravur Police Area

HRCSL Complaint No.: HRC/Bco/222/06/MA

Victim: Kanapathipillai Sooriyakumar

Complainant: S.Premini

Police Reference: CIB II 91/316

The twenty eight year old victim was reported missing on 30th August 2006, following his disappearance two days before, from Kaluwankerny. His wife was the complainant.

HRCSL Complaint No.: HRC/Bco/223/06/MA

Victim: Sivanesarasa Sutharsan

Complainant: I.S.Susila

Police Reference: CIB I 369/365

Thirty year old Sutharsan was reported to have disappeared on 28th August 2006 as per his wife's complaint, filed two days later.

HRCSL Complaint No.: HRC/Bco/232/07/MA

Victim: Kirshnapillai Murugeswaran

Complainant: M.Sivapakkiyam

Police Reference: MOIB 103/56

The victim's April 2006 disappearance from Chenkalady was reported in November that year by his wife. The Gramaseva Niladhari acknowledged it as a white van abduction, but the police disputed the fact. Proceedings in court are currently in progress and bears the number B 443/07. Murugeswaran's family receives Samurdhi payments and live in quarters built by an NGO. His wife's earnings stem from the collection of firewood for sale.

HRCSL Complaint No.: HRC/Bco/337/07/MA

Victim: Sivalingam Indran

Complainant: T.Sinthuja

Police Reference: CIB II -105/208

Sivalingam Indran, aged twenty six, was reported missing on 21st May 2007 from Navathkudah. He had left by van to the area, but had not returned. The complainant, his wife, had received livelihood assistance, and subsequently sent to India by an NGO operative in the area.

HRCSL Complaint No.: HRC/Bco/370/07/MA

Victim: Thambiyaiya Vijayaretnam

Complainant: K.Nageswary

Police Reference: Not available

The fifteen year old victim was reported missing on 5th May 2007, and a police complaint was filed (but could not be traced by the Commission) on the 22nd of that month by his mother. He had been in Sittandy at the time.

HRCSL Complaint No.: HRC/Bco/387/07/MA

Victim: Kandaiya Ravendran

Complainant: K.Sivaneswary

Police Reference: CIB 160/25

Ravendran disappeared from Santhively on 4th June 2007, and was reported missing by his cousin on the 12th. He was thirty four years of age at the time.

HRCSL Complaint No.: HRC/Bco/388/07/MA

Victim: Arumugam Ganesan

Complainant: M.Arasamma

Police Reference: GCIB I -160/25

Ganesan's sister filed his disappearance on 12th June 2007, eight days after he went missing in Santhively.

HRCSL Complaint No.: HRC/Bco/665/07/MA

Victim: Ganesan Dilrukshi

Complainant: R Maheswary

Police Reference: Not available

The victim's disappearance was reported by her mother on 22nd September 2007. As per the mother's account, the victim's father was abducted by a white van and interrogated, as was a younger brother who was an LTTE cadre. Police had failed to arrive on this occasion, following which, as per the Gramaseva Niladhari's account, the complainant went abroad for employment. Her husband is no longer reachable, and the children are attended to by the complainant and her husband who live in a house built for them.

HRCSL Complaint No.: HRC/Bco/682/07/MA

Victim: Yogarasa Aathithan

Complainant: A.Chenthamilselvy

Police Reference: CIB I 372/335

Aathithan was seventeen years old when he disappeared in early October 2007 in Mavathyvembu. His wife proceeded to lodge a complaint 16 days later, on 30th October.

HRCSL Complaint No.: HRC/Bco/695/07/MA

Victim: Ravichandran Jeevaraj

Complainant: R.Ranjini Reppanapuram

Police Reference: CIB II 129/260

The nineteen year old victim was reported missing by his mother 3 days following his visit to Chenkalady to clean the premises of the local TMVP office. He was employed in the pottery industry, and also attached to the chief minister's office. Police stations islandwide have been informed to remain at vigil.

HRCSL Complaint No.: HRC/Bco/707/07/MA

Victim: Velayutham Varatharaja

Complainant: V.Ravendrarani

Police Reference: Not available

The 25th October 2007 disappearance was reported on the 26th as per the victim's mother, but no records to this effect were found by the Commission. Varatharaja was twenty four years old at the time. No formal representations were made in his regard.

HRCSL Complaint No.: HRC/Bco/709/07/MA

Victim: Kulasingam Chenthuran

Complainant: S.Puvaneswary

Police Reference: GCIB I 255/250

The twenty three year old was reported missing by his aunt, one day after his disappearance on 29th October 2007. Prior to the closure of the Chenkallady TMVP office, a group of persons dressed in civilian clothing arrived in a van requesting directions to the office. Of the five men, one was holding a pistol. The victim was escorted in order to identify Anton, who was later killed in an accident.

HRCSL Complaint No.: HRC/Bco/713/07/MA

Victim: Sothinathan Rakunathan

Complainant: I.Sothinathan

Police Reference: CIB I -390/191

The father of the victim reported the son's disappearance on 24th December 2007 in February the following year, but to no avail – the case had been handed over, by the police, to the TMVP. The victim's nine year old son remains in the grandparents' care, while his wife is employed in Kuwait. According to the Gramaseva Niladhari, the CID had also investigated the case, under the direction of officers Udawatte and Wimalaratne.

HRCSL Complaint No.: HRC/Bco/758/07/MA

Victim: Thangarasa Sellathurai

Complainant: K.Alagamma

Police Reference: CIB II 14/189

The victim's wife lodged a complaint on 20th October, five days subsequent to his disappearance. He was forty two years at the time of abduction.

HRCSL Complaint No.: HRC/Bco/760/07/MA

Victim: Thevarasa Sureskanan

Complainant: S.Sarmiladevi

Police Reference: GCIB 143/241

The twenty nine year old victim's wife stated that he was a carpenter who was summoned out of his workplace by persons who arrived in a white van on the 25th of November 2007, following which a complaint was lodged on the 27th. The family had not been provided Samurdhi benefits, and, as per the official account, the complainant could not be legally recognised as the victim's wife, but as his fiancée.

HRCSL Complaint No.: HRC/Bco/761/07/MA

Victim: Thavarasa Kalaichenthuran

Complainant: T.Chandrawathy

Police Reference: GCIB I -143/241

The sixteen year old was abducted on 25th November, following which his mother lodged a complaint on the 27th. His family were Samurdhi recipients, and the abduction was very much similar to that of Thevarasa Sureskanan above.

HRCSL Complaint No.: HRC/Bco/762/07/MA

Victim: Shanmugarasa Chandrakasan

Complainant: N.Shanmugarasa

Police Reference: GCIB 143/241

Victim, eighteen years old, was reported missing by his father, two days after he was last seen on the 25th of November 2007. His too, was a case similar to the two preceding him.

HRCSL Complaint No.: HRC/Bco/785/07/MA

Victim: Murugupillai Thavarasa

Complainant: M.Thavamani

Police Reference: CIB II 282/09

Thirty four year old Thavarasa was reported missing by his mother since 30th October 2012. He had last been seen in Urugamam, as per the police record dated 2nd November 2007.

HRCSL Complaint No.: HRC/Bco/850/07/MA

Victim: Shanmugam Kulasheharam

Complainant: S.Thangarednam

Police Reference: CIB I 73/833

The victim was escorted by TMVP officials identified by the seventeen year old's mother in a white van. The officials had vouched for the victim's safe return, but he was still missing three years later, and all efforts by the police to regain custody failed. The Gramaseva Niladhari disputed the need for an inquiry into the disappearance.

HRCSL Complaint No.: HRC/Bco/851/07/MA

Victim: Krishnakumar Satheeskumar

Complainant: S.Krishnakumar

Police Reference: CIB I 74/334

The victim was abducted by a group who arrived in a white van, presumed by his father to be belonging to the armed forces or the TMVP, on 23rd December 2007. He was fifteen years at the time.

HRCSL Complaint No.: HRC/Bco/143/08/MA

Victim: Sothinathan Rakunathan

Complainant: S.Nanthini

Police Reference: CIB I 390/191

The twenty four year old victim was reported missing by his wife on 16th February 2012, following his disappearance from Mayilampavely on 24th December 2007. No representations were made to the Commission in his regard.

HRCSL Complaint No.: HRC/Bco/412/08/MA

Victim: Yoganathan Kajan

Complainant: K.Jeyanthi

Police Reference: GCIB I 280/246

The complainant, wife of the victim, lodged the complaint following his disappearance on 20th August 2008. Kajan was eighteen years old at the time. No progress has been reported in this context.

HRCSL Complaint No.: HRC/Bco/655/08/MA

Victim: Kalamayil Sureshharan

Complainant: K.Thangeswary

Police Reference: CIB I -182/252

The mother of the twenty four year old victim notified police of his disappearance on 21st December 2012 the following day. He was last seen in Murakadanchenai, where he resides.

HRCSL Complaint No.: HRC/Bco/660/08/MA

Victim: ParanthamanThileepan

Complainant: P.Krishnakumary

Police Reference: CIB II 172/243

The twenty two year old victim was reported to have disappeared on 19th December 2008. His mother lodged an entry at the Eravur police station on the twenty second of December to this effect, and awaits progress.

HRCSL Complaint No.: HRC/Bco/039/09/MA
Victim: Karunanithy Suthaharan
Complainant: S.Leeswaralatha
Police Reference: GCIB 224/200

The mother of the twenty four year old victim reported that Suthaharan had disappeared on 26th January 2009 in Chenkalady, as recorded in an entry lodged on the following day at the Eravur police station.

HRCSL Complaint No.: HRC/Bco/045/09/MA
Victim: Selvarasa Vimalanathan
Complainant: V.Jevitha
Police Reference: GCIB I -269/214

The twenty seven year old victim was reported missing since 27th January 2009 by his wife, as per the records dated 28th January maintained at the Eravur police station.

HRCSL Complaint No.: HRC/Bco/138/09/MA
Victim: Seenithambi Chandrashekar
Complainant: S.Vellaiyamma
Police Reference: GCIB 157/305

Thirty one year old Chandrashekar was reported missing by his mother on 26th April 2009, after a week's absence. No representations were made in his regard to the Commission.

HRCSL Complaint No.: HRC/Bco/194/09/MA
Victim: Ramalingam Pathmasri
Complainant: P.Jeyatheepa
Police Reference: CIB I 277/236

The victim's disappearance on 23rd May 2009 was reported to the Eravur police two days later, on 25th May 2009 by his wife. The whereabouts of the victim, who was twenty nine years of age at the time of his disappearance, are yet to be ascertained.

HRCSL Complaint No.: HRC/Bco/230/09/MA
Victim: Sivalingam Thirumal
Complainant: M.Niranjini
Police Reference: CIB I 223/367

The victim's disappearance was brought to the notice of the police by his wife on 26th June 2009. At the time of his disappearance on 22nd June, Thirumal was twenty seven years of age.

HRCSL Complaint No.: HRC/Bco/231/09/MA

Victim: Sathasivam Ranjan

Complainant: K.Rasaledsumy

Police Reference: CIB I 225/368

The victim's wife stated to Eravur police authorities that Ranjan had been missing since 22nd June 2009, when he travelled to Ninthavur with three others to harvest paddy. The victim had contacted his wife from the bus stop on the way back home, but the call had been interrupted, following which no further news of his whereabouts could be found. His family has since received benefits from the chief minister's office under the category of widows of civilians, and has not requested or received Samurdhi grants. The victim was twenty five years old at the time of disappearance.

HRCSL Complaint No.: HRC/Bco/258/09/MA

Victim: Shanmugam Sachchithanantham

Complainant: S.Viji

Police Reference: GCIB I 274/71

The victim was abducted by a group of men who arrived by jeep. The men, who wore civilian clothing, took Sachchithanantham into custody on 14th July 2009. His wife, who has since sought foreign employment, filed the above entry the following day, and her mother attended the HRCSL inquiry in this regard. The child of the victim and complainant is now under the guardianship of the victim's mother in law, who also receives Samurdhi payments granted to the family.

HRCSL Complaint No.: HRC/Bco/387/09/MA

Victim: Seevarednam Sivalavan

Complainant: K.Saroja

Police Reference: CIB I -200/100

Sivalavan's mother, the complainant, stated that the thirty one year old victim disappeared on 6th November 2009. A former LTTE cadre, he had been in contact with his sister on the way back from Kandy on a TMVP assignment, but this connection was lost between Eravur and Ottamavady. Even subsequent to the 11th January 2010 police entry, the mother had consistently attempted to contact the victim on his mobile phone, but to no avail. The phone, though functional, is not being answered by the victim, but rather by individuals communicating solely in Sinhala. The Gramaseva Niladhari stated he had not known the victim personally, but knew his mother, who was registered under the Divi Neguma project as engaged in the rearing of goats. The initial complaint at the Karadiyanaru police has since been directed to the Eravur police station for inquiries.

HRCSL Complaint No.: HRC/Bco/447/09/MA

Victim: Murykupillai Ketheeswaran

Complainant: S.Theivanapillai

Police Reference: CIB I 303/230

The victim, whose disappearance was initially reported to the Trincomalee police by his mother, was thirty years old at the time of disappearance, that is, on 10th May 2009. The entry was lodged on 20th April 2010.

Kalkudh Police area

HRCSL Complaint No.: HRC/Bco/404/08 /MA

Victim: Kanapathipillai Vasanthakumar

Complainant: P.Kanapathipillai

Police Reference: CIB- 314/62

Vasanthakumar was a former LTTE cadre. The thirty two year old victim, who was a mechanic, had been abducted by TMVP personnel on 29th August 2008, as per his father's account the following day. The group of five persons who arrived at his residence had spoken in both TAMIL AND Sinhala. Following his abduction, even Vasanthakumar's wife had been subject to several threats, in the light of which she sought foreign employment, leaving their children in the care of grandparents. The Gramaseva Niladhari corroborated the evidence, further citing court case B434/08C/3.

HRCSL Complaint No.: HRC/Bco/426 /08/MA

Victim: Kanapathipillai Navarednam

Complainant: N.Rajani

Police Reference: Not available

The victim's wife lodged a complaint at the Kalkudah police following his abduction on 13th September 2008, the following day. Navarednam, the leader of the fishing community of the area, had been abducted by a group of unidentified individuals on the beach, while fishing, as per the account of his sister in law, who appeared on behalf of the complainant, currently employed in Kuwait. The family receives Rs 3 000 from Save the Children for the schooling requirements of children, and awaits a hearing under reference number B457/08 at the Valachchenai Magistrate's Court.

HRCSL Complaint No.: HRC/Bco/427/08/MA

Victim: Rasaiya Kamalarasu

Complainant: R.Parimalam

Police Reference: Not available

The treasurer of the fishing committee, the victim was twenty eight years old at the time of disappearance on 13th September 2008. The circumstances of the abduction, reported the following day by his mother, were similar to those of Kanapathipillai Navarednam. The family of Samurdhi recipients await relief by way of court case B457/08.

Karadiyanaru Police Area

HRCSL Complaint No.: HRC/Bco/169/08 /MA

Victim: Subramaniyam Ravichandran

Complainant: R. Maheswary

Police Reference: Not available

The thirty nine year old victim's wife claimed that Ravichandran had disappeared on the 10th of April 2008 from Thumpalacholai, in a police report filed the following day. A Samurdhi recipient engaged in sundry work, he was initially believed to have been taken into custody by the Kopavely STF, which, upon inquiry, claimed that he had been released shortly after arrest on the instructions of a commanding officer. Two of the victim's children are now similarly employed, while three others are of school going age. No progress has been made in ascertaining his whereabouts.

HRCSL Complaint No.: HRC/Bco/170/08/MA

Victim: Arumugam Kandaiah

Complainant: K. Vijayamala

Police Reference: Not Available

The victim, sixty two years of age, disappeared on 10th April 2008, following a meeting of the Fisheries committee. He was claimed, as per the complaint filed by his daughter, to have been arrested by the STF, who had also taken his son into custody on a previous instance. This evidence was corroborated by the Gramaseva Niladhari of the area. The family of Samurdhi recipients had been granted a sum of Rs. 100 000 to effect repairs on their home.

HRCSL Complaint No.: HRC/Bco/002/09/MA

Victim: Kandasamy Tharshan

Complainant: C. Uthayamalar

Police Reference: CIB I -179/18

The sister of the victim reported that Tharshan had disappeared on 3rd January 2009, following an arrest by the STF which was investigated by the police to no avail. The Gramaseva Nildhari confirmed the facts. Tharshan was twenty years old at the time of disappearance.

HRCSL Complaint No.: HRC/Bco/003/09/MA

Victim: Kanagarednam Prapanantham

Complainant: P. Geetha

Police Reference: Not available

The 3rd January 2009 disappearance of the victim took place at Karadiyanaru, as per the entry lodged by his wife the following day. The victim was twenty years old at the time, and had a three year old daughter. While the details of the disappearance have been confirmed by the relevant officials, the case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/008/09/MA

Victim: Kandaiah Antony

Complainant: A. Ravitha

Police Reference: CIB 151/83

Antony was last seen on 2nd December 2012, as per his wife's account to the Karadiyanaru police eight days later. The victim had been part of a five-man fishing expedition, where one person had died, two arrested by the STF, and the remaining persons avoided the authorities. The family had unsuccessfully inquired of his whereabouts from both the STF and the Vavuniya CID. He was forty two years old at the time of disappearance.

HRCSL Complaint No.: HRC/Bco/635/08/MA

Victim: Ponnaiah Thiruparam

Complainant: T. Amarawathy

Police Reference: Not available

The victim had been missing since 15th December 2008, a fact brought to the notice of the local police station by his wife, several months later, on 31st March 2009. He had been taken into STF custody in relation to his involvement with the LTTE. Complaints in this regard had been made to the Karuna faction three days later, but to no avail. Thiruparam, who was thirty seven years old at the time, had children of school going age, and was a Samurdhi beneficiary.

HRCSL Complaint No.: HRC/Bco/126/09/MA

Victim: Antony Amalraj

Complainant: A. Amalanayaki

Police Reference: CIB I -343/58

The forty one year old victim's wife reported that the disappearance had occurred on 19th February 2009 in Marapalam. He had been abducted at a paddy field by two persons who arrived on a bike, leaving his own bike to be found by the STF later on. The complainant now supports herself as a seamstress, parallel to the family occupation of animal husbandry.

HRCSL Complaint No.: HRC/Bco/175/09/MA

Victim: Selvarasa Thirumal

Complainant: T. Saritha

Police Reference: CIB 304/08

Thirumal, twenty eight, was reported missing by his wife. The disappearance occurred on 8th May 2009, when unidentified persons in STF uniform escorted the victim from his home. He has not been heard of since. Thirumal's family is currently receiving Samurdhi benefits.

HRCSL Complaint No.:

HRC/Bco/261/09/MA

Victim: Murugesu Suthaharan

Complainant: M. Sarathadevi

Police Reference: Not available

The victim's mother was the complainant. Suthaharan, as per her account, had been missing since 12th April 2009, when he was taken away in a white van by a group of persons who spoke fluently in Tamil. His wife, who attended the inquiry on her mother in law's behalf, stated that she raised her two children from the earnings received on engaging in sundry work and animal husbandry. The family also receives Samurdhi benefits. The Gramaseva Niladhari, who confirmed the disappearance, noted that the family had been provided with a two-bedroomed home by the government, as well. Much of the information regarding the investigation had been destroyed in an explosion at the Karadiyanaru police station.

Kathankudy Police Area

HRCSL Complaint No.: HRC/Bco/047/06/MA

Victim: Thavarasa Mathanarupan

Complainant: T.Kanageswary

Police Reference: CIB -47/118

The seventeen year old victim is claimed to have disappeared on 18th March 2006, as per the account of his mother, the complainant. The police entry in this regard was made on 26th March, and investigations are currently underway.

HRCSL Complaint No.: HRC/Bco/376/06/MA

Victim: Kailayapillai Kugathasan

Complainant: T.Kunanayaki

Police Reference: CIB II 70/162

Kugathasan, twenty four, disappeared on 17th December 2006 in Thankudah, as per his mother's statement to the Kattankudy police station on the 19th of December. No progress has been made in this regard.

HRCSL Complaint No.: HRC/Bco/098/07/MA

Victim: Kanapathipillai Lingeswaran

Complainant: S.Kanapathipillai

Police Reference: CIB I – 356/22

The nineteen year old victim was reported missing on 5th February 2007, following his January 24th disappearance. The report was filed by the victim's father. Lingeswaran's whereabouts are yet to be ascertained.

HRCSL Complaint No.: HRC/Bco/275/07/MA

Victim: Sundaramoorthy Jeyaranjan

Complainant: J.Rathikala

Police Reference: CIB 284/29

Thirty five year old Jeyaranjan was last seen in Kallady on 31st October 2007. His wife filed an entry at the local police station six days later, and awaits the completion of its investigation.

HRCSL Complaint No.: HRC/Bco/281/07/MA

Victim: Periyathamby Murugamoorthy

Complainant: M.Tharshini

Police Reference: GCIB I -78/40

The wife of the victim made the above entry on 24th April 2007, following her husband's disappearance on the same day. The victim, who was last seen in Puthukudyruppu, was thirty years old at the time.

HRCSL Complaint No.: HRC/Bco/360/07/MA

Victim: Myilvaganam Nimalaswaran

Complainant: M.Manjula

Police Reference: GCIB II -191/106

The sister of the twenty three year old victim made the above complaint on 29th May 2007. No progress has been made to date.

HRCSL Complaint No.: HRC/Bco/731/07/MA

Victim: Thevanantha Lukshman

Complainant: T.Uthyaedsumy

Police Reference: GCIB 384/89

The twenty year old victim was last seen in Nochchimunai on 7th November 2007, a week prior to his mother's entry being filed at the local police station. The victim's whereabouts remain unknown.

HRCSL Complaint No.: HRC/Bco/069/08/MA

Victim: Periyathamby Uthayakumar

Complainant: U.Thevamalar

Police Reference: CIB 07/144

The 15th January 2008 disappearance took place in Kallady, as per the statement provided by the victim's wife in March 2010. He was thirty years old at the time.

HRCSL Complaint No.: HRC/Bco/145/08/MA

Victim: Kanapathipillai Pushparasa

Complainant: K.Parameswary

Police Reference: GCIB 244/03

The complainant, who was the victim's mother, filed the above entry on 1st April 2008, following the twenty three year old's disappearance on 31st March that year. Pushparasa's whereabouts remain unknown.

HRCSL Complaint No.: HRC/Bco/437/08/MA

Victim: Nallathamby Rubesan

Complainant: N.Yogamma

Police Reference: GCIB I 381/217

Yogamma's son was reported missing on 19th September 2008. He had last been sighted the previous day in Kattankudy. Rubesan was sixteen years old at the time.

HRCSL Complaint No.: HRC/Bco/527/08/MA

Victim: Navarednam Kanthan

Complainant: K.Vanitha

Police Reference: CIB I 37/202

The wife of the twenty eight year old victim stated to the police that her husband was last seen at home on 31st March 2008. A disappearance report was filed the following day, but no progress has been made in this regard.

HRCSL Complaint No.: HRC/Bco/669/08/MA

Victim: Raveendran Rajatheepan

Complainant: S.Ravichandran

Police Reference: CIB II 233/174

The father of the victim lodged the above entry on 13th December 2008, regarding the twenty five year old's week-long disappearance. Rajatheepan is classified as missing, to date.

HRCSL Complaint No.: HRC/Bco/077/09/MA

Victim: Kunarednam Suthaharan

Complainant: Y.Sujanitha

Police Reference: CIB II 235/161

Suthaharan was twenty two years old at the time of his disappearance from Nochchimunai. His sister lodged the above entry on 14th February 2009, but progress in this regard has been limited. The case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/255/09/MA

Victim: Vynamuthu Nallathamby

Complainant: N.Thavamani

Police Reference: GCIB 16/45

Nallathamby was reported missing by his wife on 11th July 2009. He was forty four years of age at the time. The victim's whereabouts remain unknown.

HRCSL Complaint No.: HRC/Bco/390/09/MA

Victim: Thevathasan Jeyakanthan

Complainant: K.Thevathasan

Police Reference: CIB II 389/73

The father of the twenty nine year old victim stated that he had disappeared from Batticaloa on 7th November 2009. Jeyakanthan's case remains inconclusive.

HRCSL Complaint No.: HRC/Bco/449/09/MA

Victim: Sivapalan Jeyaprasanth

Complainant: K.Nadarasa

Police Reference: CIB I 167/69

The uncle of the victim stated that Jeyaprasanth, twenty two, disappeared on 4th December 2009. He has not since been heard of and is the subject of a missing persons' investigation.

HRCSL Complaint No.: HRC/Bco/080/09/MA

Victim: Rajathurai Rajamenan

Complainant: R.Chandrika

Police Reference: CIB II 250/260

The 23rd February 2009 disappearance of Rajamenan was reported by his wife, two days later. He was thirty three years at the time and remains missing to date.

Kokkadicholai Police Area

HRCSL Complaint No.: HRC/Bco/047/06/MA

Victim: Krishnamoorthy Rasenthiran

Complainant: S. Kirija

Police Reference: Not Available

The wife of the twenty seven year old victim stated that Rasenthiran's disappearance had occurred on 6th July 2009. Investigations are currently underway.

Vaharai Police Aerea

HRCSL Complaint No.: HRC/Bco/418/07/MA

Victim: Velayuthan Satkunedevan

Complainant: S. Vijayatharshini

Police Reference: CIB II 107/104

As per the account provided by the victim's wife, Satkunedevan, a thirty year old father of one school going child, had set out to a paddy field with three others in order to procure work. He had failed to return home following the completion of work, and had last been seen in Verukal on 16th June 2007. These facts were corroborated by the Gramaseva Niladhari, who identified the victim's family as Samurdhi beneficiaries, and stated that they had no permanent dwellings. The Divisional Secretariat has now commenced the formalities required for the issue of a death certificate in Satkunedevan's name.

Annexure V : Police Officers details who attend to Inquiry

	Name	Designation	Station
01.	Ajantha Samarakoon	S P Division Batticaloa District	Atiyamalai
02.	Ananda	A S P	Earavur
03.	S K Bandara	Acting OIC	Eravur
04.	C Mahalekam	OIC	Karadiyanaru
05.	A B T M B B Bandranayake	Actg. OIC	Kokkadicholai
06.	W A S L Samarasekara	P C 68688	Kokkadicholai
07.	U M Amarasiri	Actg. OIC	Kattankudy
09..	D M U Pushapa Kumari	P C 79120	Kattankudy
09.	Nilanga Fernando	OIC	Vavunathivu
10.	G D Gunasekara		Vaharai
11.	M I A Waliab	IP	Valaichenai
12.	Gamini Tenvelson	ASP	Valaichenai
13.	H Jayatilaka	Actg. OIC	Kalkudha
15.	M Shanthakumara	SI	Wellavelly
16.	DSC Kumara	PC	Wellavelly
17.	Gamini Tenakoon	ASP	Valaichchenai

Annexure VI :Grama Niladharies who attend to Inquiry

	Name	Designation	Station
01.	T Suntharan	Grama Niladhari	Atiyamalai
02.	G Ranathurai	Grama Niladhari	Atiyamalai
03.	S Gopalakrishnan	Grama Niladhari	Atiyamalai
04.	K Varatharajan	Grama Niladhari	Atiyamalai
05.	K Pratheepkumar	Grama Niladhari	Karadiyanaru
06.	T Suthakaran	-d o -	- do -
07.	K Varatharajan	- Do -	Vavunathivu
08.	S Perinpam	- Do -	- Do -
09.	T Balasundaran	- Do -	- Do -
10.	K Krishanapillai	- Do -	- Do -
11.	S Nesathurai	- Do -	- Do -
12.	P Sivanathan	- Do -	- Do -
13.	T Vijendra	- Do -	- Do
14.	R Thadchanamoorthy	- Do -	- Do -
15.	S Rameshkumar	- Do -	- Do -
16.	K Jeevarajah	- Do -	- Do -
17.	S Karuna....	- Do -	Kokkadicholai
18.	E Santhalingam	- Do -	- Do -
19.	R Uthayatheva	- Do -	Kattankudy
20.	U Sivarajah	- Do -	Kattankudy
21.	M Ponnampalam	- Do -	- Do -
22.	N Kiy.....	- Do -	- Do -
23.	S Jeevithan	- Do -	- Do -
24.	S Sritharan	- Do -	- Do -
25.	T Sivalingam	- Do -	- Do -
26.	T Thoyparam	- Do -	- Do
27.	K Sinnathamby	- Do -	- Do -
28.	K Dharmalingam	- Do -	- Do -
29.	K Yogasagar	- Do -	Vaharai
30.	M H M Ghazzali	- Do -	Valaichenai
31.	A J M Rismin	- Do -	- Do -
32.	Mrs.S Sivakumaran	- D o -	- Do -
33.	N Ravindran	- Do -	- Do -
34.	Jeyarajah Lopanaraj	- Do -	- Do -
35.	N M Annar Sathath	- Do -	- Do -
36.	A L M Jawfer	- Do -	- Do -
37.	S Ariyakuddy	- D o -	- D o -
38.	S Varatharasan	- Do -	- Do -
39.	K Divasagar	- Do -	- Do -
40.	K Kajendrarakajah	- Do -	- Do -
41.	V Sivasiva	- Do -	Kalawanchikudy
42.	T Sakunthaladevi	- Do -	- Do -

43.	T Sangarapillai	- Do -	- Do -
44.	T Mauyran	- Do -	- Do -
45.	K Amirthalinkam	- Do -	- D o
46.	J Muthulingam	- Do -	- D o
47.	T Pinpalaran	- Do -	- D o
48.	T Luxshkumar	- Do -	- D o
49.	S Tharmakkurasu	- Do -	- D o
50.	K Yogenthiran	- Do -	- D o
51.	V Kanagasabai	- Do -	- D o
52.	A Sritharan	- Do -	- D o
53.	S Sivapathasuntharan	- Do -	- D o
54.	T Kulothungan	- Do -	- D o
55.	S Vigeswaran	- Do -	- D o
56.	K Jeevarajan	- Do -	- D o
57.	K Kajendrarahah	- Do -	Kalkudah
58.	S.Veekanandan	- Do -	Wellavelly
59.	K.Satheesbavan	- Do -	- D o
60.	R. Mayuran	- Do -	- D o
61.	S. Gopalasingam	- Do -	- D o
62.	N.Ragulan	- Do -	- D o
63.	M. Sathiyarayanan	- Do -	- D o
64.	M.Paramananthan	- Do -	- D o
65.	P.Sugathas	- Do -	- D o
66.	M.Sathiyasothy	- Do -	- D o
67.	T. Luxakumar	- Do -	- D o
68.	T. Pirabaharan	- Do -	- D o
69.	E. kanadasamy	- Do -	- D o
70.	S.Sankeethan	- Do -	- D o

Annexure VII: Registration of Deaths (Temporary Provisions) Act No 19 of 2010

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRILANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU,
COLOMBO 5

**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of December 10, 2010.

[Certified on 10th December, 2010]
Printed on the Order of Government

**REGISTRATION OF DEATHS (TEMPORARY
PROVISIONS) ACT, No. 19 OF 2010**

*Registration of Deaths (Temporary Provisions) 1
Act, No. 19 of 2010*

Preamble

[Certified on 10th December, 2010]

L. D.—O. 36/2008.

AN ACT TO PROVIDE FOR THE REGISTRATION OF DEATHS OF PERSONS REPORTED MISSING AS A RESULT OF TERRORIST OR SUBVERSIVE ACTIVITY OR CIVIL COMMOTION AND OF PERSONS WHOSE DEATHS ARE DIRECTLY ATTRIBUTABLE TO ANY NATURAL DISASTER OR CALAMITY AND SUCH ACTIVITY, DISASTER OR CALAMITY RESULTS IN SERIOUS CONSEQUENCES AT NATIONAL LEVEL; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS several persons have died or have been reported missing in the course of the civil disturbances that have taken place in Sri Lanka due to terrorist or subversive activities or civil commotion: AND WHEREAS several people have died due to being exposed to natural disasters or calamities of national proportions :

AND WHEREAS there are certain practical difficulties which impede the registration of deaths in the circumstances which are enumerated above under the provisions of the Births and Deaths Registration Act:

AND WHEREAS it has now become necessary to enact legislation providing measures for the registration of such deaths:

NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. (1) This Act may be cited as the Registration of Deaths (Temporary Provisions) Act, No. 19 of 2010. The provisions of this Act shall be in operation for a period of three years from the date of its commencement.

(2) Notwithstanding the provisions of subsection (1), the Minister may not less than one month prior to the expiration of any period of operation of this Act, by Order published in the *Gazette*, extend such period of operation:

Short title,
duration and
extension of
operation of
the Act.

Provided however, that any such extension shall not, in any one instance, be for more than a period of two years.

(3) Notification of the date of any extension granted in terms of subsection (2) shall be published in the *Gazette*.

PART I

REGISTRATION OF DEATHS OF PERSONS MISSING DUE TO TERRORIST OR SUBVERSIVE ACTIVITY OR CIVIL COMMOTION

Who may apply for the issue of a certificate of death in case of a person missing due to terrorist activity &c., and procedure. Additional material to be supplied.

2. (1) Where any person is reported missing and he has not been heard of for a period exceeding one year by those who would naturally have heard of him, had he been alive and his disappearance is attributable to any terrorist or subversive activity or civil commotion which has taken place within Sri Lanka, a next of kin of such person if he verily believes such person to be dead, may apply in the manner hereinafter provided, to register the death of such person under the provisions of the Births and Deaths Registration Act and to have issued to him, a Certificate of Death in respect of such person.

(2) Every application under this section shall be substantially in the Form specified in the Schedule to this Act and shall be forwarded to the Registrar-General or the District Registrar of Births and Deaths of the District in which such missing person was last resident or had his permanent residence.

Additional material to be supplied.

3. Every application under this Act shall be supported by an Affidavit of the applicant setting out the grounds for his belief that the person whose death is sought to be registered, is dead, and shall be accompanied by a Report from the Grama Niladhari of the Grama Niladhari Division in which the person whose death is sought to be registered was last resident or had his permanent residence, confirming the fact that such person has not been seen alive or heard of, for a period of over one year, and accompanied by any other evidence in support of such application.

4. Upon receipt of an application under this Act, the Registrar-General or the District Registrar, as the case may be, shall cause a copy of such application to be displayed for a period of two weeks on the Notice Board kept at his office and in the office of the Grama Niladhari in whose division the person whose death is sought to be registered was last resident or had his permanent residence.

Display of application.

5. Any person may, within one month of the date on which a copy of an application under this Act is first displayed as provided for in section 4, forward to the Registrar-General or the District Registrar, as the case may be, his objections in writing to the registration of the death of the person to whom such application relates, and such objection shall be supported by an Affidavit of the objector and of any other person, setting out clearly the grounds for their objections.

Objection to registration.

6. (1) On the expiry of the period of one month allowed for the forwarding of objections to an application, the Registrar-General or the District Registrar, as the case may be, shall consider the application together with the evidence in support of the application and the objections, if any, and the evidence tendered in support of such objections, and after such inquiry as he may deem necessary, if satisfied as to the truth of the matters stated in the application, allow such application. Where the application was made to the District Registrar, he shall forward to the Registrar-General a Report under his hand setting out the particulars of the death as is required to be registered, under the Births and Deaths Registration Act, as he has been able to ascertain upon the completion of such inquiry as aforesaid.

Registration of Death.

(2) On receipt of the Report under subsection (1), the Registrar-General shall, except in a case where he disallows a Report in the exercise of the powers conferred on him by section 7, make order directing the appropriate Registrar to enter in the Register of Deaths maintained by such Registrar under the Births and Deaths Registration Act, the particulars specified in such Report and issue in respect of such person a Certificate of Death.

(3) On receipt, by a Registrar, of an order under subsection (2), directing him to enter the particulars in relation to the relevant death in the Register of Deaths maintained by him under the Births and Deaths Registration Act and issue in respect of such person a Certificate of Death, the Registrar shall forthwith enter those particulars in such register and sign the Register in the appropriate place and issue the Certificate of Death.

(4) There shall be attached to the duplicate of the relevant registration entry, the written order of the Registrar-General made under subsection (2) and such duplicate and order shall together be sent, by the Registrar to the appropriate District Registrar for transmission to the Registrar-General to be kept in his custody in his office.

Appeal against
refusal to issue
certificate
&C.,

7. An applicant who is dissatisfied with the decision of the District Registrar refusing to issue a Certificate of Death to him under section 6, or a person who has objected under section 5 to the issue of a Certificate of Death under this Act and who is dissatisfied with the decision of the District Registrar to issue such Certificate, may within one month of the notification of such refusal or issue, as the case may be, appeal to the Registrar-General against such refusal or issue, as the case may be. The Registrar-General may after review of the material before him, either affirm the decision of the District Registrar, or direct the District Registrar to issue a Certificate under section 6, or disallow the report issued by that District Registrar under section 6, as the case may be.

Special
procedure
relating to
registration of
deaths of
persons in
respect of
whom
there are
finding
by a
Commission
of
Inquiry or a
Special
Presidential
Commission
of
Inquiry.

8. (1) Where a Commission appointed under the Commissions of Inquiry Act (Chapter 393) or a Special Presidential Commission of Inquiry established under the Special Presidential Commissions Law, No. 7 of 1978 finds that a person has disappeared or is missing, the next of kin of that person may, apply to the Registrar-General or to the District Registrar of Births and Deaths of the District in which that person was last residing or had his permanent residence, substantially in the Form set out in the Schedule to this Act, to register the death of that person under the Births and Deaths Registration Act and to have issued to him, a Certificate of Death in respect of the death of that person. Every such application shall be accompanied by an Affidavit of the applicant in terms of section 3 and a certified copy of the findings of the Commission of Inquiry or Special Presidential Commission of Inquiry, as the case may be, relating to the death of such person.

(2) Upon receipt of an application under subsection (1), the District Registrar shall, notwithstanding anything to contrary in the preceding provisions of this Act, forthwith send to the Registrar-General a Report under his hand, setting out the particulars of the death required to be registered under the Births and Deaths Registration Act, as he has been able to ascertain from the application and the accompanying Affidavit and finding.

(3) Upon receipt of the Report under subsection (2), the Registrar-General shall make order directing the appropriate Registrar to register in the Register of Deaths maintained by such Registrar under the Births and Deaths Registration Act, the particulars specified in such Report and issue in respect of such person a Certificate of Death.

(4) Upon receipt of an order under subsection (3) directing him to enter the particulars relating to the relevant death in the Register of Deaths maintained by him under the Births and Deaths Registration Act, the Registrar shall forthwith enter such particulars in such Register and sign the Register in the appropriate place.

(5) There shall be attached to the duplicate of the relevant registration entry, the written order of the Registrar-General made under subsection (3) and such duplicate and order shall be sent together, by the Registrar to the appropriate District Registrar for transmission to the Registrar-General to be kept in his custody in his office.

(6) Where the application under subsection (1) is made to the Registrar-General, the provisions of subsections (2) and (5) shall *mutatis mutandis* apply as if the reference in those section to the District Registrar is a reference to the Registrar-General.

PART II
REGISTRATION OF DEATHS OF PERSONS MISSING DUE TO NATURAL
DISASTERS OR CALAMITIES

9. Where there has been within Sri Lanka a natural disaster or calamity which has caused to either the whole of Sri Lanka or to certain areas thereof, destruction to persons and property which has had far reaching effects at the national level, and where due to the circumstance of the deaths of persons who have died as a result of such disaster or calamity, the application of the provisions of the Births and Deaths Registration Act to the registration of the deaths of such persons has become impractical, the Registrar-General may, upon verification of the fact that a natural disaster or calamity has occurred, declare any Administrative District, Divisional Secretary's Division or Grama Niladhari Division as the case may be, affected by such disaster or calamity, as a "National Disaster Area".

Registrar-
General to
declare
"National
Disaster Areas".

10. (1) Where any person or persons—

(a) who had been resident within an area declared to be a National Disaster Area under section 9 ; or

(b) who have been resident within any other area, but was at the time of the occurrence of such natural disaster or calamity, known to have gone to or to have been within any area declared to be a National Disaster Area under section 9, cannot be found subsequent to such natural disaster or calamity and has for all intent and purposes disappeared as a result of such disaster or calamity, a next of kin of such person or persons or where no members of the family of such person or persons have survived the natural disaster or calamity, any person having knowledge of such person or persons may, if he verily believes such person or persons to be dead, apply to register the death of such person or persons, in the manner hereinafter provided, under the Births and Deaths Registration Act and to have issued to him a Certificate of Death or certificates of Death in respect of the death of such person or persons.

Who may apply
for the issue of a
Death Certificate
in case of
persons missing
as a result of any
natural disaster
or calamity, and
procedure.

(2) Every such application shall be made to the Grama Niladhari of the area within which such person, whose death is sought to be registered, was habitually resident.

(3) Every such application shall be submitted in any form whatsoever, containing wherever possible at least some of the information set out in the Schedule hereto, which information would as far as practicable be a description of the person whose death is sought to be registered. Every such application shall be accompanied by an Affidavit in support of such facts. The Grama Niladhari shall as soon as possible upon the receipt of such application, and after such inquiry as he deems necessary, recommend the same and forward it along with a report certifying to the best of his knowledge the accuracy of the facts stated therein, to the Divisional Secretary of the Division within which his Division is situated. The Divisional Secretary shall endorse every such application and forward the same to the Registrar-General.

(4) Upon receipt of an application under subsection (2), duly recommended and endorsed in terms of the provisions of subsection (3), the Registrar-General shall make order directing the appropriate Registrar to register in the Register of Deaths maintained by such Registrar under the Births and Deaths Registration Act, the particulars specified in such application and issue in respect of the person to whom the application relates, a Certificate of Death.

(5) Upon receipt of an order under subsection (4) directing him to enter the particulars relating to the relevant death in the Register of Deaths maintained by him under the Births and Deaths Registration Act, the Registrar shall forthwith enter such particulars in such Register and sign the Register in the appropriate place.

(6) There shall be attached to the duplicate of the relevant registration entry, the written order of the Registrar-General made under subsection (4) and such duplicate and order shall together be sent, by the Registrar to the appropriate District Registrar for transmission to the Registrar-General for custody in his office.

(7) Where the application under subsection (1) is made directly to the Registrar-General, the provisions of subsection (2) to (6) shall, *mutatis mutandis*, apply as if the reference in those sections to the District Registrar is a reference to the Registrar-General.

Registration of
Deaths of
foreign
nationals

11. Where there is evidence to show that a national of another State had been in Sri Lanka and temporarily resident within an area declared as a National Disaster Area in terms of section 9, and that it is apparent that such person has died as a result of the natural disaster or calamity in question, then any person having knowledge of these facts may apply for the issue to him of a Certificate of Death in respect of such person. Every such application shall be authenticated by the representative of the country of which such person was a citizen, present in Sri Lanka, and such application shall be forwarded directly to the Registrar-General who shall forthwith proceed to register such death and issue in respect of such person a Certificate of Death.

PART III MISCELLANEOUS PROVISIONS

12. The provisions of this part of this Act, shall notwithstanding the provisions of section 108 of the Evidence Ordinance as amended by the Evidence (Amendment) Act, No. 10 of 1988, be applicable to the issue of a Certificate of Death in respect of a person whose death is attributable to any terrorist or subversive activity or civil commotion or to any natural disaster or calamity where the death in question had occurred within an area declared to be a National Disaster Area in terms of section 9.

Procedure if
person
registered as
dead is found to
be alive.

13. (1) Where a death has been registered pursuant to an application made under sections 2, 8, 10 or 11 of this Act, and where any person at any time thereafter becomes aware that the person whose death has been so registered is alive, such person shall forthwith furnish such information to the Registrar-General.

Provisions of the
Evidence
Ordinance not to
apply.

(2) The Registrar-General shall, on receipt of such information convey the information to the Officer-in-Charge of the relevant police station, who shall investigate the truth of such information and forward a report to the Registrar-General, within four weeks from the date on which such information is conveyed to such officer.

(3) Upon receipt of a report under subsection (2) and after such inquiry as he may deem necessary the Registrar-General, if satisfied that the person whose death has been registered is alive, shall take such action, or make such order or give such direction, under section 52 of the Births and Deaths Registration Act, as is appropriate in the circumstances of the case.

(4) Any inquiry held by the Registrar-General under this Act shall be concluded within one month of its commencement and the Registrar-General may, for the purpose of an inquiry under this Act, exercise all the powers exercisable by him under the Births and Deaths Registration Act, in relation to an inquiry held by him under that Act.

14. For the avoidance of doubt it is hereby declared that—

Avoidance of
doubt.

(a) if the operation of this Act has lapsed upon the expiry of the period specified in subsection (1) of section 1, and no Order for the extension of the period of operation of this Act is made in terms of subsection (2) of section 1; and (b) if a person has been reported as dead and the application for the issue of a Certificate of Death in relation to such person has been made in terms of the provisions of sections 2, 8, 10 and 11 of this Act prior to the expiry of the period of operation of this Act, the Registrar-General may proceed to register the death of such person and issue the Certificate of Death in respect of such person, in terms of the provisions of Part I and Part II respectively of this Act.

15. Any person who—

Offences.

(a) knowingly, makes a false statement in an application made by him under this Act, or furnishes false information under this Act; or

(b) being aware that a person whose death has been registered in pursuance of an application made under this Act, is alive, fails to furnish such information to the Registrar-General; or

(c) dishonestly or fraudulently uses a Certificate of Death issued under the Births and Deaths Registration Act knowing or having reason to believe that the person referred to in such certificate is alive, shall be guilty of an offence under this Act, and shall upon conviction after trial by the High Court be sentenced to a term of imprisonment of not exceeding five years.

16. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

17. In this Act, unless the context otherwise requires—

"appropriate District Registrar", "appropriate Registrar" and "District" have the respective meanings assigned to them by the Births and Deaths Registration Act;

Interpretation.

"Births and Deaths Registration Act" means the Births and Deaths Registration Act (Chapter 110);

"District Registrar" means a District Registrar of Births and Deaths appointed under the Births and Deaths Registration Act;

"Registrar-General" means the Registrar-General of Births and Deaths appointed under the Births and Deaths Registration Act and includes an Additional Registrar-General, a Deputy Registrar-General or an Assistant Registrar-General.

SCHEDULE (Sections 2, 8 and 10)

APPLICATION FOR REGISTRATION OF DEATH OF A MISSING PERSON

1. Full Name of missing person :

2. Sex and race :

3. Age :

4. Date of Death (approximately) :

5. Address of last known residence:

6. Address of permanent residence :

7. Rank or profession :

8. Applicant's full name and residence :

9. Applicant's relationship to missing person :

I..... of do hereby state that the said..... (name of the person missing)..... has been missing for a period of over one year, and I verily believe that the said..... is dead.

I therefore request that the death be registered under the Births and Deaths Registration Act (Chapter 110) and a Certificate of Death in respect of such death be issued to me.

.....
Signature of Applicant

Date :.....

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following

Annexure VIII: Administrative Circulars

Public Administration Circular No. 59/89

Ministry of Public Administration,
Provincial Councils & Home Affairs,
Independence Square,
Colombo 7.

November, 1989.

To, All Secretaries to Ministries,
Chief Secretaries to Provincial
Councils, Heads of Departments
and Chairmen of Corporations.

Payment of Compensation etc. on injury/death
caused by subversive/terrorist activity to a
public officer, Corporation employee,
Co-operative employee and the staff of a
Member of Parliament registered with Ministry
of Justice and Parliamentary Affairs

Your reference is requested to Public Administration
Circulars Nos. 343 dated 23.09.86, 367 dated 11.5.87, 14/88 dated 25.4.88,
11/88 dated 13.7.88 and 31/88 dated 9.9.88;

2. The following decisions have been taken by the Government
in regard to the above scheme:

- (a) This scheme should be extended to cover "subversive related activity" in addition to categories of incidents mentioned in the above circulars.
- (b) This scheme should be applicable to incidents occurred whether on duty or not.
- (c) The package of payments outlined in this scheme should cover all cases of death/injury occurred due to terrorist/subversive activities prior to the date of this circular provided such cases satisfy the requirements of this scheme.
- (d) The daily paid workers, casual workers in the Public, Corporation and Co-operative Sectors should be entitled to the benefits in terms of this scheme.
- (e) In order to expedite payment of compensation to dependants of deceased officers/employees the A.G.AA ("Divisional Secretaries" - Please note that Chief Secretaries of Provincial Councils have been informed to change the designation of the Divisional Assistant Government Agent to that of "Divisional Secretary" of the Provincial Council with effect from 1.10.89 by my letter No. ABK/N/Gen/GA dated 21st September 89) should initially process the applications for compensation under the supervision of the Government Agent of the area and forward such applications to the respective Ministry/Department/Corporation for payment.

3. The existing scheme for Public Officers will be operative as amended by para (2) of this circular. However, the officer or dependants of such deceased officer will be eligible for relief mentioned in Public

Administration Circular No. 346 dated 8.10.86 if such relief is more beneficial, but not both. Accordingly (only for the purposes of such payment) you may treat that Public Administration Circular No. 346 dated 8.10.86 as suitably amended in terms of para (2) of this circular.

4. The existing scheme for corporation employees will be operative as amended by para (2) of this circular. However, if there is a State assisted insurance or a compensation scheme which is more beneficial, relief could be sought under such schemes but employees are not eligible to claim relief from both schemes.

5. The existing scheme for Public Officers will be applicable to the staff of a Member of Parliament subject to the conditions of such employment. However, to be eligible for benefits of this scheme, names of such persons should have been registered at the Ministry of Justice and Parliamentary Affairs.

6. Members of Boards of Directors of Public Corporations, Boards of Directors of Co-operatives and Co-operative Employees will be eligible for the medical aid allowance and compensation for loss of earning capacity as in the case of a Public Officer. In case of death due to terrorist/subversive activity, the dependants will be eligible for an ex-gratia payment of Rs.100,000/-. If these are not available the Treasury will provide funds to such institutions. In any case salaries etc. shall not be paid to such persons.

7. A Committee comprising the Secretary, Ministry of Defence, the Secretary to the Minister of State for Trade and the Secretary to the Minister of State for Public Administration, has been appointed to resolve difficulties in interpreting the provisions of this circular and Public Administration Circulars mentioned above. Therefore, such cases should be referred to the Secretary to the Ministry of Defence.

8. The dependants of Public Officers and Teachers who resigned to contest the Provincial Councils Elections and the Parliamentary Elections and who were killed while they were Candidates for such Election, should be paid their normal salaries till such time as those killed would have reached the normal age of retirement and their pensions thereafter.

9. The following clarifications are also made to facilitate respective authorities in expediting matters connected with the above scheme:

I. Sub post masters and substitute labourers in Govt. Depts, are entitled to benefits of this scheme.

II. When the salary of an officer is to be paid in terms of P.A. Circular 343 dated 25.09.86, the amount should be calculated on the basis laid down in para 20(i) of P.A. Circular No. 21/88 dated 13.07.88. (to be read with paras 03, 04 and 05)

III. Your attention is drawn to the interpretation of the word "Gender" in para 1 of Chapter I of the Establishments Code.

This interpretation should be applied when interpreting the words "officer", "employee", "wife" or "husband".

IV. The ex-gratia payment as compensation to be paid in relation to the loss of earning capacity is given in para 2B II of Public Administration Circular No. 21/88 dated 13.7.88. When the loss of earning capacity given in the medical report falls in between the given percentages the compensation payable should be decided on a proportionate basis.

Sgd: P.N.M. Fernando
Secretary,

Public Administration Circular No : 59/89(i)

Ministry of Public
Administration,
Provincial Councils & Home
Affairs,
Independence Square
Colombo 7.
26 January, 1990

To: All Secretaries to Ministries,
Chief Secretaries to Provincial
Councils, Heads of Departments
and Chairman of Corporations

**Claims of Compensation for those who have
engages in terrorist activities**

Your attention is requested to Public Administration Circular No. 59/89 dated 30.11.89 and connected circulars. It has been pointed out that claims for compensation were also made in respect of terrorists who died on the basis that they were killed due to terrorist action.

02. Government has therefore decided that when considering claims for compensation on deaths or injuries due to terrorists action, care should be exercised to exclude terrorists or their dependants being paid compensation.

Sgd. P.N.M.Fernando
Secretary
Ministry of Public
Administration,
Provincial Councils & Home
Affaires

HUMAN RIGHTS COMMISSION OF SRI LANKA

RECOMMENDATIONS RELATED TO COMPENSATION IN CASE
OF SARMA RE - DECISION OF THE UN HUMAN RIGHTS
COMMITTEE – COMMUNICATION NO. 950/2000

Cases cited

Bleier v. Uruguay (UN Human Rights Committee Comm. No. 30/1978)
Nallanayagam v. Gunatilake (1987) 1 Sri L.R. 293
Quinteros v. Uruguay (UN Human Rights Committee Comm. No. 107/1981)
Saman v. Leeladasa (1989) 1 Sri L.R. 1
Sasanasinghe Thero v. P.A. De Silva (1989) 2 Sri L.R. 356
Sebastian M. Hongray v. Union of India (1984) A.L.R. (S.C.) 1026

The United Nations Human Rights Committee in the cases of Sarma vs. The Government of Sri Lanka (communication No. 950/2000), submitted to The Committee under the Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter ICCPR), found the State party, i.e. the government of Sri Lanka, liable for violations of articles 7 and 9 of the ICCPR in relation to the applicant's son, and article 7 in relation to the applicant and his wife. Accordingly the Committee directed the State party to award appropriate and adequate compensation to the complainants. Following the decisions of The Committee, the Attorney-General of Sri Lanka advised the Ministry of Foreign Affairs to refer the matter to The Human Rights Commission of Sri Lanka (hereinafter The Commission) to make recommendations with regard to the computation of payment of compensation.

National or International Standards

Although The Human Rights Commission will base and frame its recommendations on international standards relating to compensation, the amount will be determined keeping in mind local economic and monetary realities. This is due to the fact the UN Human Rights Committee instead of determining the award, referred the matter to the Sri Lankan government, i.e. it requested the government to provide the petitioner with adequate compensation, whereby it can be assumed the Committee wanted the amount to be determined locally by a local body according to local monetary/economic standards and realities. Even the UN Basic Principles on and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

Therefore, remedies for public wrongs are particularly important because it is a reflection of public policy and the state's commitment to protecting and promoting human rights.

UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

After fifteen years of deliberations and discussions the UN Commission on Human Rights has formulated principles which are to act as guidelines on the right to remedy and reparation for gross violations of international human rights law. These principles require states to respect, ensure respect for and implement international human rights law and international humanitarian law and are concerned with the provision of immediate and effective remedies to victims of rights violations. Article 8 defines victims as any persons who suffered harm, 'including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law'. The principle goes one step further and includes 'immediate family members or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization' in the definition of victim. The victim's right to 'equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms' is protected by article 11. Article 12 (b) requires states to take measures to minimize the inconvenience to victims and their representatives, protect against 'unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses before, during and after judicial, administrative, or other proceedings that affect the interests of victims'.

Articles 15 through 23 deal with remedies for victims. Article 12 stipulates that 'reparation should be proportional to the gravity of the violations and the harm suffered...a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law'. In the case of judgments by international bodies against States article 17 requires states to 'endeavour to enforce valid foreign legal judgments for reparation in accordance with domestic law and international legal obligations'. Effective reparation according to article 18 includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The aim of restitution according to article 19 is to 'whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations...occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property'. Article 20

states that compensation should be provided for economically assessable damage 'as appropriate and proportional to the gravity of the violation and the circumstances of each case...such as: physical or mental harm; lost opportunities, including employment, education and social benefits' material damages and loss of earnings, including loss of earning potential' moral damage'; costs required for legal or expert assistance, medicine and medical services and psychological and social services'.

Categories of Compensation

The purpose of compensation is to compensate plaintiffs for harm suffered and place the person in the position they were in before the harm/violation occurred. In cases where there is excessive delay between the rights violation and the judgment of the court/tribunal compensation becomes imperative to rectify not only the harm suffered by the victim but also additional pecuniary and non-pecuniary losses which the victim suffered. There are those who feel that to attach a monetary value to a lost loved one is to marketwise the loss and thereby trivialize it. In South Africa survivors have been reported to be troubled by the belief that non-monetary harms such as death and humiliation are being compensated monetarily. Yet, despite these factors victims of gross violations of human rights should be awarded compensation to attempt, as far as possible, to enable them and their families to return to a normal life.

Pecuniary Damages

Compensation can be categorized as pecuniary and non-pecuniary and determined separately. Pecuniary damages are award of the reasonable cost of acquiring the thing lost, i.e. the closest possible financial equivalent of the loss suffered. In the case of loss of life, the income of the deceased of which the family members have been deprived of, will be taken into consideration while calculating damages along with future earnings. In evaluating future earnings factors such as age, occupation, education, the projected lifespan of person have to be taken into account. In this instance, the victim, Thevaraja Sarma was 20 years old, a qualified motor mechanic who underwent training on motor mechanism at the National Youth Service Council of the Government, was at the time of disappearance employed at a garage in Trincomalee. His daily income was Rs.600 to 700. The life expectancy of the average male is 69 years. Since his father was unemployed and siblings attended school his entire family was dependent on his earnings. They do not own any property in any part of the country and have no insurance cover. In computing the amount of compensation the Commission took the above factors into account. The complainant's lawyer claims Thevaraja's daily income was Rs.600/- to 700/-. The Commission has taken Rs. 600/- as the base rate of which it is assumed the parents would benefit from 1/3, i.e. Rs. 200.

Since there are 25 public holidays in a year in Sri Lanka, 261 working days – 25 holidays = 236.

$236 \times \text{Rs.}200 = \text{Rs. } 47,200$ (annual income)

$\text{Rs.}47,200 \times 40 \text{ yrs (expected working life)} = \text{Rs.}1,888,000$

Hence, The Commission recommends an award of Rs.1,888,000

Non-Pecuniary Damages

Non pecuniary damages are awarded for harm to reputation, mental anguish etc. It must however be kept in mind there are no objective standards to evaluate non-pecuniary damages. Due to the subjective nature of moral injury even if the same factors are considered by judges all over the world, the evaluation will differ from state to state. Most courts use the principle of fair compensation or equitable assessment to determine non-pecuniary damages. In the case of Sarma, the family has been in a state of uncertainty about the fate of their son since June 1990, i.e. 16 years. Further, they were given conflicting answers regarding the fate of their son; in 1990 they were told Thevaraja was dead, whereas in 1993 the military claimed the son had never been taken into custody. During the interim period the complainant Mr. Jegatheeswara Sarma saw the son in a military van, made eye contact and says the son shook his head to indicate the father should not speak with him. The applicant complained to the Prime Minister in 1993, wrote to the President in 1998 and petitioned the President again requesting a fully inquiry and release in 1999. In the sixteen years the family has sent thirty nine letters and requests to authorities and according to the UN Human Rights Committee pursued all possible domestic remedies that are not unduly prolonged.

The Supreme Court of Sri Lanka has also noted the need to compensate the petitioner for non-pecuniary damages such as mental anguish, pain and suffering. In *Saman v. Leeladasa*, a case of violation of article 11 (fundamental right against cruel, inhuman or degrading treatment), the Court said 'The petitioner is entitled to compensation in respect of the injury...and pain, suffering and humiliation...suffered by him'. In the case of *Sasanasinghe Thero v. P.A. De Silva* the court granted compensation on account of distress and suffering caused to the petitioners by their arrest and detention.

In this case The Commission recommends as compensation for the continuing uncertainty about the fate/location of their son and resulting mental anguish and stress an award of Rs.1,000,000.

Exemplary Damages

Common law countries award punitive/exemplary damages in cases of egregious wrong-doing where the purpose is to punish and/or deter. This deterrence theory based approach aims not merely to compensate the victim but also to deter

repetition of the harm. Punitive damages are often awarded when the probability of escaping judgment is high; the higher the probability, the higher the award. Although punitive damages are sparingly awarded, they are often given in cases of systematic/systemic human rights violations. The Indian Supreme Court in *Sebastian M. Hongray v. Union of India*, a case of disappearance, awarded exemplary damages with the purpose of deterring future disappearances. It should be noted it is possible to incorporate both compensatory and punitive elements in an award of compensation. In determining whether family members of disappearance victims would fall under the category of victims, the UN Human Rights Committee in *Quinteros v. Uruguay* (Comm. No. 107/1981) has clearly stated that family members can also be considered victims of violation against relatives, for example in the case of disappearance. In *Bleier v. Uruguay*, the Committee has decided that compensation can be awarded to such family members.

The UN Human Rights Committee has noted the failure of the State to properly investigate the disappearance of Thevaraja and has clearly set out the various measures the State should have taken. Several international human rights bodies such as the United Nations Working Group on Enforced and Involuntary Disappearances and Amnesty International and national bodies such as the Sri Lanka Presidential Commission of Inquiry into Involuntary Removal or Disappearance of Persons in the Northern and Eastern Provinces have documented and acknowledged widespread disappearances and the impunity enjoyed by perpetrators of human rights violations. In this particular case, when the family inquired about the whereabouts of the son they were told he was dead. Although Thevaraja was arrested along with his father and others, the family was told a couple of years later that he was never taken into custody. Numerous petitions submitted by the family to the highest authorities did not yield any results. Investigations into the disappearance were initiated by the State only on 24th January 2001 and the statement of the applicant was recorded only in February 2001, nearly eleven years after the arrest. As the petitioner has pointed out in his submission related to compensation, the failure to record the statements of superior officers under whose command Corporal Sarath functioned, adversely affects the possibility of discovering the widespread nature of the phenomenon of disappearances. Although the Sri Lankan state has admitted responsibility for the disappearance of Thevaraja its failure to conduct a full inquiry into the matter is a serious breach of both its obligations under the ICCPR and its positive duty to protect the citizen from human rights violation. Moreover the failure sets a bad precedence in relation to public policy regarding the protection and promotion of human rights.

In *Nallanayagam v. Gunatilake*, a case of detention under Emergency Regulations, the Supreme Court of Sri Lanka said that article 13 (2) 'embodies a salutary principle safeguarding the life and liberty of the subject and must be exactly complied with by the executive' and ordered compensation '...to vindicate this principle which is of such significance'.

Taking these factors into account the Human Rights Commission recommends the award of exemplary damages in the amount of Rs 1,000,000.

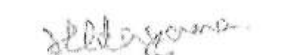
Recommendations of the Human Rights Commission


The Human Rights Commission recommends the following awards:

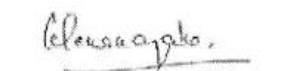
1. As pecuniary damages for loss of income experienced by the family due to the fact the disappeared person Thevaraja was the sole income earner a sum of Rs.1,888,000
2. As non-pecuniary damages for mental anguish and stress suffered by the family due to the uncertainty about their son's whereabouts/fate, an award of Rs.1,000,000
3. As exemplary damages in recognition of the systemic nature of disappearances in Sri Lanka, the failure of the state to conduct proper investigations and to deter such future rights violations an award of Rs.1,000,000



Radhika Coomaraswamy
Chairperson, HRCSL


Deepika Udagama
Commissioner, HRCSL


N Selvakkumaran
Commissioner, HRCSL


C C Senanayake
Commissioner, HRCSL


M A Zainudeen
Commissioner, HRCSL

Annexure X: Civil Society Organization's Comment

29/1 Sinna Uppodal

Batticaloa

14th May 2012

1056



Missy G. L.

The Director

Investigations

Human Rights Commission of Sri Lanka

Colombo

Dear Director

Observations and some suggestions on the inquiries that took place from 8th May to 10th May 2012 at the Batticaloa Human Rights Commission Office

We wish to thank you for inviting us to be as observers of the 3 days of inquiry that was held in the office of the Human Rights Commission, Batticaloa from the 8th to the 10th May 2012. We would like to share with you some of our observations. We hope that some of these observations will be helpful for investigations that you hope to carry out in other areas in the future.

*The presence of the respective Grama Sevakas and OIC's of the areas from which the missing peoples relatives had made complaints

This was an extremely helpful positive initiative. It compels these offices to be aware of the ongoing situation of the family of the missing person and take due note and responsibility in terms of the search of the missing person and the well being of the family.

As a very first initial step in the process of the investigation it opens up the issue of accountability and responsibility by state security and human rights bodies.

It augurs well for the future making the state security and grama sevakas to be aware that any similar acts of disappearance in the future will and must be taken seriously.

The Process Used

The fact that each family that had complained to the Human Rights Commission was contacted well in advance was much appreciated.

Each individual complaint was taken up for investigation. This too was greatly appreciated despite the time factor. This gives a sense of respect and affirmation to a family that is deeply grieved and longing to be listened to.

Improvements

The investigation process could have been staggered over a longer period of time. For example complaints of a given police division could have been given a whole day. This could have paved the way for a more relaxed feeling that could have enabled more facts and information of a given missing situation to be explored more deeply thereby ensuring qualitative recording of the facts. More time could have made it possible to explore patterns in the disappearance in a given village and possible links that connect one disappearance to another.

The time of families too could have been more effectively used if there was a change in the above process. One found that a family member spent almost a whole day at the HRC office until their name was called.

It is always essential to have good translators whose task is just that and not have the dual function of engaging and asking questions from the family members and then translating that information to the investigating officers from Colombo.

Police Inquiry

One of our observations was that in almost every instance the police inquiry into the disappearance remained at the first level. Their subsequent visits to the

families has been with the view of checking if the person missing has come back and not of an investigative nature.

From the time of disappearance to the present families have given their information to the police, HRC, other human rights organizations both national and international and some non governmental organizations, the Terrorist Investigative Divisions, and other branches of the security establishments, political groups and state initiated commissions. None of these bodies have taken the information shared to even a second level where the information shared is checked out and fed back to the family and so on. This brings up a real fear that this preliminary inquiry that took place recently will also remain at that level and after a lapse of time the families will be told or advised to get a death certificate.

Recommendation

We see a much greater role for the HRC in the investigative process. To many families whose level of trust with the police and other security mechanisms are at a low level the HRC could act as an effective and trustworthy medium between families and the state security establishments.

Creative Options

The first burning need of most families is to know the truth. What happened to their loved ones? Where are they? When all processes and avenues of an investigation has been exhausted there is still the story and behind the story are people hungering for truth. Facts, witnesses, evidences that the legal system requires may not be available but somewhere out there in that story - the Truth - of what happened is around.

It is time that we seriously look for ways in which those who may be responsible for the disappearance could be willing to share their involvement in ways that step out of the structure of a legal system. Close to 40 countries have tried many ways of doing this and we can draw from their experiences and find our own unique ways. We feel the Human Rights Commission could begin to reflect on this alongside the families and all other concerned individuals.

Note:

There were many people who for many reasons were not part of the 3 day sessions. We hope that if they are in a position to come to the HRC in the coming days, they could get their information processed. The Grama Sevakas of the village may sometimes be aware of families whose loved ones are missing but who were not part of this 03 day process. They too can then encourage the families to visit with the HRC.

Thank You

Sincerely



Friends of the families