

# “DISAPPEARANCES” AS A PRACTICE

## *Anniversary of a Village Round-Up*

**E**arly one morning fifteen years ago, the headmaster of a village school watched helplessly while armed commandos in camouflage uniform charged into his home and seized two of his sons. He saw other commandos, who had arrived in several jeeps, jump out of their vehicles, run in pairs in various directions in what was obviously a planned operation, and round up the sons of other villagers. The jeeps drove off and none of the young men—twenty three in all from that particular village—were ever seen again.

The day was 17 May 1985, the village Natpattimunai in the Eastern Province, and the headmaster Mr. T. Gunaratnam, a first class trained teacher 36 years in service. There was, unfortunately, nothing very unusual about this episode for the time and place. The Special Task Force (STF) was then deployed in the Eastern Province, and a frequent complaint was that young men were arrested by it and the arrest later denied. But people elsewhere, if they heard of such events at all, tended to shrug them off in disbelief. Or worse, to dismiss them from mind as an inevitable concomitant of the state's campaign against armed Tamil separatists. Partly as a result, in our contention, of such indifference or lack of principled attitudes, later years would see such experiences replicated throughout the length and breadth of the land, the victims still predominantly rural youth, but now including real or suspected Sinhala insurgents in their thousands.

The “disappearance” of the 23 young men of Natpattimunai is, in the view of the Civil Rights Movement (CRM), worth recounting and recalling today, fifteen years later, for specific reasons.

This was one of the first instances of “disappearances” to become the subject of judicial examination. It happened in a curious way. The President of the local Citizens' Committee, a former public servant serving as Warden of an orphanage, made representations on behalf of the parents, and a regular police inquiry began. A suspected burial site was visited, and a shirt found, in the pocket of which was the identity card of one of the missing youth. As it was getting dark, the search was then postponed for the next day, but in fact it never resumed. Instead, in a bizarre turn of events, the bewildered Citizens' Committee President found himself under arrest in a plane bound for Colombo, where he was detained on the “Fourth Floor” of the CID Headquarters. He was later charged under the emergency regulations for, amongst other things, spreading “rumours and false statements.”

A forty-nine day trial ensued, which resulted in the acquittal of the accused and total vindication of his conduct and character.

At the trial in the High Court of Colombo, headmaster Gunaratnam and another parent gave eyewitness testimony of the commando round-up and arrest of their sons, and subsequent efforts to find

them. The Citizens' Committee Chairman, Paul Nallanayagam, recounted how he learned of the arrest from the parents, and subsequently of the rumour that the young men had been killed and buried. He then went to the STF camp, with the list of names, and found that they were not in custody. The judge held that under those circumstances Mr Nallanayagam, in suspecting that they had been done away with, was not going on a rumour, but was saying something that he had reason to believe.

A remarkable feature of this case was that no attempt was made by the prosecution (other than to attempt — unsuccessfully — to shake in cross-examination the testimony of the defence witnesses) to prove that the arrests did *not* take place. No officer of the STF gave evidence to deny that a round-up operation had taken place in the village of Natpattimunai on that day.

To assess Paul Nallanayagam's conduct, and whether it could be considered spreading rumours and false statements, the background of events in the Eastern Province at that time was held relevant. The defence led evidence of, and the court accepted, that such arrests and subsequent “disappearances,” with the authorities denying that they had ever taken the victims into custody, were prevalent. It was established that several discussions had taken place between representatives of the Citizens' Committees and the authorities, including the Minister for National Security, with high-ranking army officers present. The Citizens' Committees had repeatedly stressed the importance of supplying to the Commanding Officer of the area, with copy to the Government Agent, lists of arrested persons immediately after a round-up by the Special Task Force. They could then check with the CO or GA on behalf of the relatives and assure the physical safety of the persons, and families would then know to which camp they could take clothing etc., to be handed over. The importance of providing such lists to prevent “disappearances” was fully appreciated, and they were promised several times, an undertaking honoured in the breach.

From what transpired at this trial, it became manifest what was already known to the human rights community in Sri Lanka and abroad, that resort to “disappearing” people had by 1985 become a *practice* in Sri Lanka. Isolated instances of “disappearances” had taken place earlier. Amongst these may be counted the abduction and “disappearances” in Jaffna on 12 and 13 July 1979, the arrest and “disappearance” of Ananda Sunil in Colombo in July 1983. But now, this hideous phenomenon, which had become common in other parts of the world, notably Argentina and Chile, had reached our shores. It was just easier to round-up persons and make them “disappear,” denying all responsibility for taking them in the first place. This became the convenient and preferred option rather than to kill them more openly and leave bodies lying around which have to be explained, or to keep them prisoner and have to answer for why they are held for long periods without charge or trial, and to have to

explain away injuries sustained and deaths occurring in custody. In other words, it was a way of escaping *accountability* and perpetuating *impunity*.

Since it was established by the end of the trial in this case in mid-1986, if not well before, that there was now this new and dreadful dimension to our human rights scene, the question arises, what was then done to stem it? The answer is, nothing.

Later years saw such events reproduced time and again, with some variations, not merely in the Eastern and Northern Provinces, but throughout our country. Thirty five persons taken into police custody at Dickwella in the Southern Province on the eve of the 1988 Presidential elections, of which 13 “disappeared.” Fifty three school-children from schools in Embilipitiya arrested and “disappeared” in late 1989/early 1990. Eighteen youths from Hambantota “disappeared” after being held in the village school and then taken to the Sevana Army Camp, Ratnapura District. Torture chambers from which numerous persons “disappeared” in Kandy, Moneragala and Badulla (Uva Province). One hundred and sixty eight “disappeared” out of the 174 arrested from the Vantharamoolai Eastern University Refugee Camp in September 1990. Seventy two “disappeared” after round-ups in Saturukondan and three other villages in the Batticaloa District on 9 September 1990. And so it continues; a horrifying catalogue in the reports of the several Commissions set up in recent times to investigate “disappearances,” and which heard evidence of the “disappearance” of literally thousand upon thousand of Sri Lankans.

These Commissions, however, regrettably were mandated to inquire only into events occurring after 1 January 1988. The Natpattimunai “disappearances,” and others occurring during the time in the Northern and Eastern Provinces, therefore, remain to this day excluded from official examination. So also does one of the best-known early “disappearances” in the south, that of Ruhuna University lecturer Satyapala Wannigama in November 1987. Some 500 reported “disappearances” in Jaffna during the period 1995 to 1997 also remain to be examined by a promised Commission of Inquiry; they have been the subject of a Board of Inquiry of the Ministry of Defence, the report of which has not been published.

Today, fifteen years after the Natpattimunai round-up, it may be useful to remind ourselves of the time and circumstances under which “disappearing” people was able to establish itself in Sri Lanka as part of the *modus operandi* of the forces of law and order, and to ponder on its consequences and implications.

### References

- 1) HC (Colombo) No 1715/85 judgment of 17 July 1986.
- 2) The Nallanayagam Judgment—an Introductory Note (CRM document E01/7/86 of July 1986).
- 3) The Nallanayagam Case and After (CRM statement of October 1986, ref. E01/10/86).

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These early “disappearances” of Tamil youth are described in Michael Ondaatje’s novel *Anil’s Ghost* which was published in May 2000 coinciding with the fifteenth anniversary to which CRM draws attention. The main character Anil, a forensic scientist, is sent by the United Nations to investigate “disappearances” in Sri Lanka, and goes through CRM files. Ondaatje writes:

“Inside the Civil Rights Movement offices at the Nadesan Centre were the fragments of collected information revealing the last sighting of a son, a younger brother, a father. In the letters of anguish from family members were details of hour, location, apparel, the activity... Going for a bath, Talking to a friend...

In the shadow of war and politicals there came to be surreal turns of cause and effect. At a mass grave found in Naipattimunai in 1985, blood-stained clothing was identified by a parent as that worn by his son at the time of his arrest and disappearance. When an ID card was found in a shirt pocket, the police called an immediate halt to the unburial, and the following day the president of the Citizens’ Committee—who had brought the police to the location—was arrested. The identity of the others in this grave in the Eastern Province—how they died, who they were—was never discovered. The warden of an orphanage who reported cases of annihilation was jailed.”