# Clarifying the Past & Commemorating Sri Lanka's Disappeared



## A DESCRIPTIVE STATISTICAL ANALYSIS OF ENFORCED DISAPPEARANCES DOCUMENTED BY FAMILIES OF THE DISAPPEARED

Romesh Silva Human Rights Data Analysis Group Benetech Britto Fernando Families of the Disappeared Sri Lanka Vasuki Nesiah International Center for Transitional Justice

### By the Way Side

This wreath With no name attached is for you who have no grave

As the place of earth Which embraced you Could not be found, This wreath was placed by the wayside.

Forgive me.

Forgive me For placing a memorial for you By the roadside.

- Basil Fernando

# Clarifying the Past & Commemorating Sri Lanka's Disappeared

# Clarifying the Past & Commemorating Sri Lanka's Disappeared

A Descriptive Statistical Analysis of Enforced Disappearances Documented by Families of the Disappeared

Published by

FAMILIES OF THE DISAPPEARED

Human Rights Data Analysis Group Benetech

INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE

27 October, 2007

Printers Ranwaki Printers Negombo, Sri Lanka

DISTRIBUTED BY THE RIGHT TO LIFE HUMAN RIGHTS CENTER NO. 555 COLOMBO RD, KATUNAYAKE, SRI LANKA Romesh Silva (Statistician, Benetech Human Rights Data Analysis Group) developed the quantitative analysis and wrote this report in collaboration with Britto Fernando, Philip Dissanayake and Jayanthi Dandeniya of Families of the Disappeared. Vasuki Nesiah (Senior Associate, International Center for Transitional Justice) wrote the section of the report on the historical background of disappearances in Sri Lanka. Patrick Ball (Director, Benetech Human Rights Data Analysis Group) reviewed the analysis and report.

The Families of the Disappeared, Benetech's Human Rights Data Analysis Group and the International Center for Transitional Justice are particularly grateful to the surviving family members who shared their difficult stories which form the basis of this report.

The authors retain sole responsibility for the opinions and analysis expressed here, and any errors are theirs alone. The materials contained herein represent the opinions of the authors and editors and should not be construed to be the view of the Families of the Disappeared, The Benetech Initiative, or the International Center for Transitional Justice, any of their respective constituent projects, their respective Boards of Directors or the donors. Copyright ©2007 by The Benetech Initiative, 480 S. California Ave., Suite 201 Palo Alto, CA 94306-1609, United States of America.

Certain rights are granted under the Creative Commons Attribution-NonCommercial-ShareAlike license, available on the web at:

http://creativecommons.org/licenses/by-nc-sa/1.0/legalcode

The license terms are summarized here:

Attribution: The licensor permits others to copy, distribute, display, and perform the work. In return, licensees must give the original author credit.

Noncommercial: The licensor permits others to copy, distribute, display, and perform the work. In return, licensees may not use the work for commercial purposes, unless they get the licensor's permission.

Share Alike: The licensor permits others to distribute derivative works only under a license identical to the one that governs the licensor's work.

Contact Information:

The Benetech InitiativeFamilies of the DisappearedWeb: http://www.benetech.org555 Colombo Rd, Katunayaketel: +1 650-475-5440tel: +94 314-870-308fax: +1 650-475-1066fax: +94 314-870-308Email: info@benetech.orgEmail: right2life@sltnet.lk

# Profile of a Human Rights Defender

Jayanthi Dandeniya was one of ten children born to a carpenter father. She and her siblings had to work throughout their childhood to earn money for school books and other school fees.

After finishing school, Jayanthi started working in a garment factory in the Free Trade Zone neighboring Colombo's international airport. She became engaged to a vocal worker in another factory who sent petitions to the labor department regarding violation of basic rights. The management called him in for an inquiry on October 26, 1989. He went to the inquiry with his lawyer, and they never returned. It was later discovered that they had been abducted, shot, and burned. In addition to this tragedy, Jayanthis brother was taken away by the police and shot dead in 1989, and her older brother disappeared in August 1990. When Jayanthi began lodging complaints to the police about the disappearances, she started getting followed by strangers and then lost her job. After receiving several threats and fearing for her life, she went into hiding.

In 1992, when the situation improved, she returned to her life and began her determined fight for justice for the thousands who disappeared. Jayanthis work as a co-founder of the Families of the Disappeared has been a long and gradual process. Among the families she met while in hiding and trying to reassemble her life, she earned the reputation of being someone who would not only listen, but genuinely try to help. Since most of the victims were young workingmen, the economic impact of their deaths was devastating to poor families. They left young widows, infant children, and aging parents, all of whom had depended on these mens incomes. By helping families meet their needs, either through informal mutual aid groups or by directing outside resources to needy families, Jayanthi gained their trust and had the opportunity to learn about numerous cases of disappearances. These programs have now evolved into scholarships that provide children of the disappeared with computer classes and English tutoring.

Jayanthi still devotes part of her work to labor rights in free trade zones, where international manufacturers run factories under draconian conditions. She was awarded the 2003 Kwangju Human Rights Award by the May 18 Foundation and appointed an Ashoka Fellow in 2005. As Jayanthis own story demonstrates, the same climate of impunity that pervades the Zone is what led Sri Lanka into mass political violence. She hopes that never again will such human rights abuses take place in her country.

### Introduction

The purpose of this report is to analyze, using a combination of quantitative and qualitative analysis, the disappearances which have been documented and researched by Families of the Disappeared and to present these findings to both clarify the past and also inform future initiatives and programs developed by Families of the Disappeared.

The analysis presented in this booklet is based on a database of forced disappearances compiled from interviews and letters collected from family members of the disappeared.<sup>1</sup> FoD's database documents disappearances which mainly occurred in Gampaha, Kandy, Kalutara and Puttalum during the period from November 1981 to May 1998. Some disappearances from other districts are also documented in the database.

The statistical and qualitative analysis contained in this

<sup>&</sup>lt;sup>1</sup>A forced disappearance involves the deprivation of a person's liberty, in whatever form or for whatever reason, brought about by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by an absence of information, or refusal to acknowledge the deprivation of liberty or information, or concealment of the fate or whereabouts of the disappeared person.

brochure was jointly developed by Families of the Disappeared, Benetech's Human Rights Data Analysis Group (HRDAG) and the International Center for Transitional Justice.

# Historical Background of Disappearances in Sri Lanka

Sri Lanka has a deep and complex history of political violence. Communal riots, political assassinations and internal conflict have been an element of the socio-political landscape for more than a century. Since independence in 1948, national communal riots have occurred in 1956, 1958 and 1983, with many more localized outbreaks of violence. Two heads of state, half a dozen national political leaders, and numerous regional and local politicians have been assassinated by groups representing virtually every shade of the political spectrum. The government brutally suppressed two armed insurrections in the South, in 1971-72 and 1987-89, led by the Peoples Liberation Front (JVP). And since the late 1970s, the government has been guilty of widespread human rights abuses in the North and East as it has confronted an armed Tamil separatist movement in the North and East of the island, lead since the late

1980s by the Liberation Tigers of Tamil Eelam (LTTE), which has engaged in the widespread use of terror, assassinations, mass killings, and suicide bombings. Since 1982 violence has increasingly become a regular element of political campaigns and the election process. For extended periods, and almost continuously since 1979, the country has operated under national security laws (the Public Security Ordinance of 1947 and the Prevention of Terrorism Act of 1979), supplemented by equally draconian emergency legislation. These laws, whose stated objective was the maintenance of law and order, have been used by successive governments to combat armed groups as well as to curb legitimate opposition.

The Report of the Presidential Commission of Inquiry to investigate the Disappearances of Persons noted that its investigations "echoed the common yearning; Never Again.<sup>2</sup> The task for the Sri Lankan state was not only to provide redress in response to the over twenty thousand documented complaints that have since been officially acknowledged, but also to ensure that these horrors would never take place again.<sup>3</sup>

 $<sup>^2</sup>$  Report of the 1994 Presidential Commission of Inquiry to investigate the Involuntary Removal or Disappearances of Persons in the Western, Southern and Sabaragamuwa Provinces.

<sup>&</sup>lt;sup>3</sup>Officially the zonal and All-Island Presidential Commissions of

Over the last year, disappearances once again emerged on Sri Lanka's human rights landscape. The government has denied responsibility for the resurgent violence, leading to impunity for law enforcement, harassment of families and other advocates of the victims, and threats to human rights advocates.<sup>4</sup> Families have registered complaints, filed protests and demanded answers to no avail. A request from the UN Working Group on Enforced Involuntary Disappearances (WGEID) to visit the country in 2007 has not been granted.<sup>5</sup> Amnesty international notes that even in the first few months of 2007, there were hundreds of cases of disappearances reported.<sup>6</sup> There is an emerging

<sup>4</sup>See Human Rights Watch, *Return to War: Human Rights Under Siege.* Volume 19, No. 11 (c). August, 2007. Available at http://hrw.org/reports/2007/srilanka0807/srilanka0807web.pdf (Accessed 19 October, 2007).

<sup>5</sup> Ibid.

<sup>6</sup>Amnesty International, Sri Lanka: Amnesty International calls on the United Nations Human Rights Council to address violations. AI Index: ASA 37/019/2007. 4 September, 2007. Available at http://www.amnestyusa.org/document.php?lang=e&id=ENGASA370192007 (Accessed 19 October, 2007).

Inquiry reported a total of 23,087 unique cases of enforced disappearances. The true magnitude of enforced disappearances is not known. No scientific estimates currently exist. Unofficial figures vary widely; some suggesting a total as high as 40-60,000 disappearances in the last two decades.

consensus amongst respected human rights monitors that the current situation in Sri Lanka reflects some of the most trying times in terms of human rights. For voices of dissent, for those deemed political opponents, for minorities for them the threat is particularly acute.

Ironically the new wave of violence comes during the period when the International Convention for the Protection of all Persons against Enforced Disappearance has finally been set in motion for ratification after years of

preparatory work.<sup>7</sup> The Convention prohibits disappearances and declares that widespread or systematic use of disappearances is a crime against humanity. Significantly, Article 1 states that No

No one shall be subjected to enforced disappearance.

- Article 1(i), International Convention for the Protection of All Persons from Enforced Disappearance

exceptional circumstances whatsoever, whether a state of

<sup>&</sup>lt;sup>7</sup>For the full text, see http://www.ohchr.org/english/law/disappearanceconvention.htm (Accessed 18 October, 2007). The United Nations General Assembly adopted the text on 20th December 2006 and it was open for signatures on 6th February 2007; Once twenty states ratify the convention it will come into force. As of October, 2007, 57 UN member states have signed. The government of Sri Lanka is yet to ratify this international human rights convention.

war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance. Thus no state of emergency, no Prevention of Terrorism Act (PTA), no dubbing of persons as terrorists, unpatriotic or enemies of the state can justify disappearance; Rather, it declares the state responsible for investigation, prosecution and reparations when there are disappearances. It also calls on the state to put in place the legal and institutional reforms necessary to fulfill its justice obligations and provide information and redress to victims families.

The adoption of the International Convention for the Protection of all Persons against Enforced Disappearance reflects an important achievement for Sri Lankan activists who contributed to the global effort advocating for an international instrument aimed at both prevention and redress. Looking back and forward, action on both redress and prevention have been key dimensions of the demands that Families of the Disappeared and its partner groups have been making for many decades in Sri Lanka. They have tirelessly pressed these issues through political and legal action that honors the memory of the disappeared, affirms the rights and needs of victim families and pressures the state to deliver on its human rights responsibilities to the past and the future. This process has involved building solidarities with victim families through out Sri Lanka; it has also involved working closely with domestic and international human rights advocates.

The three zonal Commissions of Inquiry established in 1994 and the All Island Commission established in 1998 were the first significant steps taken in addressing those demands. The commissions did critically important work establishing evidence of over twenty thousand disappearances, killings and other brutalities by both state and nonstate forces, and making wide ranging recommendations for redress and reform. However, there is much unfinished business that remains. There are several thousand documented cases that still have to be investigated. There are an unknown number of cases which have not yet been documented.<sup>8</sup> Many victim families eligible for reparations have not received that compensation. With a few exceptions, the legal system has also failed victims; prosecutions

<sup>&</sup>lt;sup>8</sup>FoD is working with Benetech's Human Rights Data Analysis Group and other Sri Lankan human rights groups to scientifically estimate the magnitude and pattern of the total number of disappearances in Sri Lanka (including those which have never been reported to any organization). This effort combines the continuous and careful documentation efforts of FoD, the Association for Family Members of the Disappeared, Law & Society Trust and Home for Human Rights with the statistical expertise of Benetech's HRDAG.

have been blocked and impunity has reigned. Moreover there has been little action on the key reform initiatives that were called for on matters that range from detention procedures to prosecution of those with command responsibility. Thus victim families and the human rights community have been engaged in an ongoing struggle for a dual agenda of prevention and redress that links efforts against impunity for the disappearances that took place in the 1980s and 1990s and the disappearances of today.

Significantly the Commissions of Inquiry found that lack of information (details regarding the detention of victims for instance) is critical to enabling disappearances. At the

same time, lack of information regarding the circumstances of disappearances is also a crucial element in the denial of redress to victim families. Moreover, lack of information against the pattern of disappearance can stymie effective action to understand and counter the political dynamic of

My son Krishantha Weerasinghe was abducted on January 11th 1990 from the field at 3.30pm, where he was working as a labourer. He was 19 years-old. Since then, I have had no information about him. I know neither his death day nor time.

– W.A.W.Weerasinghe (68), Resident of Kandy

disappearances. This project represents an effort by fam-

ilies themselves to fill this information gap. In particular, it represents and effort to develop a sense of the bigger picture regarding disappearances. Thus the individual facts of each case contribute to an understanding of the system that produced widespread disappearances and the impunity that has accompanied those violations.

This investment in developing the broader picture is necessary if there is to be a more fundamental challenge to political terror. The difficulty in getting action on the unfinished business of the commissions, and most pointedly, the return of the phenomenon of disappearances in recent times, has underscored that this is not about which political party is in power. Nor is it about the role of particular officials. Rather, as the four commission reports intimate the systems and patterns of political violence were not limited to the actions of the state and its officials, but went deeper, perhaps to the very core of how political and social power is organized, distributed and reproduced. <sup>9</sup> This core represents the systems larger continuities between 1989 and 2007; continuities that have reproduced political violence today as the modus operandi

<sup>&</sup>lt;sup>9</sup> See Keenan, Allan and Vasuki Nesiah Human Rights and Sacred Cows - Framing Violence, Disappearing Struggles, in Neve Gordon ed., From the Margins of Globalization - Critical Perspectives on Human Rights, Lexington Books (2004)

for quelling dissent and suppressing minorities. The analysis of the broader picture that connects 1989 and 2007 underscores that it is not enough to simply investigate isolated cases, to appoint another commission, call for more reparations or tinker with law reform we need to identify patterns of institutional responsibility and analyze the factors that empowered the state in its deployment of disappearances and extra judicial killings as an instrument of public policy. Analysis of these broader patterns and scientifically-defensible estimates of the total magnitude of disappearances and the proportional responsibility for these crimes will be critical in ensuring that impunity is replaced by truth and accountability.

### Limitations of the Data

These data are compiled from interviews conducted by Families of the Disappeared (FoD) and letters received from relatives of the disappeared which have been sent to FoD. This database does not capture all the disappearances which occurred between November 1981 and May 1998. Instead, this dataset represents an unknown proportion of cases. Nonetheless, the data capture the human impact of enforced disappearances in Sri Lanka.<sup>10</sup> Furthermore, these data sources are limited in their ability to report on all disappearances since

- people who lived or were disappeared in remote areas have a smaller chance of being documented through FoD's research and documentation program;
- people with little access to the media and mass communications are less likely than more access to contact Non Governmental Organizations and the media to report the stories of their loved ones;
- the reliability and timeliness of reporting disappearances at different times, in different places and involving different institutional perpetrators may vary as a function of those particular attributes. Consequently, the probability with which a given disappearance was reported varied according to when,

<sup>&</sup>lt;sup>10</sup>As discussed earlier the three zonal commission and all island commission, documented 23,087 disppearances alone. The documentation work of the zonal and all island commission themselves did not cover all disappearances. So the data collected by FoD represents only a small portion of the total magnitude of disappearances between 1981 and 1998. However they represent the lived experiences of 633 families of disappearance victims and are an important illustration of the ongoing search for truth and justice by the Families of the Disappeared.

where, and by which perpetrator it happened;

• older and less mobile family members may have lower probabilities of reporting a disappearance of a relative due to their reduced mobility, hence disappearance victims who are survived by mostly elderly and less mobile persons may have substantially lower chance of their disappearance being document by Families of the Disappeared.

# Magnitude & Temporal Pattern of Reported Killings, 1981 - 1998

The 633 reports of forced disappearances, received by Families of the Disappeared, identified 626 separate acts of enforced disappearance. As is shown in Figure 1, 81.0% (507/626) of these forced disappearances occurred between 1989 and 1990. Despite representing a small proportion of disappearances which have been documented by the Presidential Commissions on Forced Disappearances and the United Nations Working Group on Enforced Disappearances, these data compiled by Families of the Disappeared are consistent with these larger documentation projects which also found that the bulk of forced disappearances in Sri Lanka occurred during 1989.

# Geographic Distribution of Reported Disappearances, 1981 - 1998

The majority of forced disappearances documented by Families of the Disappeared were concentrated in four districts. In particular, of the forced disappearances reported to Families of the Disappeared, 33.4% (209/626) occurred in Gampaha district, 24.6% (156/626) in Kandy district, 10.1% (64/626) in Kalutara district and 6.7% (42/626) in Puttalum, as is shown in Table 1.

Figure 1: Count of Reported Disappearances over Time, 1981-1998



Note: 13.6% (85/626) of records are missing date information Source: Disappearances Database Compiled by FoD

District	Count	Percent
Gampaha	209	33.4
Kandy	155	24.8
Not Reported	107	17.1
Kalutara	62	9.9
Puttalam	42	6.7
Colombo	12	1.9
Kurunegala	7	1.1
Ratnapura	6	1.0
Ampara	6	1.0
Anuradhapura	4	0.6
Matara	4	0.6
Galle	3	0.5
Hambantota	2	0.3
Monaragala	1	0.2
Badulla	1	0.2
Embilipitiya	1	0.2
Mahanuwara	1	0.2
Chilaw	1	0.2
Kegalle	1	0.2
Matale	1	0.2
Total	626	100%

Table 1: Count of Reported Disappearances by District, 1981 - 1998

Source: Disappearances Database Compiled by Families of the Disappeared, 2007 In Gampaha, Kandy, Kalatura and Puttalum, reported disappearances in 1989 are concentrated mostly between August and December that year. In particular, in Gampaha 90.6% (126/139) reported disappearances in 1989 occurred in the last six months of that year. Whereas in Kandy, 90.2% (101/112) of reported disappearances in 1989 occurred in the last half of the that year. Similarly, for Kalutara and Puttalum respectively, 90.9% (40/44) and 90.0% (27/30) of reported disappearances in 1989 occurred in the second half of they year. These geographic and temporal patterns of reported disappearances are consistent with the hypothesis that enforced disappearances in these regions were used as a specific policy to eliminate political opponents and their supporters in the lead up to the 1989 parliamentary elections.<sup>11</sup>

## Demographic Profile of Disappearance Victims & Their Families

The overwhelming majority of disappearance victims reported to Families of the Disappeared were young males. As shown in Figure 2, 38.2% (239/626) of reported disap-

<sup>&</sup>lt;sup>11</sup> See, for example, Iqbal M.C.M, (2000) *The Phenomena* of Disappearances in Sri Lanka in Law & Society Trust, State of Human Rights in Sri Lanka, 2000. Colombo, Sri Lanka

pearances were committed against males between the ages of 15 and 24, and 25.6% (160/626) of reported disappearances were against males between the ages of 25 and 34. These findings are consistent with those by the Presidential Commissions on Forced Disappearances which found that forced disappearances were overwhelmingly targeted against young adult males. Eleven female disappearance victims were reported to Families of the Disappeared. For five of these eleven female victims, age information was not reported to Families of the Disappeared.

As is shown in Table 2 below, the disappearance victims reported to Families of the Disappeared are survived by varying number of dependents. In particular, 52.4% (328/626) of disappearance victims reported to Families of the Disappeared are survived by 2, 3 or 4 immediate dependents. It is these survivors who Families of the Disappeared serves by working towards truth, accountability and social justice for past large-scale disappearances in Sri Lanka.

Figure 2: Count of Reported Disappearances by Victim's Age & Sex, 1981-1998



Note: 19.3% (117/626) of records are missing age/sex information of the victim Source: Database of Disappearances Compiled by FoD

Table 2: Count of Dependents Survived by Reported Disappearance Victims, 1981 -1998

No. of		
Surviving	Frequency	Percent
Dependents	Count	
1	21	3.4
2	102	16.3
3	117	18.7
4	109	17.4
5	59	9.4
6	60	9.6
7	23	3.7
8	17	2.7
9	4	0.6
10	1	0.6
11	1	0.2
12	1	0.2
22	1	0.2
Not Reported	107	17.1
Total	626	100%

Source: Disappearances Database Compiled by Families of the Disappeared, 2007

# Institutional Responsibility for Reported Disappearances, 1981 - 1998

Both state and non-state actors have been responsible for past forced disappearances in Sri Lanka. Although, 56.9% (356/626) of disappearances reported to Families of the Disappeared did not contain information about the institutional responsibility for the disappearance, 43.8% (274/626) of responsibility for reported disappearances was attributed to institutions of the state (namely the Police, Army and Special Task Force).

	Count of	Percent of
Institution	Attributed	Attributed
	Responsibility	Responsibility
Police	172	27.5
Army	90	14.4
Special Task Force	12	1.9
JVP	8	1.3
LTTE	4	0.6
Black Cats	1	0.2
Not Reported	356	56.9
Total	643	$102.7^{\mathrm{a}}$

Table 3: Count of Enforced Disappearances by AttributedInstitutional Responsibility, 1981-1998

Source: Disappearances Database Compiled by Families of the Disappeared, 2007

<sup>a</sup> Note: As responsibility for some forced disappearances is shared amongst multiple institutions, the total percentage of attributed responsibility for documented disappearances sums to more than 100%. These findings are consistent with findings from other largescale disappearance documentation projects in Sri Lanka which have found that both state and non-state actors have been responsible for past disappearances in Sri Lanka, yet the bulk of disappearances have been the committed by the army and police.<sup>12</sup> Furthermore, the disappearances reported to Families of the Disappeared show that those disappearances attributed to the Police and Army follow a remarkably similar pattern over time, as is shown in Figure 3 below. This pattern is suggestive of agreement with the hypothesis that the systematic temporal pattern of disappearances attributed to the police and army are indicative of a coordinated state policy to use mass forced disappearances in response to the JVP insurrection.

The high rate of no information being reported by families and friends of the disappeared might result from the secrecy and covert nature of the act of disappearing their loved ones, but other times can be a function of a family's fear that disclosing such details may lead to further

<sup>&</sup>lt;sup>12</sup> See Presidential Commission of Inquiry into Involuntary Removal of Persons and Disappearances of Certain Persons (All Island), *Final Report of the Commission of Inquiry into Involuntary Removal* and Disappearance of Certain Persons (All Island). Sessional Paper No. 1 – March, 2001. Department of Government Printing, Sri Lanka.

reprisals. Ongoing impunity for those most responsible continues to instill fear of reprisals amongst surviving families and thus hamper efforts to uncover the total magnitude and pattern of disappearances in Sri Lanka.

### **Conclusions and Future Work**

The disappearances reported to Families of the Disappeared have been largely concentrated in Gampaha, Kandy, Kalutara and Puttalum. These reported disappearances occurred almost exclusively in the second half of 1989 and were largely attributed to be the responsibility of the state (namely the Army, Police and Special Task Force). The victims of these disappearances were largely young adult males, between the ages of 15 and 39, and are survived on average by 2-4 direct dependents.

These disappearances documented since the formation of Families of the Disappeared in 1992 are an important part of Sri Lanka's turbulent past. They are examples of crimes of policy which continue to be glossed over by the State enabling increased impunity for those most responsible. The Families of the Disappeared continues to work on advocating for the interests of family members of the disappeared





Note: 3.8% (10/261) of records are missing date information Source: Disappearances Database Compiled by FoD in the areas of historical clarification, justice and accountability, reparations and socioeconomic support.

The disappearances which have been reported to Families of the Disappeared are a portion of the total number of disappearances in Sri Lanka. FoD intends to build on this preliminary documentation of disappearances and extend this analysis with other groups which work on disappearances. In particular, the FoD intends to build a massive, scientifically-defensible record of total magnitude, pattern of past disappearances in Sri Lanka, along with the proportional responsibility for these crimes. The project will integrate FoD's own documentation with data collected by the presidential commissions of inquiry, United Nations Working Group on Enforced and Involuntary Disappearances, and other Sri Lankan human rights groups. Such a body of evidence will help to clarify Sri Lanka's turbulent history of forced disappearances and identify those most responsible and guard against continued impunity for these crimes. Furthermore, it will help to shift the debate about past disappearances to a foundation which is based on empirical data and well-established statistical methods. This will facilitate a more evidence-based approach to answering critical truth and accountability questions such as "Were disappearances widespread?", "Was the pattern of disappearances over time and space consistent with a pattern of abuses which would arise out of specific planning and policies by those responsible?", "Which institutions and senior officials were most responsible for mass disappearances in Sri Lanka?." These questions are not only important to ensure that Sri Lankan history is accurately written but also because the longer that these questions are ignored and unresolved. the longer that impunity for these past disappearances will continue and perpetuate an environment where disappearances at will.

## Methodological Notes

These data were compiled by Families of the Disappeared into a database. The source data was compiled from interviews with surviving family members conducted by Families of the Disappeared and letters received by Families of the Disappeared from families and friends of the disappeared.

A total of 626 unique killings were identified out of a total of 633 reported killings which documented in the database. Hence, 7 duplicate records of killings were identified in the database. These duplicate records were identified by first standardizing the person names and location names in the database and then comparing all records to each other. Records which contained the same standardized person name, age (within a margin of 5 years), the same district of incident and the same date (within a margin of 3 days) were deemed likely duplicates and controlled for when carrying out the statistical analysis. When duplicates were identified and more precise data values existed in one of the records than the other matching record(s), the more precise data values were used in the statistical analysis.

## About the Institutional Authors

#### Families of the Disappeared (FoD)

Families of the Disappeared was formed on 27 October 1992 to commemorate the tens of thousands of disappeared Sri Lankans who have no date of death, no place of death, no body, grave or funeral rites. The organization aims to prevent recurrences of enforced disappearances, clarify Sri Lanka's difficult history of large-scale disappearances, end impunity of those responsible for past disappearances and provide support and assistance to the family members of the disappeared. The work of Families of the Disappeared is largely concentrated in Gampaha district around the Katunayake Free Trade Zone Area, but also extends to other parts of Sri Lanka including Kandy, Kalutara and Puttalum.

In particular, Families of the Disappeared is currently focusing its work in the following program areas:

- legal and judicial reforms to to deter and prevent the future recurrence of mass forced disappearances in Sri Lanka,
- the full implementation of the official recommendations of the Presidential Commissions of the Disap-

peared,

- pressing for relief and compensation measures which reach surviving family members of the disappeared, and
- research and program development to strengthen the economic and social rights of families of the disappeared.

To achieve these objectives, Families of the Disappeared focuses on the following activities:

- district meetings with parents and families of the disappeared,
- street demonstrations and public mobilization,
- in-house educational programs,
- ongoing documentation and research, and
- annual commemoration day for the disappeared.

# Benetech's Human Rights Data Analysis Group (HRDAG)

Benetech's Human Rights Data Analysis Group (HRDAG) designs and builds information management solutions and conducts statistical analysis on behalf of human rights projects. With its partners, HRDAG makes transparent and scientifically-defensible statistical arguments based on rigorous evidence. Since 1991, HRDAG has advised eight official truth commissions around the world, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Court, United Nations Field Missions in Timor-Leste, Guatemala and the Democratic Republic of Congo, as well as numerous non-governmental human rights groups.

# The International Center for Transitional Justice (ICTJ)

The International Center for Transitional Justice (ICTJ) works closely with societies pursuing accountability for past human rights violations in conflict and post-conflict contexts. The Center is currently active in more than 30 countries around the world on initiatives for truth-seeking, justice and reparations for victims of abuse. The ICTJ has been active in Sri Lanka since 2002, when it formed

part of the Sri Lanka Transitional Justice Working Group. Since then, the Center has been working with the Law and Society Trust (LST), and the broader human rights community in Sri Lanka, to share comparative expertise on human rights and transitional justice. Front Cover: Gayan Kumara, 8 years old, of Galle participating in the 2007 commemoration event for the disappeared at the Seeduwa Monument. Families of the Disappeared hosts this annual event on October  $27^{th}$ .

Back Cover: The Monument for the Disappeared at the Raddoluwa Junction in Seeduwa (a town near the city of Negombo, Sri Lanka). The memorial was constructed by the Families of the Disappeared in co-operation with the Asian Human Rights Commission. It signifies an important attempt to keep the memory of disappeared persons alive, create social awareness required to prevent recurrence of mass disappearances, and seek justice on behalf of the victims of disappearances and their families.

The photographs on the front cover and back cover were taken by Dushiyanthini Kanagasabapathipillai at the Commemoration Day for the Disappeared at Seeduwa on 27 October, 2006.

The Families of the Disappeared, Benetech and the International Center for Transitional Justice are grateful to their respective core donors whose generous ongoing support made the research, writing and production of this booklet possible.

#### A DESCRIPTIVE STATISTICAL ANALYSIS OF ENFORCED DISAPPEARANCES DOCUMENTED BY FAMILIES OF THE DISAPPEARED





