

## 20. Russian Federation

### Urgent appeals

104. On 9 December 2013, the Working Group transmitted, jointly with another special procedures mechanism, one urgent appeal to the Government of the Russian Federation concerning Mr. Ismon Azimov, a citizen of Tajikistan allegedly abducted to an unknown location from the premises of a State-run temporary accommodation centre for foreigners in the Russian Federation.

## 21. Spain

### Standard procedure

105. The Working Group transmitted one case to the Government of Spain concerning Ms. **Maria Argüelles Lorca**, allegedly last seen on 7 February 1947 near Riofrio station, in a place called Casilla Zapatero, in Granada.

### Information from sources

106. Sources provided information on one outstanding case.

## 22. Sri Lanka

### Standard procedure

107. The Working Group transmitted 21 cases to the Government of Sri Lanka.

108. The first case concerned Mr. **Nimalraj Anantharajah**, allegedly last seen on 28 April 2009 in a welfare centre in zone 6, Vavuniya District, Northern Province, which was under government control.

109. The second case concerned Ms. **Vijitha Atputhanathan**, allegedly last seen on 21 April 2009 at the army-controlled Omanthai checkpoint, Vavuniya District, Northern Province.

110. The third and fourth cases concerned Ms. **Karunadevi Elayathamby** and Mr. **Sukumaran Krishnakuddy**, allegedly last seen on 18 May 2009 in Vadduvagar, Mullaitivu District, Northern Province, after surrendering to the Sri Lankan Army.

111. The fifth case concerned Mr. **Santhiraruban Jeyarajah**, allegedly last seen on 16 April 2009 at Omanthai Army checkpoint, Vavuniya District, Northern Province. According to the information received, the Sri Lankan Army may be responsible for his alleged disappearance.

112. The sixth case concerned Mr. **Thangaraja Kaalimuthu**, allegedly last seen on 18 May 2009 when he surrendered to the Sri Lankan Army in the army-controlled area of Vadduvagal, Mullaitivu District, Northern Province.

113. The seventh case concerned Ms. **Yogeswary Kanthasamy**, allegedly last seen on 13 April 2009 in Mathathalan, Mullaitivu District, Northern Province. According to the information received, the Sri Lankan Army was responsible for her alleged disappearance.

114. The eighth case concerned Mr. **Thajinthan Kunasingam**, allegedly last seen on 19 May 2009 in Vavuniya Rambaikulam Ladies Maha Vidyalayam, Vavuniya, Northern Province. According to the information received, the Sri Lankan Army is responsible for his alleged disappearance.

115. The ninth case concerned Mr. **Vijayakanth Maheswaran**, allegedly last seen on 18 May 2009 in Omanthai, Vavuniya District, Northern Province, after he allegedly surrendered to the Sri Lankan Army.

116. The tenth case concerned Mr. **Maruthai Selvaraj**, allegedly last seen on 12 May 2009 in Mullivaikal Hospital, Mullativu District, Northern Province, after he was reportedly arrested by the Sri Lankan Army while being treated in the Hospital.

117. The eleventh case concerned Mr. **Balasubramaniam Nadarasa**, allegedly last seen on 20 April 2009 in Maththalan, Mullaitivu District, Northern Province. According to the information received, the Sri Lankan Army is responsible for his alleged disappearance.

118. The twelfth case concerned Mr. **Prabakar Pathmanathan**, allegedly last seen on 26 June 2008 in Velikandhai, Thirukoonamadu (also known as “Trikonamadu”) detention camp, North Central district. According to the information received, the Sri Lankan Army is responsible for his alleged disappearance.

119. The thirteenth case concerned Mr. **Krishnapillai Prabakaran**, allegedly last seen on 17 May 2009 in Vadduvahal, Mullaitivu District, Northern Province after he was allegedly arrested by government security forces.

120. The fourteenth case concerned Ms. **Thanoja Selvarajah**, allegedly last seen on 5 May 2009 in the area controlled by the Sri Lankan Army, in Nandhikadal, Mullaitivu District, Northern Province.

121. The fifteenth case concerned Mr. **Jegatheeswaran Selvarajah**, allegedly last seen in February 2009 in Puthukudiyiruppu, Mullaitivu District, Northern Province, after he was allegedly arrested by the Sri Lankan Army.

122. The sixteenth case concerned Mr. **Ratheesh Sountharajan**, allegedly last seen in June 2009 in Vavuniya Government Hospital, Vavuniya District, Northern Province after he was taken there by the Sri Lankan Army.

123. The seventeenth case concerned Mr. **Suthagar Suganthiran**, allegedly last seen on 1 May 2009 in Mullivaikal (“Safe zone” or “No fire zone”), Mullaitivu District, Northern Province, where he was allegedly taken by the Sri Lankan Army.

124. The eighteenth case concerned Mr. **Sujeevaraj Thangavel**, allegedly last seen on 12 February 2009 in Kombavil village, Puthukkudiyiruppu, Mullativu District, Northern Province. The Sri Lankan Army was reportedly responsible for his alleged disappearance.

125. The nineteenth and twentieth cases concerned Mr. **Kenthirakumar Thiruneelakandan** and Mr. **Muththaiya Thiruneelakandan**, allegedly last seen in April 2009 at Omanthai Army checkpoint, Vavuniya District, Northern Province. The Sri Lankan Army may be responsible for their alleged disappearance.

126. The twenty-first case concerned Mr. **Pravinth Thiyagarajah**, allegedly last seen on 4 April 2009 in Maththalan (“No fire zone”), Northern Province. The Sri Lankan Army was reportedly responsible for his alleged disappearance.

#### **General allegation**

127. The Working Group received information from credible sources concerning reported obstacles encountered in the implementation of the Declaration in Sri Lanka.

128. Sources reported that there were many problems with the Presidential Commission on Disappearances currently operating in the country.

129. It was reported that, the duration of the Commission was far too short, because to undertake a comprehensive inquiry process involving thousands of individuals wishing to

give testimony, six months was an inadequate amount of time. It was alleged that the fact that Commission hearings began only five months after it was established, and that only a select number of applicants had been invited to appear before it, demonstrated that insufficient time had been allocated to the process.

130. It was reported that, given that the Commission would only cover cases of disappearance in the Northern and Eastern Provinces between 1990 and 2009, many cases reported in Colombo and other parts of the country in recent years would fall outside its scope.

131. It was alleged that the public information campaign had been inadequate and that many people in different places had not heard about the Commission or been provided with information on where, when and how to submit complaints. It was reported that there was considerable confusion among the families of the disappeared about how to submit a complaint, who would be able to appear before the Commission, and when and where the hearings would be held. It was also reported that military and plain-clothed security personnel had been registering people. Complaints were reportedly received because people had been asked to sign forms in English, which some could not read or understand, and that many had refused to sign, while others had signed despite the fact that they did not understand what they were signing. It was further claimed that very few people submitting complaints had received letters to appear before the Commission, and that the criteria for selection was unclear and not publicly available.

132. It was claimed that, for the process to be credible, the Commission should hear all those who have lodged a complaint about a disappearance, rather than just a sampling of cases, regardless of the time required to register and hear all complaints.

133. The source reported that, while some of the Commission's hearings had been held in public, in other occasions the hearings had been held behind closed doors, which diminished transparency and eroded public confidence in the process.

134. It was further reported that, on occasion, there had been an inadequate number of interpreters, and that those who were interpreting were doing so inaccurately and at times summarized, cut short the testimony of the complainants or pre-empted the answers to questions. It was also claimed that interpreters sometimes argued with people's account of what had occurred and exhibited excessive aggression when engaging with the complainants. It was also reported that there were many leading questions, that complainants felt that they were being cross-examined rather than being given the time and space to recount events, and that the focus of the questioning was consistently on the Liberation Tigers of Tamil Eelam (LTTE), resulting in inadequate attention being paid to other aspects of the testimony. It was further alleged that some officials tasked with gathering information and completing the forms of the complainants did not speak Tamil and that the forms were in English. There were therefore claims that information had possibly been misunderstood and forms completed erroneously.

135. The source claimed that there ought to be a comprehensive public information campaign conducted well in advance of scheduled hearings. It was suggested that not only local officials should disseminate the information but also that provincial and national dissemination campaigns should be carried out as well. It was also stated that a process should be established to prepare families to appear before the Commission, including by providing information on the documentation and supporting documents to be submitted with their complaints.

136. The source recommended that sufficient time should be provided for the dissemination, registration and preparation phases so that each complainant has the opportunity to appear before the Commission, and that people should be given information

on what documents they need to bring, what the process would involve and for how long they would have to speak.

137. It was further stated that military and security personnel should not be involved in any of the processes of public information campaigns, registration, signing of forms or escorting people to and from the hearings. They should also not be allowed to take photographs outside the Commission as people enter, or be present while people are giving testimony to the Commission.

138. It was alleged that some people had been offered compensation and been promised 300,000 Sri Lanka rupees if they registered for a death certificate for their disappeared family member. It was further reported that, while some people had received compensation, it was unclear what criteria had been used to select these people and not others who had registered. It was therefore suggested that processes to provide relief for families of the disappeared should not be held on the same day as the hearings or at the same venue, as it created confusion. It was stated that this should not be a selective process, but that a clear reparations policy should be formulated. It was also argued that everyone should be provided information on how to gain access to compensation and that clear information should be given in advance to permit informed choices.

#### **Information from the Government**

139. On 10 January 2014, the Government of Sri Lanka transmitted a communication regarding 200 outstanding cases. On the basis of the information provided by the Government, the Working Group decided, at its 102nd session, to apply the six-month rule to three cases. With regard to the remaining cases, the information provided was considered not sufficient to lead to clarification of the cases.

140. On 23 December 2013, the Government transmitted a reply to a prompt intervention letter sent jointly with four other special procedures mechanisms dated 29 December 2011 regarding the arrest and detention of 42 human rights and political activists, including members of the Committee to Investigate Disappearances, a non-governmental organization. In its response, the Government of Sri Lanka stated that it had been informed by the Sri Lanka Police Department that “no arrest has been made by the police of any person involved in the said protest” on 10 December 2011, that “there is no credible evidence to prove any intimidation by the police of the protestors as alleged”, and that, “as alleged, there had been no arrest or confiscation of any material carried by the protesters and the police had in fact given protection to the protesters to engage in their protest freely.”

141. On 1 March 2014, the Government transmitted a reply to the above-mentioned general allegation regarding the problems encountered by the Presidential Commission on Disappearances. The Working Group will review this reply at its 103rd session.

#### **Information from sources**

142. Sources provided information on two outstanding cases. One case, to which the six-month rule had been applied by the Working Group, was clarified before the expiration of the six-month rule, given that the source was able to confirm the information provided by the Government.

#### **Clarification**

143. On the basis of information provided by the Government, following confirmation from the source, the Working Group decided to clarify one outstanding case before the expiration of the period prescribed by the six-month rule.