

Summary of the situation prior to the period under review

380. Of the three cases reported in the past, two concerned members of the Guerrilla Group of the East Coast and Aragon (Agrupación Guerrillera de Levante y Aragón). The disappearances were allegedly perpetrated by the Guardia Civil and occurred in 1947 and 1949. Another case concerns a farmer who belonged to the guerrilla group Federación de Guerrillas Astur-Galaico Leonesas, Agrupación de Orense, whose disappearance in 1950 in Ávila was alleged to have been carried out by the Guardia Civil.

Total cases transmitted, clarified and outstanding

381. In the past and during the period under review, the Working Group has transmitted three cases to the Government. All three of these cases remain outstanding before the Working Group.

Sri Lanka¹

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review		Cases clarified during the period under review by:		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
5 708	41	0	0	0	5 749

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
8	N/A	N/A

General allegation	Yes	Government response	Yes
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes	Government response	Yes

Urgent actions

382. The Working Group transmitted to the Government 41 cases under its urgent action procedure. The reported disappearances occurred primarily in the north and east of Sri Lanka, mostly in the Jaffna District. Eight cases concerned Tamil men who were all reportedly taken by Army personnel while at a Hindu temple. Two cases concerned co-workers from the Danish Demining Group in Jaffna. One case concerned a man with a mental disability. Four cases concerned persons who allegedly disappeared by the seashore, and one case concerned a fisherman who could not produce his national identity card when requested by the authorities to do so. Four cases concerned persons who were arrested during cordon and search operations. In seven cases persons were reportedly taken by Sri Lankan Navy or Army personnel from their homes. Four persons, including a priest, were last seen at Sri Lankan Navy checkpoints. Nine cases, including one case of a minor, concerned persons who were last seen either walking or driving along the road. In one case, the person was arrested and last seen at a tea shop.

Information from the Government

383. The Government transmitted two communications to the Working Group. In a communication dated 1 September 2006, the Government replied concerning three cases that had been submitted under the Working Group's urgent action procedure, those of three brothers who disappeared together from their home. The Government requested more information on their place of residence, the police station where the complaint had been filed and the relevant complaint number.

384. In another communication dated 6 October 2006, the Government replied concerning five cases that had been transmitted under the Working Group's urgent action procedure, stating that investigations were being carried out in all cases. The Government stated that it had been reported in the recent past that members of the Liberation Tigers of Tamil Eelam (LTTE) were involved in similar abductions in the north and east of Sri Lanka, disguising themselves as security forces personnel. In one case, the Government replied that the subject was an underworld gang leader wanted by other groups. The Government also provided additional details surrounding the disappearance of a priest at a Sri Lankan Navy checkpoint.

Information from sources

385. Following a request made by the Government, the source provided additional information on the disappearance of three brothers.

Meetings

386. At its seventy-ninth session, the Working Group met with a Sri Lankan NGO to discuss the current situation in the country.

387. While attending the Human Rights Council, the former Chairperson-Rapporteur of the Working Group met with the Permanent Representative of Sri Lanka to the United Nations to discuss further collaboration with the Working Group.

General allegation

388. Information was submitted by NGOs to the Working Group concerning alleged obstacles encountered in the implementation of the Declaration by the Government of Sri Lanka (see paragraph 14). This information was transmitted to the Government.

389. According to the reports, the Human Rights Commission of Sri Lanka officially decided to stop further inquiries into 2,000 cases of disappearance unless an order was received from the Government to continue with the inquiries, as the findings might result in "payments of compensation, etc.". The mandate of the Human Rights Commission of Sri Lanka is, among other things, to inquire into infringement of fundamental rights and to make appropriate redress, including the granting of compensation to the victims. The board of the Commission has reportedly completely abdicated from this responsibility.

390. In a response dated 11 August 2006, the Government of Sri Lanka stated: “With regard to the representations made on the Human Rights Commission of Sri Lanka, it should be noted that this is an independent body. The Government can only transmit to the Human Rights Commission of Sri Lanka any representations forwarded, with the request for appropriate action.”

Request for a visit

391. Following a decision of the Working Group, a request for a visit to take place in early 2007 was sent to the Government of Sri Lanka on 16 October 2006. In a reply dated 24 October 2006, the Government stated that it would not be possible to schedule a visit for the Working Group during the requested period owing to the planned visits of other special procedure mandate holders, but that the interest of the Working Group would be noted and given due consideration.

Summary of the situation prior to the period under review

392. The cases reported to the Working Group are alleged to have occurred in the context of two major conflicts in Sri Lanka: the confrontation between Tamil militants and government forces in the north and north-east of the country and that between the People’s Liberation Front (JVP) and government forces in the south. Between 1987 and 1990, the disappearances occurred mainly in the southern and central provinces and coincided with extreme violence on the part of both security forces and the JVP. The cases reported to have occurred since 11 June 1990, the date of the resumption of hostilities with the LTTE, have been confined primarily to the eastern and north-eastern provinces of the country.

393. The Working Group has undertaken three field missions to Sri Lanka, in 1991 (see E/CN.4/1992/18/Add.1), 1992 (see E/CN.4/1993/25/Add.1) and 1999 (see E/CN.4/2000/64/Add.1). The central recommendation to the Government was the establishment of an independent body with the task of investigating all cases of disappearance that had occurred since 1995 and to accelerate its efforts to bring the perpetrators to justice. The Working Group also recommended the setting up of a central register of detainees as provided for in article 10, paragraph 3, of the Declaration. It stated that all families of disappeared persons should receive the same amount of compensation and that the procedure for issuing death certificates in cases of disappearances should be applied in an equitable and non-discriminatory manner. The Working Group further noted that the Prevention of Terrorism Act and the Emergency Regulations had not been abolished or harmonized with internationally accepted standards of human rights, and recommended that the prohibition of enforced disappearance be included as a fundamental right in the Constitution of Sri Lanka.

Total cases transmitted, clarified and outstanding

394. In the past and during the year under review, the Working Group has transmitted 12,319 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by the source, 6,530 cases have been clarified on the basis of information provided by the Government and 5,749 cases remain outstanding.

Observations

395. The Working Group wishes to express its appreciation to the Government of Sri Lanka for its ongoing cooperation and its efforts to investigate and clarify the fate of the many thousands of persons who disappeared in the past. The Working Group thanks the Government for the reply to its request for a country visit, and looks forward to receiving a positive reply and setting dates as soon as possible.

396. The Working Group is gravely concerned at the increase in reported cases of recent enforced disappearances occurring primarily in the north-east of the country in the context of renewed fighting in the region.

397. The Working Group encourages the Government to report on the further implementation of the recommendations emanating from the Working Group's visits in 1991, 1992 and 1999.

398. The Working Group would appreciate further information on the situation of the National Human Rights Commission, owing to its crucial role in addressing disappearances and other human rights issues in Sri Lanka.

Sudan

Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the period under review		Cases clarified during the period under review by:		Number of outstanding cases at the end of the year under review
	Cases sent under the urgent action procedure	Cases sent under the standard procedure	Government	Non-governmental sources	
164	1	0	0	0	165

Number of cases on which the Government has replied	Multiple replies on some cases	Number of cases of possible clarification by Government (6-month rule)
12	N/A	5

General allegation	N/A	Government response	N/A
Prompt intervention letter	N/A	Government response	N/A
Working Group request for a visit	Yes (in 2005)	Government response	N/A

Urgent action

399. One case was sent to the Government of the Sudan under the urgent action procedure. The case concerned **Mona Ibrahim Salih**, who disappeared from the Kalma internally displaced persons camp on 4 December 2005.

Information from the Government

400. A communication was sent by the Government on 24 August 2006 regarding 12 cases. In five cases, the Working Group decided that the replies could constitute clarifications, provided the source did not raise an objection within six months (see paragraph 12). With respect to the

Annex I

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 2006

Countries	Cases which allegedly occurred in 2006	Cases transmitted to the Government during 2006		Clarification by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	1	1	31	-	2	-
Bangladesh	-	1	-	-	-	-
Brazil	-	-	-	1	-	-
Chad	-	-	-	2	-	-
Chile	-	-	-	24	-	-
China	1	1	-	3	1	-
Colombia	14	15	44	-	-	-
Guatemala	-	-	3	-	-	-
Honduras	1	1	-	5	-	-
India	-	-	1	-	-	-
Lao People's Democratic Republic	-	-	-	-	1	1
Libyan Arab Jamahiriya	1	1	-	-	-	-
Morocco	-	-	-	3	-	-
Mexico	-	-	-	1	-	-
Nepal	7	12	160	75	18	-
Paraguay	-	-	-	-	-	3
Pakistan	2	2	-	-	-	-
Philippines	4	4	3	-	-	-
Russian Federation	5	5	3	-	1	-
Sri Lanka	41	41	-	-	-	-
Sudan	-	1	-	-	-	-
Syrian Arab Republic	1	1	-	-	-	-
Thailand	1	1	3	-	-	-
Turkey	-	-	-	5	-	-
Uruguay	-	-	-	1	-	-
Uzbekistan	-	-	-	4	-	-
Yemen	-	-	-	3	-	14

Annex II

STATISTICAL SUMMARY: CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 2006

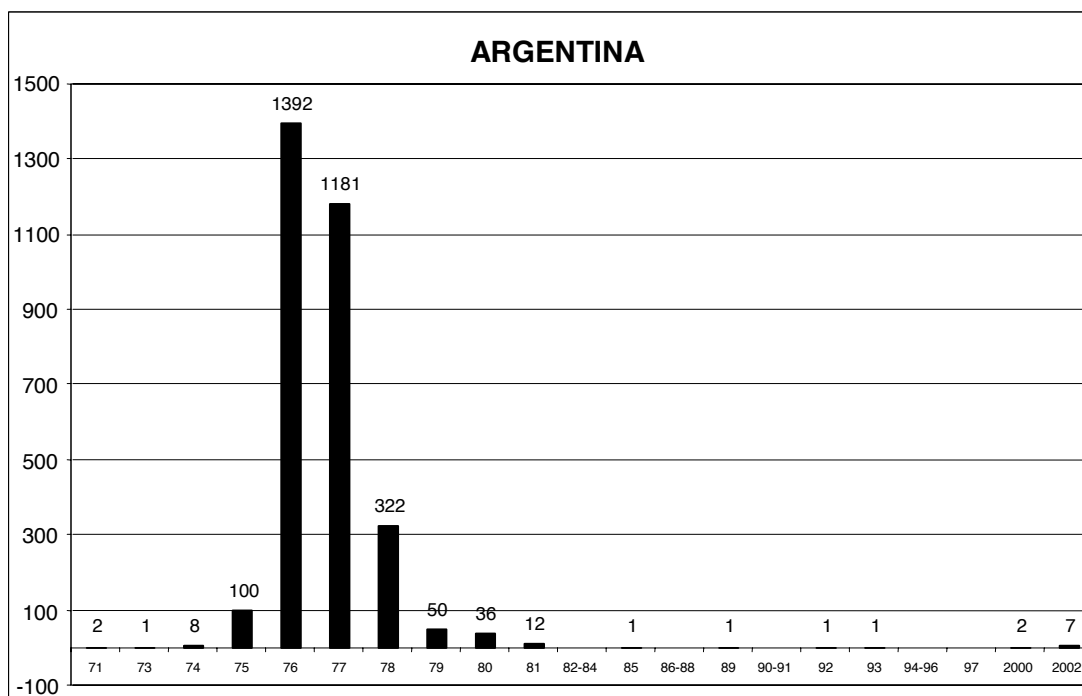
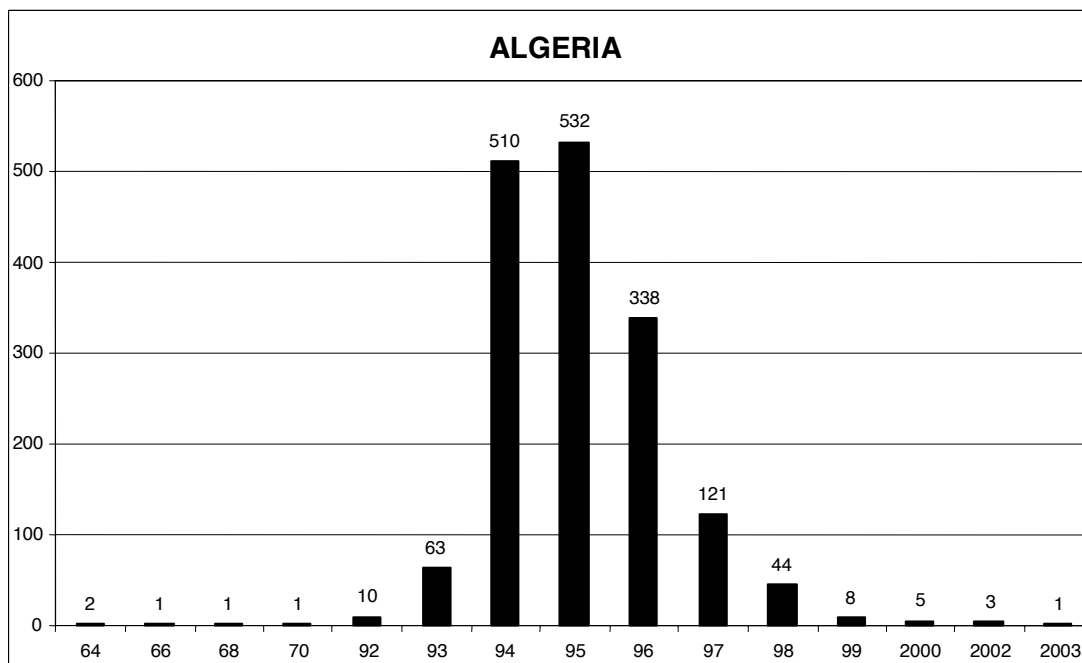
Countries/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding							
	No. of cases	Female	No. of cases	Female	Government	Non-governmental sources	At liberty	In detention	Dead	
Afghanistan	3	-	3	-	-	-	-	-	-	-
Algeria	1 640	17	1 622	15	9	9	8	3	7	-
Angola	10	1	3	-	7	-	-	-	7	-
Argentina	3 462	772	3 358	746	44	43	58	-	29	-
Bahrain	1	-	-	-	-	1	-	1	-	-
Bangladesh	2	2	2	2	-	-	-	-	-	-
Belarus	3	-	3	-	-	-	-	-	-	-
Bhutan	5	-	5	-	-	-	-	-	-	-
Bolivia	48	3	28	3	19	1	19	-	1	-
Brazil	63	4	13	-	46	4	1	-	49	-
Bulgaria	3	-	-	-	3	-	-	-	3	-
Burkina Faso	3	-	-	-	3	-	-	-	3	-
Burundi	53	-	52	-	-	1	1	-	-	-
Cambodia	2	-	2	-	-	-	-	-	-	-
Cameroon	18	-	14	-	4	-	4	-	-	-
Chad	13	-	10	-	3	-	2	-	1	-
Chile	908	65	816	64	69	23	2	-	90	-
China	112	13	29	6	72	11	48	33	2	-
Colombia	1 224	122	956	92	201	67	157	24	87	-
Congo	114	3	114	3	-	-	-	-	-	-
Democratic People's Republic of Korea	9	5	9	5	-	-	-	-	-	-
Democratic Republic of the Congo	50	11	41	11	6	3	9	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-

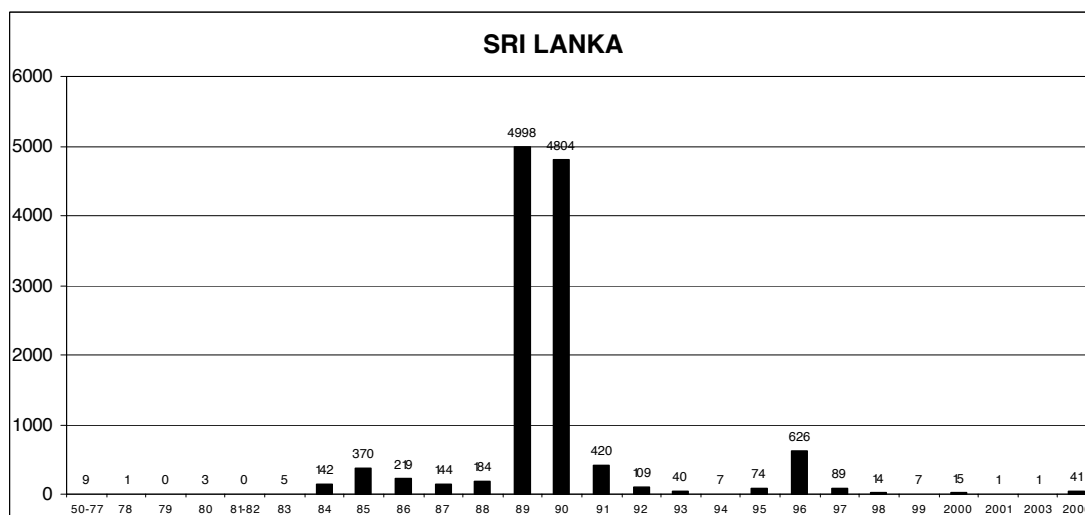
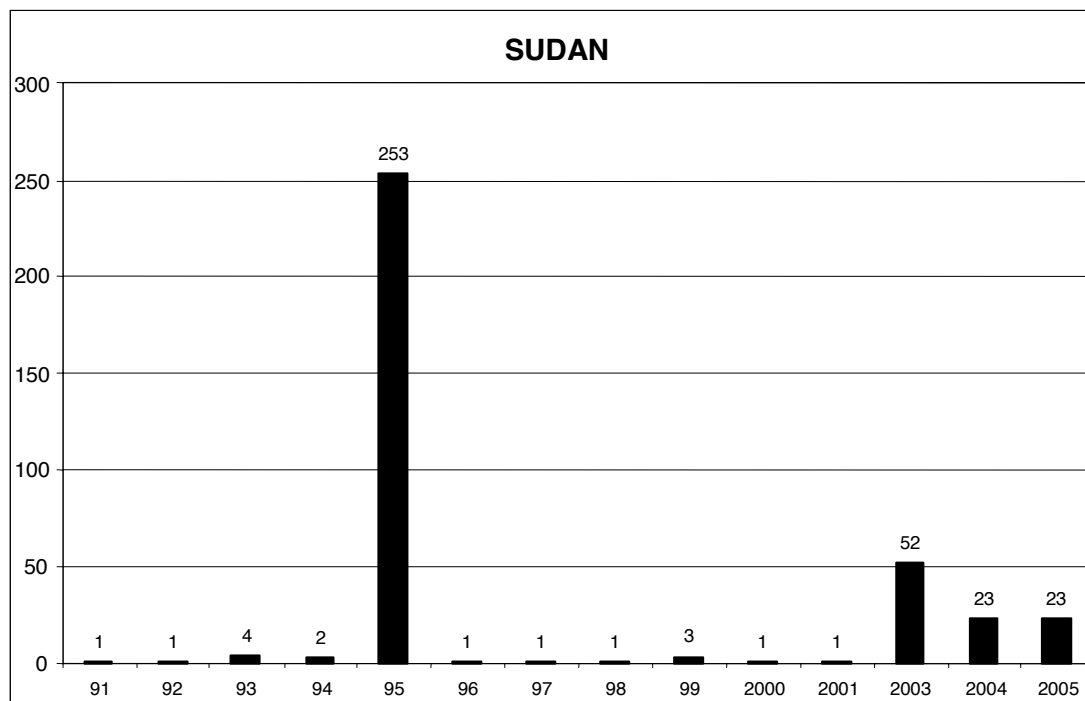
Annex II (continued)

Countries/entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding							
	No. of cases	Female	No. of cases	Female	Government	Non-governmental sources	At liberty	In detention	Dead	
Montenegro	16	1	15	-	1	-	-	1	-	-
Morocco	248	28	97	9	105	46	128	1	22	-
Mozambique	2	-	2	-	-	-	-	-	-	-
Myanmar	3	1	1	-	2	-	1	1	-	-
Namibia	1	-	1	-	-	-	-	-	-	-
Nepal	510	60	304	46	129	77	146	59	1	-
Nicaragua	234	4	103	2	112	19	45	11	75	-
Nigeria	6	-	1	1	5	-	5	-	-	-
Pakistan	85	2	77	2	4	4	6	2	-	-
Palestinian Authority	3	-	3	-	-	-	-	-	-	-
Paraguay	23	-	-	-	20	-	19	-	1	3
Peru	3 006	311	2 368	236	253	385	450	85	103	-
Philippines	758	90	601	70	124	33	103	19	29	-
Romania	1	-	-	-	1	-	1	-	-	-
Russian Federation	465	26	454	24	1	10	11	-	-	-
Rwanda	24	2	22	2	-	2	1	1	-	-
Saudi Arabia	4	-	1	-	1	-	1	-	-	2
Serbia	1	-	1	-	1	-	1	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-
South Africa	11	1	-	-	3	2	1	1	3	6
Spain	3	-	3	-	-	-	-	-	-	-
Sri Lanka	12 319	148	5 749	82	6 530	40	101	24	6 444	-
Sudan	367	35	163	5	200	4	204	-	-	-
Syrian Arab Republic	40	3	16	3	11	13	16	4	4	-
Tajikistan	8	-	6	-	-	2	1	-	1	-
Thailand	39	5	36	5	1	-	1	-	-	2
Timor-Leste	503	36	428	28	58	17	50	23	2	-
Togo	11	2	10	2	-	1	1	-	-	-
Tunisia	17	1	-	-	12	5	1	16	-	-
Turkey	181	11	83	4	49	49	57	22	19	-

Annex III

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 100 TRANSMITTED CASES DURING THE PERIOD 1964-2006





Annex IV

LISTS OF NAMES OF NEWLY REPORTED CASES, FROM COUNTRIES WHERE THERE WERE MORE THAN 10 NEWLY TRANSMITTED CASES DURING THE LAST YEAR

Algeria

Standard cases

<u>Last name</u>	<u>First name</u>	<u>Case number</u>
1. Abada	Fouad	10000136
2. Abada	Mohamed Larbi	10000137
3. Abaidi	Mohamed	10000138
4. Abbes	Achour	10000139
5. Abbes	Nourreddine	10000140
6. Abdelli	Mustapha	10000143
7. Abdenour	Habib	10000145
8. Abed	Ramdane	10000146
9. Abed	Raid	10000147
10. Abed	Samil	10000148
11. Abid Charef	Ali	10000151
12. Abidi	Kamel	10000152
13. Addedaim	Ali	10000141
14. Adjel	Ahmed	10000155
15. Afri	Mustafa	10000156
16. Aimeur	Sedik	10000157
17. Aknouche	Youcef	10000158
18. Ali Khalil	Nacer	10000159
19. Alleche	Lakhdar	10000161
20. Allouche	Mouloud	10000162
21. Alouane	Miloud	10000164
22. Aluache	Sid Lofti	10000163
23. Amira	Ali	10000165
24. Amireche	Mohamed Tahar	10000167
25. Amiri	Amar	10000168
26. Amrani	Nour Eddine	10000169
27. Annab	Ahmed	10000170
28. Aouamri	Lemnouer	10000171
29. Aoufi	Boudjemaa	10000172
30. Arab	Hichem	10000173
31. Arabchaba	Kamel	10000174

<u>Last name</u>	<u>First name</u>	<u>Case number</u>
137. Tharu	Ram Pandit	10000232
138. Tharu	Ramdin	10000316
139. Tharu	Ratan	10000182
140. Tharu	Ruplal	10000291
141. Tharu	Sancha	10000321
142. Tharu	Saraswati	10000198
143. Tharu	Sher Singh	10000335
144. Tharu	Shiv Prasad	10000297
145. Tharu	Shree Ram	10000357
146. Tharu	Sita Ram	10000194
147. Tharu	Sita Ram	10000343
148. Tharu	Soni Ram	10000269
149. Tharu	Sushila	10000322
150. Tharu	Tateram	10000344
151. Tharu	Tengguni	10000250
152. Tharu	Tetaram	10000332
153. Tharu	Thagga	10000192
154. Tharu	Tulshiram	10000230
155. Tharu	Uttar Bhariya	10000239
156. Twayana	B.N.	10000184
157. Upadhyay	Janak Prasad	10000327
158. Yogi	Bed Prasad	10000176
159. Yogi	Durga Nath	10000287
160. Yogi	Tek Nath	10000177

Sri Lanka

Urgent actions

<u>Last name</u>	<u>First name</u>	<u>Case number</u>
1. Ananthamoorthy	Sathiyaseelan	10000220
2. Anthonipillai	Danipalan	10000364
3. Brown	Fr. Jim	10000204
4. Christopher	Antony Francis	10000280
5. Edward Vincent	Natpirathapan	10000209
6. Edward Vincent	Maxi	10000210
7. Edward Vincent	Jeya Pirthap	10000211
8. Jebichandran	Thivarthan Murukesu	10000207
9. Johnpillai	Arulthas	10000379
10. Kanapathipillai	Thavaruban Kasithamby	10000222
11. Kandeepan	N.	10000045
12. Kidinan	Nahuleswaran	10000214
13. Kishnapillai	Thambithurai	10000218
14. Krishnapillai	Chandramohan	10000360
15. Mruthanayagam		10000047
16. Nagendram	Mayurathan Eliyathambi	10000367

<u>Last name</u>	<u>First name</u>	<u>Case number</u>
17. Palaniappan	Santhakumar	10000219
18. Parimelalakan	Kandasamy	10000073
19. Partheepan	Ponnambalam	10000076
20. Pushpakanthan	Markandu	10000072
21. Rajeevmohan	Balakrishnan	10000042
22. Rajkumar	Alistan	10000366
23. Ramasamy	Selvarajah	10000221
24. Rasakumar	Ramachandran	10000078
25. Rasamany	Suresh Selvar	10000279
26. Samy Ganesh	Prasanna Periya	10000365
27. Santhiraseharam	Shangar	10000223
28. Sathiyavagaswaran	Irajeevan	10000363
29. Selvanatham	Kanthi Valipuram	10000213
30. Selvarajah	Surenthiraraj Thaveetha	10000278
31. Sivanantham	Selvaratnam	10000077
32. Sivananthamoorthy	Rasanyagampillai	10000071
33. Suresh	Vijayakumar	10000208
34. Tharmasri	T.	10000046
35. Thavarajah	Rajeevan Kandaiah	10000362
36. Thavavinayaham	Anantharasa	10000212
37. Thayaruban	Ratnam	10000075
38. Thewamani	Arul	10000361
39. Vikunthakumar	Vaikundavasan	10000074
40. Vimalathas	W.V.	10000205
41. Wicramasinghe	Koswattage Nihal Donald	10000206
