

382. During its forty-fifth session, the Working Group met with a representative of the Government of South Africa who expressed the desire of his Government to resolve the issue of the outstanding cases. He explained the difficulty for the South African authorities in pursuing matters since the disappearance occurred in Namibia and South Africa had no legal jurisdiction in that country. However, he assured the Working Group that the Government would do its utmost to resolve the matter.

Sri Lanka

383. During the period under review, the Working Group transmitted 40 newly reported cases of disappearance to the Government of Sri Lanka, 36 of which reportedly occurred in 1995 and were sent under the urgent action procedure. It also clarified three cases on the basis of information previously provided by the Government on which no observations had been received from the source within a period of six months. The Working Group, furthermore, deleted two cases from its files since they had no date of disappearance, corrected the statistics and informed the Government.

384. Since the establishment of the Working Group in 1980, 11,479 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group. The cases occurred within the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country and the confrontation between the People's Liberation Front (JVP) and government forces in the south. Cases reported to have occurred between 1987 and 1990 took place mostly in the Southern and Central Provinces of the country, during a period in which both security forces and JVP resorted to the use of extreme violence in the contest for State power. In July 1989, the conflict in the south took a particularly violent turn when the JVP adopted even more radical tactics, including enforced work stoppages, intimidation and assassination, as well as targeting the family members of the police and army. To thwart the JVP military offensive, the State launched a generalized counterinsurgency campaign and the armed forces and the police appear to have been given wide latitude of action to eliminate the rebel movement and restore law and order in any way they saw fit. By the end of 1989, the armed forces had put down the revolt, having succeeded in capturing and executing the nucleus of the JVP leadership.

385. Cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with LTTE. Tamil persons internally displaced owing to the conflict and staying in informal shelters such as church or school centres were the group particularly at risk of detention and disappearance. The most frequently utilized method of detention in the north-east was the cordon-and-search operation in which the army, often in conjunction with the police, and particularly the Special Task Force, went into a village or a rural area and detained scores of persons. Many were released within 24 to 48 hours, but a percentage of the persons remained in custody for questioning.

386. Out of concern at the situation of disappearances in Sri Lanka, and at the invitation of the Sri Lanka Government, the Working Group undertook two missions to that country from 7 to 18 October 1991 and from 5 to 15 October 1992. Members of the missions met with government officials, non-governmental organizations, relatives and friends of the disappeared persons. The reports of the Working Group are contained in documents E/CN.4/1992/18/Add.1 and E/CN.4/1993/25/Add.1.

387. The majority of the newly reported cases occurred in 1995 following the resumption of hostilities in mid-April 1995 and are said to have taken place mainly in the Batticaloa, Colombo and Trincomalee districts. The circumstances under which the reported arrests took place are said to conform to the pattern of disappearances in Sri Lanka in the past and most are said to have been carried out by the security forces. Four other cases reportedly occurred in 1994 in Batticaloa, Ploonnaruwa and Colombo.

388. During the course of 1995, information of a general nature was received by the Working Group from non-governmental organizations. Serious concern was expressed to the Group about the problem of impunity in Sri Lanka. It was reported that the Sri Lankan armed forces, in particular in the conflictive eastern part of the country, are accorded widespread discretionary powers to deal with the population, and are able to operate with total impunity. It is said that no member of the armed forces has ever been brought to justice for the thousands of cases of disappearance.

389. Non-governmental organizations also called for the remains of possible victims of disappearances to be identified in a scientific manner, in order to obtain the maximum amount of information available and thus better enable the identity of the victims to be established.

390. Another matter brought to the attention of the Group concerns the reported laxities in the implementation of the current Emergency Regulations, which are said to require an arresting officer to issue an "arrest receipt" and notify the Human Rights Task Force (HRTF), an independent body set up by the previous Government to monitor and safeguard the welfare of detainees, of the arrest "forthwith, and in [any] case no later than 48 hours". Presidential directives, on the other hand, are said to only require that the HRTF should be informed "as soon as possible and in any case within four days of such arrest". It is further reported that the same presidential directives require the "arrest receipts" to be issued only "upon request".

391. During the period under review, the Government of Sri Lanka replied to the allegations sent to it in 1994 and to the questionnaire sent by the Working Group on the implementation of the Declaration. It also sent a report published by the Ministry of Foreign Affairs on the human rights situation in Sri Lanka.

392. With regard to the allegations of a general nature and in reference to the Sooriyakanda mass graves, the Government stated that the latest excavation of the graves had been carried out on 14 September 1994 under the supervision of the High Court and resulted in the discovery of further skeletal remains. A team of experts from the forensic, investigative and legal fields assisted

the court in order to ensure a proper and scientific excavation and assist the further discovery and identification of bodies and the circumstances in which they were buried at Sooriyakanda.

393. With regard to the abduction of the schoolboys (the so-called Ambilipitiya abduction case), the Government reported that the Attorney-General had processed 81 charges against the former headmaster of the school and 8 soldiers in respect of the disappearance of 26 schoolchildren. The charges were abduction, abduction with the intention of causing death and for wrongful confinement.

394. The Government further reported on its decision to establish three commissions with a mandate to inquire into and report on cases of disappearances.

395. In response to the Working Group's questionnaire on the implementation of the Declaration, the Government stated that the Declaration had been made available to all institutions of the Government, and to the public. In order to implement the Declaration, three presidential commissions had been appointed by the President on 26 December 1994 to "probe complaints of involuntary disappearances". The Government further said that "all persons taken into custody under normal law have to be produced before a magistrate within 24 hours" and that "incommunicado detention is not provided for under the law of the country". The Government stated that the "Constitution of Sri Lanka contains provisions enabling an aggrieved party or his/her counsel to institute proceedings, to challenge the lawfulness of detention". In addition, "independent organizations like the International Committee of the Red Cross and the Human Rights Task Force are kept informed of arrests and places of detention". The Government also said that it maintains an official up-to-date register of all persons deprived of their liberty in every place of detention. With regard to safeguards to verify release after detention, the Government reported that persons are normally released after being produced in a court of law and the release of detainees is made to a friend/next of kin to further guarantee the actual release.

396. The report prepared by the Ministry of Foreign Affairs provided information on measures taken by the Government during 1994 to ensure the protection and promotion of human rights.

Observations

397. The Working Group remains concerned at the large number of past cases in Sri Lanka which remain pending, as well as at the increase in new cases reported to it this year. Notwithstanding the cooperation which the Working Group has received from the Government, it is alarmed at reports according to which the previous pattern of systematic disappearances seems to be re-emerging in Sri Lanka.

398. In particular, the Working Group stresses the obligation of the Government under article 7 of the Declaration which states that "no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify

enforced disappearances". Furthermore, according to article 13, paragraph 6, any investigation should be conducted "for as long as the fate of the victim of enforced disappearance remains unclarified".

399. Most important, however, is that the Government take effective legislative, administrative, judicial or other measures to prevent further acts of enforced disappearance in accordance with article 3 of the Declaration. For example, accurate information on the detention of such persons and their place of detention shall be made promptly available to their family members and an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention, in accordance with article 10.

Sudan

400. During the period under review, the Working Group transmitted to the Government of the Sudan 254 newly reported cases of disappearances, 252 of which reportedly occurred in 1995; two of these cases were transmitted under the urgent action procedure. During the same period, the Working Group decided to clarify one case in which it was reported that the person concerned had been released from detention.

401. The six previously reported cases of disappearances submitted to the Working Group all occurred during the period since the current Government came to power in 1989, and have primarily involved former government officials.

402. Two hundred and forty-nine of the 254 newly reported cases concern villagers who were allegedly abducted from the village of Toror in the Nuba Mountains on 21 February 1995 by the armed forces of the Government of the Sudan. It is suspected that the villagers have been taken to one of the Government-controlled "peace camps" in Umdurien, Agab or Umserdieba, but their relatives have received no information concerning their whereabouts since their abduction. Most of the other cases concerned political opponents of the Government who have been arrested and are believed to have been placed in incommunicado detention in unknown locations.

403. During the period under review, the Working Group continued to receive allegations that the Government of the Sudan operates "ghosthouses" throughout the country where individuals are detained without warrant and held in incommunicado detention in violation of article 10 of the Declaration.

404. The Working Group also received reports that the Popular Defence Forces of the Government of the Sudan have abducted women and children in southern Sudan. These women and children are then reportedly taken to the north where they are compelled to work as slaves. It is alleged that this practice is particularly prevalent in western Bahr el Ghazal.

405. It has further been reported to the Working Group that in Khartoum and other cities in the north, security forces of the Government of the Sudan have abducted southern Sudanese children off the streets and have placed them in camps where they are given Arabic names, indoctrinated in Islam and forced to undergo military training. Although many of these children are orphans who

Annex II

DECISIONS ON INDIVIDUAL CASES TAKEN BY
THE WORKING GROUP DURING 1995

Countries	Cases which allegedly occurred in 1995	Cases transmitted to the Government during 1995		Clarifications by:		Six-month rule
		Urgent actions	Normal actions	Government	Non-governmental sources	
Libyan Arab Jamahiriya	-	-	--	-	-	-
Mauritania	-	-	-	-	-	-
Mexico	21	23	-	15	5	13
Morocco	-	-	2	50	-	-
Mozambique	-	-	-	-	-	-
Myanmar	-	-	-	-	-	-
Nepal	-	-	-	-	-	-
Nicaragua	-	1	1	-	-	-
Nigeria	2	2	-	2	-	-
Pakistan	31	32	-	-	-	-
Paraguay	-	-	-	-	-	-
Peru	3	2	1	1	2	9
Philippines	1	1	-	3	-	12
Romania	-	-	-	-	-	-
Rwanda	-	-	-	-	-	-
Saudi Arabia	-	-	-	-	-	-
Seychelles	-	-	-	-	-	-
South Africa	-	-	-	-	-	-
Sri Lanka	36	36	4	3	-	-
Sudan	252	2	252	-	1	-

Annex III

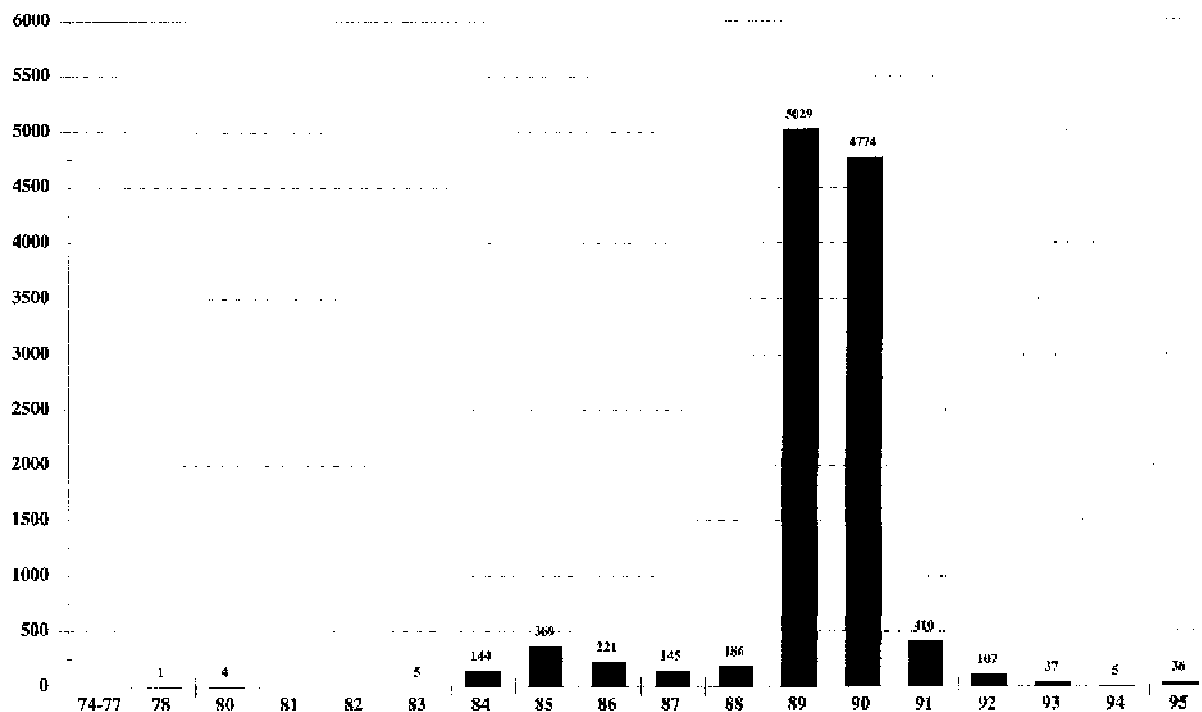
STATISTICAL SUMMARY: CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCES
REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1995

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	No. of cases	Female	No. of cases	Female					
Mauritania	1	-	1	-	-				
Mexico	314	24	243	20	62	9	24	5	42
Morocco	233	28	157	26	50	26	61	1	14
Mozambique	1	-	1	-	-	-	-	-	-
Myanmar	2	-	0	-	2	-	1	1	-
Nepal	6	-	5	-	-	1	1	-	-
Nicaragua	234	4	103	2	112	19	45	11	75
Nigeria	5	1	0	-	5	-	5	-	-
Pakistan	53	-	52	-	1	-	1	-	-
Paraguay	23	1	3	-	20	-	19	-	1
Peru	2 879	305	2 253	231	245	381	440	84	102
Philippines	647	80	507	60	109	31	100	17	23
Romania	1	-	0	-	1	-	1	-	-
Rwanda	8	-	8	-	-	-	-	-	-
Saudi Arabia	1	-	1	-	-	-	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-
South Africa	11	-	7	-	2	2	1	1	2
Sri Lanka	11 479	127	11 415	125	30	34	31	17	16
Sudan	260	33	257	33	-	3	3	-	-
Syrian Arab Republic	35	3	15	3	7	13	15	5	-

Annex IV

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH
MORE THAN 100 TRANSMITTED CASES DURING THE PERIOD 1974-1995

SRI LANKA



SUDAN

